

**Town of Mount Desert Planning Board
Planning Board Meeting Minutes
Meeting Room, Town Hall
6:00 pm, September 22, 2015**

Public Present

Ed Bearor, Stephen Salsbury, Peter Aylen, Judith Aylen, Daniel Pileggi, Maureen McGuire, Chip Haskell, Paul MacQuinn, Thomas Boatright, Laurie Shencavitz, Gerry Shencavitz, Janet Leston Clifford, Jan Coates, M. Christine Breedlove, Carol Martin, Erma Smallidge, C.H. Breedlove, C. Keith Martin, Dick Broom, John Kelley – Acadia National Park, Keith Bowie, Pam Bowie, Jeff Gammelin, Candy Gammelin

Board Members Present

David Ashmore, Chairman Bill Hanley, Dennis Kiley, Meredith Randolph, Lili Andrews

Also present were CEO Kimberly Keene and Recording Secretary Heidi Smallidge. Attorney James W. J. Collier Esq. was also in attendance.

I. Call to Order

Chairman Hanley called the meeting to order at 6:02 pm. Voting members were noted.

It was confirmed there was adequate public notice given, and that abutters were notified. No conflict of interest was found.

**II. Quarrying License Application:
Public Hearing:**

A. Conditional Use Application #001-2014

OWNER(S): Harold MacQuinn, Inc.

OPERATOR(S): Fresh Water Stone & Brickwork, Inc.

AGENT: Stephen Salsbury, Herrick & Salsbury, Inc.

LEGAL REPRESENTATION: Edmond J. Bearor, Rudman Winchell

LOCATION: Off Crane Road, Hall Quarry

TAX MAP: 007 **LOT:** 075 **ZONE(S):** Residential 2

PURPOSE: Quarrying License Application

Chairman Hanley noted that at the last meeting Section H.1D may not have been clearly addressed. After a short review, it was the consensus of the Board that a larger buffer was not necessary.

Materials received since the last meeting were noted. Discussion ensued regarding the materials submitted. The Board agreed that the applicant should have time to review the letter from hydrologist Cynthia Thayer.

A review was made of where the Board was in the process of reviewing the application. Attorney Bearor hoped that the issues of erosion control, stormwater, and

1 closure/reclamation could be discussed at this meeting.

2
3 Janet Leston Clifford requested the Board's definition of the quarry and how it pertained to
4 grandfathering. She asked that the definition be read. She felt there had been questions
5 that arose at the last meeting that suggested confusion over the definition.

6
7 Chairman Hanley stated that the definition had many layers to it, and had been discussed
8 at length at earlier meetings. He did not feel the definition needed to be revisited again.
9 Mr. Kiley noted that if a question of the definition becomes pertinent during discussion,
10 then it should be reviewed at that time. Ms. Randolph felt reading the definition could be
11 beneficial to the public. Ms. Clifford reiterated her request to hear the definition. She
12 requested it simply be read with no further discussion. Chairman Hanley stated that at this
13 time the Board would not review the definition of quarry.

14
15 Chip Haskell of CES reported on Section 6.2C, Stormwater.

16
17 It was noted that parts of the section were being addressed out of order.

18
19 Sections 1 and 2, To the extent possible, the plan must retain stormwater and runoff from
20 water used during quarrying activities on the site using the natural features of the site.
21 Stormwater runoff systems must detain or retain water such that the rate of flow from the
22 site after development does not exceed the predevelopment rate for the 2, 10, and 25-
23 year, 24-hour duration storm event, provided that any system of detention for later
24 discharge shall not cause significant stream channel erosion and destabilization from
25 either the 2, 10, and 25-year, 24-hour duration storm or more frequent storms.

26 Mr. Haskell noted that the size of the quarry had been reduced. The quarry would, in the
27 event of water, be internally drained. In the event of high water flows or flooding, the water
28 would be pumped out. With the water internally drained, the flow won't be increasing off
29 the site.

30
31 Section 3, The applicant must demonstrate that on- and off-site downstream channel or
32 system capacity is sufficient to carry the flow without adverse effects, including, but not
33 limited to, flooding and erosion of shoreland areas, or that he/she will be responsible for
34 whatever improvements are needed to provide the required increase in capacity and/or
35 mitigation.

36
37 There is no anticipated impact due to on and offsite channels that reduce the flow from the
38 quarry.

39
40 Section 4, All natural drainage ways must be preserved at their natural gradients and must
41 not be filled or converted to a closed system unless approved by the Planning Board as
42 part of this review.

43
44 There should be no impact.
45

1 Section 5, The design of the stormwater drainage system must provide for the
2 management of stormwater without damage to roads, driveways, adjacent properties,
3 downstream properties, soils and vegetation.

4
5 Any flow will be reduced so there is no chance to overwhelm driveways.

6
7 Section 6, The design of the storm drainage systems must be fully cognizant of upstream
8 runoff that must pass over or through the site to be developed and provide for this
9 movement.

10
11 The design is cognizant of upstream runoff, and it drains away from the quarry. There will
12 be berms to direct flows around the quarry.

13
14 Section 7, The biological and chemical properties of the receiving waters must not be
15 degraded by the stormwater runoff from the development site. The use of best
16 management practices as prescribed in "Stormwater Management for Maine", published
17 by the Maine Department of Environmental Protection, may be required.

18
19 Because the flow will be decreased, there is no opportunity to degrade the biological or
20 chemical makeup of water downstream.

21
22 Discussion ensued regarding these points. Mr. Haskell noted that drainage would flow no
23 faster than it would during a rain event and therefore should have very little impact.

24
25 Ms. Andrews inquired what the water would do when it wasn't being drained due to a high
26 water event. Mr. Haskell said the water would sit in the quarry and filter through the
27 cracks. It can be a slow process.

28
29 Mr. Kiley asked what happens in the interim, between now and full buildout. Mr. Haskell
30 noted the interim wouldn't be any worse than it currently is, and the water would lessen as
31 buildout increased.

32
33 Chairman Hanley asked what the process was if the water did not drain. Mr. Haskell
34 noted the quarry will have a low point where the water will settle. Sediment can settle at
35 that point and then the water can be spread as described earlier.

36
37 Attorney Dan Pileggi opined there were deficiencies in the system. He pointed out the
38 redesign was dated May 2015, but the hydrology studies included in the application were
39 dated June 2014. Therefore they could not relate to the redesign in any way. Mr. Pileggi
40 referred to Section 4 where it states, "*All natural drainage ways must be preserved at their*
41 *natural gradients and must not be filled or converted to a closed system unless approved*
42 *by the Planning Board as part of this review*". No information has been supplied to support
43 why this conversion to a closed system must occur and there's nothing provided upon
44 which the Board can base approval. Additionally Mr. Pileggi felt that the system was not
45 cognizant of abutting properties. There is no data to back up whether the other properties
46 can handle the flows from the quarry. He asked who will be on site during a rain event

1 requiring pumping to provide oversight. Mr. Pileggi felt that Item 7 should be addressed by
2 hydrologist Cynthia Thayer. He worried about the additional water being added to the
3 groundwater and wells.

4
5 Mr. Haskell stated the hydrology studies were done to accommodate the new design. At
6 full buildout conditions, under normal rainfall circumstances, the flow from the quarry will
7 be zero.

8
9 Ms. Andrews asked about the reasoning behind the switch to a closed system. Ms.
10 Randolph pointed out that such a change requires special permission. Mr. Haskell said
11 the method being suggested is the preferred method of the DEP. Rather than a "closed"
12 system, it should be thought of as a "self-contained" system. Mr. Haskell felt a "closed"
13 system was an underground system supported by catch basins. The system Mr. Haskell
14 is proposing is a better means of controlling the water before it goes offsite. The berm
15 would act as a barrier to discourage adverse impact to abutters. Mr. Haskell explained the
16 topography of the land that would affect the water flows.

17
18 Ms. Randolph suggested that with the water flowing directly out without benefit of plants to
19 slow and filter it, could there be a higher chance of pollutants infiltrating the groundwater?
20 Mr. Haskell said the water filters through the ledge. And the monitoring well would be
21 there to check for pollutants.

22
23 Chairman Hanley pointed out that the position of the monitoring well may be affected by
24 where the pool is located. Mr. Haskell noted that the groundwater the well is monitoring is
25 a separate issue from the stormwater runoff. Mr. Haskell stated a well to monitor
26 stormwater would have no purpose. Attorney Pileggi felt that the hydrology reports relate
27 only to the earlier design of the quarry. Mr. Haskell disagreed.

28
29 Mr. Aylen inquired where the water that stays within the quarry would go. Mr. Haskell said
30 it would filter through the ledge, eventually going into groundwater.

31
32 Ms. Clifford asked when the area would need to be pumped and where exactly the water
33 would go when pumped. Mr. Haskell stated that pumping would occur when the water
34 reached the top of the quarry, or when the amount of water affected operations. The
35 water would be pumped at a rate not to exceed the natural flow of the water during a rain
36 event. The water would be directed toward a pool at the edge of the property. The pool is
37 meant to overflow, and slows the flow of the water. The water would go over a berm and
38 onto neighboring properties. Mr. Haskell noted the applicant is allowed to direct the water
39 flow off the property without permission. The pool area the water would go to will be
40 revegetated.

41
42 Mr. Kiley asked about the duration of draining from the quarry. Mr. Haskell felt it was
43 dependent on how much water needed to be drained. The applicant could drain the
44 quarry dry if necessary. Paul MacQuinn explained his method of drainage.

45
46 Ms. Randolph voiced concern regarding the drainage. Too much flow could adversely

1 affect a wetland, however reduced flows could also affect a wetland adversely. Ms.
2 Andrews inquired whether overflow could occur during a time no one was at the quarry.

3
4 Jeff Gammel of Freshwater noted that the quarry would remain a drive-in quarry. It was
5 not in the applicant's best interest to create pits from which rock had to be lifted out. He
6 reminded the Board that the drainage being discussed was a worst case scenario
7 situation.

8
9 Mr. Shencavitz stated he was looking for enforceable rules and processes that would be in
10 the application so the applicants can be held accountable. The depth of the quarry was
11 discussed. Mr. Shencavitz wanted assurance the quarry wouldn't go deeper than
12 specified. Chairman Hanley pointed out the applicant would have to return every five
13 years for a review.

14
15 Judith Aylen noted the quarry line seems to closer than the 50-foot setback of her property
16 line. Mr. Salsbury affirmed that it was 25 feet between the quarry line and her property
17 line. This was the line currently in use, and the applicant intended to maintain the
18 distance, despite it being closer than the 50-foot setback requirement.

19
20 Ms. Clifford suggested that with the new footprint and the changes to the application
21 perhaps the Planning Board needs to visit the site again to truly understand the situation.

22
23 After some discussion, it was agreed that another site visit should be made before the
24 Board could vote on the items being discussed. CHAIRMAN HANLEY MOVED, WITH
25 MR. KILEY SECONDING, TO TABLE DISCUSSION OF SECTION 6.2C UNTIL AFTER
26 ANOTHER SITE VISIT. MOTION APPROVED 5-0.

27
28 A five minute recess was taken.

29
30 Mr. Haskell began discussion of Section 6.2B, Erosion Control. He noted the site would
31 be on an internally drained system. In the event it is pumped, the flow would be directed
32 to the industry standard BMP. Between now and full buildout, an erosion control berm
33 would be done in accordance with Maine BMP standards. The goal is to prevent sediment
34 leaving the site and prevent erosion within the site. Mr. Haskell explained the erosion plan
35 in detail.

36
37 Attorney Pileggi felt it was hard to argue about issues of erosion without stormwater. The
38 erosion plan seems very general. He felt the application had no indication of what the
39 berms would be made of or where erosion prevention measures would be placed. He
40 suggested the Board ask for more detail. Mr. Haskell explained the BMP details included
41 on the plans.

42
43 Mr. MacQuinn explained his process of handling potential erosion. Mr. Pileggi requested
44 that the process the applicant plans to use be detailed in the application.

45
46 Ms. Clifford asked how often erosion control measures would be checked. She suggested

1 after every rain. She asked how it would be checked in the off-season when there was no
2 quarrying. Mr. Haskell stated the system would be checked after every significant rain
3 event and checked through the winter. Ms. Clifford asked who specifically would be the
4 person checking the system. Who would be gathering information and reporting it in a
5 scientific manner? Attorney Bearor noted it would be a trained employee, but there would
6 most likely not be one specific person assigned to the task.
7

8 Mr. Haskell stated the location of the erosion control measures and the installation details
9 were on the plans. He read those measures.
10

11 Chairman Hanley felt he would like a detailed cross-section drawing of the berms to know
12 better their construction. Ms. Randolph requested a list of the species of trees used in
13 replanting.
14

15 CHAIRMAN HANLEY MOVED WITH MR. KILEY SECONDING, TO TABLE THE
16 REVIEW OF SECTION 6.2B TO NEXT MEETING AND RECEIPT OF ADDITIONAL
17 INFORMATION; SPECIFICALLY, CROSS-SECTION OF EARTHEN BERM AND
18 INFORMATION ON TREES TO BE PLANTED. MOTION APPROVED 5-0.
19

20 CHAIRMAN HANLEY MOVED, WITH MR. KILEY SECONDING, TO CONDUCT A
21 DOODLE POLL REGARDING THE APPROPRIATE TIME FOR #1 – A SITE VISIT AND
22 #2 – THE NEXT PLANNING BOARD HEARING AND THAT THE CEO BE INSTRUCTED
23 TO PUBLISH THE APPROPRIATE NOTIFICATIONS IN REGARD TO EACH. MOTION
24 APPROVED 5-0.
25

26 27 **III. Adjournment**

28
29 MS. RANDOLPH MOVED, WITH MR. ASHMORE SECONDING, TO CONTINUE THE
30 MEETING UNTIL SUCH TIME AS DETERMINED BY PREVIOUS MOTION. MOTION
31 APPROVED 5-0.
32

33 CHAIRMAN HANLEY MOVED, WITH MS. RANDOLPH SECONDING, TO ADJOURN
34 THE MEETING. MOTION APPROVED 5-0.
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36 Meeting was adjourned at 8:54pm.
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