

City of Augusta, Maine
DEPARTMENT OF DEVELOPMENT SERVICES

AUGUSTA STATE AIRPORT
CODE ENFORCEMENT
ECONOMIC DEVELOPMENT



ENGINEERING
FACILITIES & SYSTEMS
PLANNING

MEMORANDUM

TO: Planning Board

FROM: Matthew Nazar, Director of Development Services
and Susan Redmond, Assistant Planner

DATE: May 20, 2015

RE: Mt. Vernon Road; Map 5, Lot 184 & 184A

Handwritten initials, possibly "JR", in blue ink.

SUMMARY OF REQUEST

Request: The request is for a Mineral Extraction License as per section 6-75 and a Conditional Use Review as per Section 6.3.

Owner: Kevin & Jessica Dostie

Applicant: Kevin & Jessica Dostie

Location: Mt. Vernon Road

Zoning: Rural River (RR) District

Tax Map Number: Map 5, Lot 184 & 184A

Existing Land Use: Mineral extraction activity

Proposed Land Use: Mineral extraction activity

Acreage: 36 acres

SUMMARY OF SUBMITTAL PACKAGE

In the submittal package the applicant has provided the Planning Board with the following items:

1. Notice of Intent to Apply for License
2. Deed
3. Sketch Plan
4. Reclamation plan

Areas of Concern

Lionel Cayer, City Engineer, comments that the side slopes of the pit shown on the reclamation plan are very steep.

Staff recommends that the Board require the applicant to:

1. Revise the slope of the access road to the City Engineer's satisfaction.
2. Submit the agreements between the applicant and McGee Properties, LLC and the abutter to the west which indicate a zero (0) foot property line setback is acceptable.

Waivers

The applicant has not requested any waivers.

Staff Review

The Bureau of Engineering does not have any additional comments.

The Bureau of Code Enforcement does not have any concerns.

The Bureau of Planning comments that in late April, Robert and Lauristine Tondreau sold the property that abuts the Dostie's property to the south to McGee Properties, LLC.

Lot Characteristics

Minimum Lot Size – The minimum required lot size is 1 acre. The lot is 36 acres in size, which meets the minimum.

Frontage – The minimum frontage required is 150 feet. The lot has over 150 feet of frontage which meets the standard.

Depth – The minimum depth required is 135 feet. The lot has over 135 feet of depth which meets the standard.

Neighborhood Compatibility (Section 6.3.4(1) of the LUO)

a) *Land Use/ Visual Integrity:*

- Land Uses:* This property was previously used as a gravel pit. The license expired. The adjacent property, which is located to the south and is owned by McGee Properties, LLC, is a gravel pit.
- Architectural Design:* No building is proposed. Not applicable.
- Scale, Bulk, Building Height:* No building is proposed. Not applicable.
- Identity, Historical Character:* This is a rural area which has some gravel pits in it. The proposed gravel pit is compatible with the identity of the neighborhood.
- Disposition and Orientation:* No building is proposed. Not applicable.
- Visual Integrity:* Some of the property is wooded. Some of the woods will remain.

- b) *Privacy*: McGee proposes to use the trailer as an office. There is a house on the opposite side of Mt. Vernon Road that is approximately five hundred (500) feet from the gravel pit. The elements of the site plan are designed and arranged to maximize the opportunity for privacy by the residents of the immediate area.
- c) *Safety and Health*: The proposal will maintain safe and healthful conditions in the neighborhood.
- d) *Property Values*: The proposal is not expected to have a significant detrimental effect on the value of adjacent properties.

Staff recommends that the Board find that the proposal is in compliance with the ordinance regarding Neighborhood Compatibility.

Plans and Policies (Section 6.3.4(2) of the LUO)

The project is located in the Rural Northwest District which is described in the 2007 Comprehensive Plan. The natural resources in this area are important to protect. Great care should be taken in regards to the quantity and quality of stormwater runoff.

Staff recommends that the Board find that the proposal is in accordance with the 2007 Comprehensive Plan.

Traffic Pattern, Flow and Volume (Section 6.3.4(3) of the LUO)

- a) *Additional Traffic*: There will be truck traffic when sand or gravel is being moved out of the pit area. The additional traffic is not expected to have a significant negative impact on the neighborhood.
- b) *Safe Access*: The proposed access road will meet the minimum sight distance requirement.
- c) *Emergency*: The proposal provides access for emergency services.
- d) *Movement/Parking*: The applicant proposes to remove most of the sand and gravel by himself. Parking is not an issue.

Staff recommends that the Board find that the proposed use is in compliance with the ordinance regarding Traffic Pattern, Flow and Volume.

Public Facilities (Section 6.3.4(4) of the LUO)

- a) *Water Supply*: No water supply is proposed. Not applicable.
- b) *Sanitary/Sewer/Subsurface Waste Disposal*: No subsurface waste water system is proposed. Not applicable.
- c) *Electricity/Telephone*: No new electricity supply or telephone service is proposed. Not applicable.
- d) *Storm Drainage*: The pit will be internally drained. The pit haul road will drain to the wetland.

Staff recommends that the Board find that the proposed use is in compliance with the ordinance regarding Public Facilities.

Resource Protection and Environment (Section 6.3.4(5) of the LUO)

- a) *Sensitive Areas*: The proposed access road will cross a wetland and alter 3,625 square feet of the wetland.
- b) *Air Quality*: There may be some dust generated during extraction activities. If necessary, the applicant will apply calcium chloride to the access road to address dust.
- c) *Water Quality*: The pit will be internally drained. The proposal complies with water quality standards.
- d) *Sewage/Industrial Waste*: No wastewater disposal or industrial waste is proposed. Not applicable.
- e) *Shoreland/Wetland Districts*: The proposal is not in the Shoreland Zone. Not applicable.

Staff recommends that the Board find that the proposed use is in compliance with the ordinance regarding Resource Protection and Environment.

Performance Standards (Section 6.3.4(6) of the LUO)

- a) *Performance and Dimensional Standards*: The proposal complies with the performance and dimensional standards.
- b) *Noise*: There will be noise associated with the mineral extraction activities.
- c) *Glare/Heat*: No excessive heat or glare is proposed.
- d) *Exterior Lighting*: No exterior lighting is proposed.
- e) *Screening*: The wooded area to the east of the gravel pit will screen the operation from Mt. Vernon Road. There is a gravel pit to the south of the project.
- f) *Signs*: No signs are proposed.

Staff recommends that the Board find that the proposed use is in compliance with the ordinance regarding Performance Standards.

Financial and Technical Ability (Section 6.3.4(7) of the LUO)

The applicant has secured E. S. Coffin Engineering & Surveying, Inc. as their consultant, which has proven its technical ability in projects already completed. The applicant has not submitted financial ability information.

Staff recommends that the Board find that the proposed use is in compliance with the ordinance regarding Financial and Technical Ability.

Mineral Extraction Ordinance Section 6-76(b) Performance standards

(1) Erosion, sedimentation control & stormwater management

The proposed pit is internally drained. The access road will drain to a small wetland.

(2) Reclamation / reclamation plan required

A reclamation plan was submitted in the plan set. Lionel Cayer, City Engineer, comments that the side slopes of the pit on the reclamation plan are very steep.

(3) Petroleum usage

The applicant will not store fuel on site. Machinery will be refueled near the applicant's automobile business which is located adjacent to the house.

(4) Buffers, bufferyards, and setbacks

There is a mineral extraction operation to the south of the proposed pit and another to the west of the proposed pit. The applicant proposes a zero (0) foot setback from the property to the south and west. The applicant is working on getting agreements with these two property owners.

A three hundred (300) foot setback is required between the edge of the pit and a residence. The applicant proposes a three (300) foot setback between the edge of the pit and the trailer on the McGee property.

A seventy-five (75) foot setback is required between the edge of the pit and the wetland on the site. The edge of the pit is over seventy-five (75) feet from the wetland.

A one hundred (100) foot setback is required between the pit and Mt. Vernon Road. The applicant proposes over a 100 foot setback.

Staff recommends that the Board require the applicant to submit the agreements between the applicant and McGee Properties, LLC and the abutter to the west which indicate a zero (0) foot property line setback is acceptable.

(5) Pit haul road design, circulation and traffic

The pit haul road will be over three hundred (300) feet away from the trailer on the parcel to the south. The pit haul road meets this standard. Lionel Cayer comments that the slope of the road needs to be adjusted.

Staff recommends that the Board require the applicant to revise the slope of the access road to the City Engineer's satisfaction.

(6) Ground water impacts

The pit floor elevation will be at least five (5) feet above the groundwater table, which meets the standard.

(7) Noise

See the Performance Standards section of this memorandum.

(8) Blasting requirements

No blasting is proposed. Not applicable.

(9) Hours and duration of operations

The hours of operation meet the standard.

(10) Dust

Calcium chloride will be used for dust.

(11) Solid waste

The only solid waste that will be generated are tree stumps. The stumps will be buried on site. This meets the standard.

(12) Stockpiles

The proposed stockpiles meet the standard.

(13) Clear cutting

The buffers will be maintained as shown on the Sketch Plan.

(14) Existing nonconforming buffers and setbacks

There are no existing nonconforming buffers or setbacks. Not applicable.