

Newfield Planning Board  
Meeting Minutes of August 3, 2022  
23 South Effingham Rd  
Newfield, ME 04096

A Quorum meeting was called to order by the Board Chair at 7:03 PM with the following members in attendance: Chair Gloria D, Emily F, Dan P, and Skip T. Anthony G arrived at 7:08 PM and Ben Buzzell is excused from this meeting. Also in attendance were CEO Norman Hutchins, Lee Jay Feldman and Hanna of Southern Maine Planning and Development, Craig Burgess, Matthew Pepin, Frank Ring, Molly Roy, Karen Ring, Eileen Hennessey, Mary Mills, 5 other members of the public and Administrative Assistant Maria Marchant.

The Pledge of Allegiance was recited by all in attendance.

The first order of business held was the review of the June 22, 2022 Meeting Minutes. **Motion made by Emily F and a second by Gloria D was made to accept the June 22, 2022 Meeting Minutes. Vote 4-0-0**

The July 6, 2022 Meeting Minutes review followed. There were a couple of grammatical errors and a vote correction made. **Motion made by Skip T and Gloria D made the second motion to accept the July 6, 2022 Meeting Minutes as corrected. Vote 4-0-0** (Anthony G arrived after the voting of the above prior 2 months meeting minutes.)

**Public Comment.** Frank Ring spoke about a camper being used at the location of the Balch Lake Marina Boat Storage property. Chair Gloria responded that this is a Code Enforcement issue. Karen Ring inquired if this property is to be used for camping or for boats. Chair Gloria stated that it is private property and there are permits allowed on private property relating to camping for extended periods of time. She further recommended that Frank Ring and Karen Ring address their questions to Code Enforcement as he would be able to enforce anything and know the rules in detail.

**Shoreland Ordinance.** Chair Glori D: We received notice from Jeff Kalinich from DEP that there were some inconsistencies in the Shoreland Ordinance that were voted on in March, after many years of revising it. Jeff's recommendations are as follows:

Proposed Amendments to the Newfield Shoreland Ordinance

**(Crossed-out areas are to be deleted and red underlined words are to be added into the Newfield Shoreland Ordinance as required by Maine DEP to bring Newfield's Shoreland Ordinance into compliance with the State of Maine requirements.)**

Section 15 (B) (4)

**15. Land Use Standards.** All land use activities within the shoreland zone shall conform with the following provisions, if applicable.

**B. Principal and Accessory Structures**

(4) ~~With the exception of rivers that do not flow to great ponds~~, non-vegetated surfaces shall not exceed a total of twenty (20) percent of the portion of the lot located within the shoreland zone. This limitation does not apply to public boat launching facilities regardless of the district in which the facility is located. ~~In rivers that do not flow to great ponds, non-vegetated surfaces shall not exceed a total of seventy (70) percent of the lot located within the shoreland zone~~; For the purposes of calculating lot coverage, non-vegetated surfaces include, but are not limited to the following: structures, driveways, parking areas, and other areas from which vegetation has been removed. Naturally occurring ledge and rock outcroppings are not counted as non-vegetated surfaces when calculating lot coverage for lots of record on March 24, 1990 and in continuous existence since that date.

Section 15 (P) (1)

## **P. Clearing or Removal of Vegetation for Activities Other Than Timber Harvesting**

In a Resource Protection District abutting a great pond, there shall be no cutting of vegetation within the strip of land ~~existing~~ extending 75 feet, horizontal distance, inland from the normal high-water line, except to remove hazard trees as describes in section Q. Elsewhere in any Resource Protection District the cutting or removal of vegetation shall be limited to that which is necessary for uses expressly authorized in that district.

Section 17

## **17. Definitions**

**Expansion of a structure**- an increase in the footprint ~~and~~ or height of a structure, including all extensions such as, but not limited to: attached decks, garages, porches and greenhouses.

**Normal high-water line (non-tidal waters)**-that line which is apparent from visible markings, changes in the character of soils due to prolonged action of the water or changes in vegetation, and which distinguishes between predominantly aquatic and predominantly terrestrial land. Areas contiguous with great ponds and rivers that support non-forested wetland vegetation and hydric soils and that are at the same or lower elevation as the water level of the river during the period of normal high-water are considered part of the river.

**Stream** - a free-flowing body of water from the outlet of a great pond or the confluence of two (2) perennial streams as depicted on the most recent , highest resolution version of the national hydrography dataset available from the United States Geological Survey on the website of the United States Geological Survey or the national map to the point where the stream becomes a river or where the stream meets the shoreland zone of another water body or wetland. When a stream meets the shoreland zone of a water body or wetland and a channel forms downstream of the water body or wetland as an outlet, that channel is also a stream.

The Board deemed the recommended changes to the Shoreland Ordinance to be satisfactory and in order.

**Motion was made by Skip T and a second made by Gloria D to accept the modifications as written and recommended by Jeff Kalinich and to hold a public hearing and put it out to vote in the November 2022 election. Vote 5-0-0**

**Conditional Use Permit Application for Newfield Sand and Gravel located at Carroll's Pit Road with maps 35, 36, 37, 38, 39**

Chair Gloria D asked the Applicants Mr. Pepin and Mr. Burgess to describe their project.

Applicants Matthew Pepin and Craig Burgess presented the scope of their plan for Newfield Sand and Gravel. The statement was made that they have been approved to operate since 1998 where they work the land. They come today to the Planning Board to share plans for development to expand the extraction area a little bit as they are currently approved for about 30 acres of extraction area on the site and are looking to increase that to about 90 acres with a total property of 300 acres off of Carroll Pit Road. It was stated that they are certainly not trying to develop the entire property but trying to expand a little bit of their permit. It was stated that they had a more professional plan done and had a lot of environmental consultants go on the site and hired companies named Flycatcher and St. Germain and have it all mapped out. There are ten groundwater monitoring wells on site, and they use these wells to monitor the quality of the water and they can use those wells to measure the height of water to make sure that they're always staying at least five feet above the ground water level. The plans include a groundwater monitoring plan where the intent is on measuring the levels of groundwater on site twice a year to include at least once in the spring. They stated that they are currently approved to have 70 truck trips per day out of the site to Monday through Friday (looking to add Saturday 7am-12pm) and are not looking to have any more than the 70-truck traffic to and from the site. It was noted that trucks will pull out of the driveway of Carroll's Pit Road and take a right onto Bridge Street to Route 11 and that trucks will not be traveling on Bridge Street and will only travel on State roads. They are going to maintain no more than 70 trips a day. Looking further up Carroll Pit Road it was mentioned that locations on the right are shared with F.R. Carroll. Primarily the use is the sand as there is not a lot of rock back there and the intent is to screen the sand for concrete production in Sanford. Matt Pepin is actually employed for the family small business and looks forward to working with everybody on this to make it a success for everyone. They have reached out and written to the Route 11 Streakers Snowmobile Club to allow them to use the existing snowmobile trails through the property. They're going to continue to allow hunters and those that like using the property recreationally to include horseback riding. They would like to prevent ATV's from coming in as that could pose problems. They would like to keep at least part of the acreage for the public to enjoy and are trying to get approval to be able to take materials out of there as needed for their business in Sanford. There will be a 150-foot buffer around the entire property that's maintained. A portion of this is a shared property line agreement with F.R. Carroll. Mr. Burgess stated that the last time they came in front of the board, the pit and gravel extraction area was almost twice the size of what exists now. They listened to the Board and have greatly shrunk the overall pit area down and that's really based upon all the environmental stuff that Flycatcher found. Flycatcher is a very reputable environmental firm specializing in just that, going out to sites and looking at the habitat, scrub shrub, vernal pools and things of that nature. They met with several State Agencies on the site including Main Natural Areas and Inland Fisheries and Wildlife to review the different types of habitats out there. Maps that show pictures of those habitats and all the gravel extraction areas were displayed. They will 100% protect those areas with the exception of one area where there is the vernal pool, and they will be disturbing less than 25% of the habitat. They will be submit a Permit By Rule Application to DEP so there will be minimal impact of the vernal pool buffer. There are several other vernal pools scattered throughout the site and those habitats will be completely protected with the extraction areas as shown on their maps. There is an unnamed stream coming through the site and they will be protecting the buffers along the stream. There are areas that do slightly encroach within the 75-foot set back and they do intend to submit the Permit By Rule to DEP in the future with the intent of crossing the streams. There is another unnamed stream, and at some point, when they get to extract this area, they will again submit a Permit By Rule and they will cross this stream with a bridge. At this point it's a little too early to submit that Permit By Rule because they are only valid for two years and they don't think that they plan on getting into this area within the next two years. At this point the Permit By Rule will not be submitted. but as everyone is aware, or may be aware, there are various strict guidelines for crossing streams, and the stream must be completely protected when it is crossed. This can be done with a bridge or through a culvert so they would fully comply with State standards as part of the stream crossing. They reviewed a memo from Southern Maine Regional Planning and Development, and for the most part, the things that were brought up, they felt minor in nature; there were some elevations of the bottoms that weren't identifiable with all of their plans. They weren't properly identifying what the bottom of several of the extraction areas would be. But all the

bottoms of the pits have contours that do show those elevations and those were all closely monitored with the groundwater report that Saint Germain put together so five feet above the seasonal high groundwater table is met. There is a piece that extends into the Saco River Corridor Commission, believed to be a 500-foot set back, and they plan to remove that portion from their plans. This portion is about 1/2 to 3/4 of an acre but they do intend to revise the plans and remove that area and stay out of the jurisdiction of the Saco River Corridor.

Lee Jay Feldman began with the following comments and concerns:

- 1) One of the things that Craig Burgess mentioned, that from his standpoint initially stood right out, was that in the northerly pit, which is the one that's being worked now. They put some ground grades down for the base of the site to kind of give us some idea of how that will work the water. The internal water flow would be inside the pit but also the base level of the pit it used to maintain being at least the five feet above ground water, but I didn't really notice any proposed final grades in the bottom of the eastern pit or the southerly pit, it maybe two early to establish, but I'd like to see something other than just the perimeter grade of what you might be calling the base of the 5<sup>th</sup> pit if there's any kind of regrading for internal drainage.
- 2) It was noted that the property is in the Saco River and or Lake Arrowhead watersheds. Surface water runoff would be directed towards those water bodies, but they are taking that small piece out of the Saco River Corridor Commission area.
- 3) The site does have significant environmental features surrounding the area. The applicant has identified them on the plan set and has avoided them in designing considerations of D.E.P. standards. Specifically, we're talking about the vernal pool that Craig Burgess had mentioned on the easterly pit. They do have the ability under D.E.P. rules to encroach in 25% not more than 25% of a significant growth pool area which they've shown on their plan. There's also very significant protected scrub shrub habitat vegetation in this area and they have protected that area by not looking to do any gravel extraction throughout there. The only issue that we'll have in the future would be the permit for the bridge crossing to get from the northerly pit to the southerly pit. The only thing missing at This point would be any kind of grading to show where that road would be located coming out of the northerly pit to access and then down into the southerly pit so we might want to see some additional grading to show what kind and where the road is in that area.
- 4) The applicant has agreed to allow the snowmobile club and he has seen the returns from material on that. This certainly gets to the point that would be a condition of approval. Anyway, just to make sure that that stays in place.
- 5) Ten monitoring wells were not identified; they noted numerous wells. Lee Jay stated that a couple more might be appropriate down in the southern pit location to determine surface water or ground water flow to watersheds. He further stated that the studying has not really identified how the surface water is flowing to watersheds. meaning they state the water is flowing in a specific direction but what is the groundwater really doing? He stated that it is not clear which way the groundwater is actually going at this point, and we may want to have some additional information pertaining to that.

Mr. Feldman. Relating to your presentation, that you are going from 30 acres of extraction areas to 90 acres, I'm wondering if you have any idea, how long of a period are you looking at to go from 30 to 90 acres of full extraction before you are closing that pit out?

Matt Pepin: At least a thirty year period or longer and I guess the good news is that we own this land and we're just slowly taking material out. If someone else owned this land they are putting in. It's gonna take us a long time especially because 70 trips per day, and we don't haul in the winter at all, mostly in the summer and fall seasons. We're talking about staying years. Saturday will not require truck traffic as screening only would be done if needed.

Lee Jay Feldman: Do you guys issue slips for loads coming out of your pit? I'm looking ahead that this might be something the town is going to want to monitor monthly or bi-yearly, see what we have for slips coming out of there relevant to truck trips. He stated that he is trying to think ahead for the board and that might be another condition or approval for monitoring purposes. The other issue or thought that he had was that you're showing us a five acre or greater wash area and wondering if a small portion certainly not more than an acre because that five acres is a large area but some sort of the area form identified where any equipment is going to be stored on site; will be stored, on a concrete pad or some sort of impervious pad so we're not getting any oil or gas leaching into the groundwater.

Applicant: We actually shared those run slips with the application for last three years and every year it says that we're doing a certain amount. We've been parking our equipment at the beginning of Carroll Pit Rd. on the left-hand side, outside the pit area. I can discuss with them (F.R. Carroll) possibly taking advantage of parking lot and placing a pad as it's closer to the roadway.

Lee Jay Feldman: The last thing at this point is if you're going to do any crushing. You're screening but not crushing on site.

Applicant: We're not looking to get crushing done on site. The crusher is the loudest piece of equipment. The screening is done behind an embankment, and this lessens the decibels of noise coming from the screener and the screener machine does not create a crazy amount of noise.

Chair Gloria D: I was looking at your presentation and in the very front is the description of the project. under the history, a permit was granted to Mr. Woodward by the Newfield Planning Board in 1990 and I was wondering if you have a copy of this permit and will supply it. Is it in here? Can you tell me which section because I didn't find it. I do have a copy of his permit but it's not 1990. I think we talked about this before. The permit we had, and the permit you thought you had, are different permits. In 1990 Mr. Woodward applied for a permit and I don't remember if it was the east and the north one, but he ended up getting denied a permit. He was denied in 1990 and he appealed it twice and the town's decision stood. That was based on the pitch pine and scrub oak barren and the ecological systems in there and the fact that the topography in there is really erratic and really a lot of steep slopes which according to some of the reports at that time were very unusual for the whole of the Northeast of the United States. Pitch pine and scrub oak barrens are globally significant as well, but there's a lot of flora and fauna in there that's important. That's why his permit got denied, because he was in an area where there wasn't any evidence that that area would be safe. He came back for another permit in 1994 which is what I have here, and that was for a five-acre gravel pit, and I believe that is what you call the North section.

Mr. Pepin: Yes. This is open now and we have been working in this area like years back and have since reclaimed this area. We ended up moving further up the street because the sand is a little bit better and this about 15 acres. This is all sloped and DEP came in and said they consider it reclaimed. 10 years ago, we had gone over our acreage and D.E.P. came in and said that they wanted us to reclaim this area.

Gloria D: The discrepancy is with the permit you are referring to that we do not have. Considerations are based on the permits issued so we really need to have that.

Mr. Pepin: I definitely have a copy of this permit in my office, and I've read it many times.

Gloria D: I have the permit here. This was September 15th 1994 and it pretty much lines up with what you've said about the days of operation Monday to Friday 6:30 am to 5:30 pm excluding holidays. Daily truck trips

limited to 70 and the board reserves the right to revise if hazardous situations occur. 10 feet separation to be maintained between water table and extraction. No storage of petroleum products or major repairing of vehicles on site. Reclamation guarantee of \$10,000 line of credit with certificate of deposit favoring the Town of Newfield and a certificate of insurance furnished to the town in compliance with all State, local ordinances and standards. There's nothing on here about screening so that's one of my questions.

Mr. Pepin stated that he has possession of a supplemental application which had a number of operational conditions on it which are very specific conditions as far as what you do out there and what he wasn't to do. It states that the scrap material will be screened, and gray material stockpiled on site for removal. Crushing and washing operations shall be by contract.

Gloria D: Ok so we just need that permit because there are some discrepancies in what I've read You said you bought in 97 or 98? (Mr. Pepin confirmed the purchase in 1997.) When did you start hauling? It says the date of your bond was 3/21/97 and then it somehow got lost in 2002. When did you start hauling the product? (Mr. Pepin stated as soon he purchased the property.) Then you had a period of dormancy so when did that start?

Mr. Pepin: We never had a period of dormancy. We always removed a certain amount of material from the site every year to keep the permit active. I do understand there was a slip up somewhere in 2002 where we didn't get a performance bond in the town. We did not get notification from the town that we didn't supply it so there was miscommunication somewhere so that it expired, and it's still expired right now, because we have not reinstated it. (It was determined that the applicant must reinstate their Performance Bond with the Town via town attorney.)

Mr. Pepin: For a little Piece of Mind we do have performance bond in place with the State right now for about 25 acres. We just have to reestablish our bond with the town.

Gloria D: Is the DEP permit in here?

Mr. Burgess: Yes we submitted a D.E.P. NOI. Pending the Town's feedback we will go ahead and submit a variance for up to 30 acres of open pit area. That was we sent in June of this year. The public notices to the abutters via certified mail. We can supply a copy of NOI and we are working on a revised variance application to DEP to go from 10 to 30 acres. (Gloria D asked for a copy of the current D.E.P. permit and then your Notice of Intent.) We did submit a variance as part of the plans that they previously sought but we understand that plan set depicts an area that encroaches within some of the habitat, so that variance application was taken back and was tabled, and we're going to go ahead and resubmit it.

Gloria D: Did you notify the folks across the river in Limerick? Where you are talking about the Saco River Corridor there is a river that runs along Carroll Pit Rd and that's the Limerick town line. You would need to notify those folks across there. You can get us the DEP Permits and Notice of Intent (NOI) and your current permit that was mentioning those conditions that you talked about. Has this been surveyed? It's marked with stones or pipes or and is it shown on here? I'm interested with your abutters, that's why I'm asking.

Mr. Burgess: There are monuments depicted on our plans through the symbols on Sheet 2 in the bottom righthand corner you'll see that there is a pin identified in that corner. There isn't much else, so I'll have to look back at the survey to see if there are any other monuments there.

Gloria D: The pin in that lower right corner; who are the abutters in that area? I don't know how far back this goes.

Mr. Burgess: We can update that sheet that shows all the abutters around the property.

Gloria D: That would be helpful and if you can find where those boundary lines are. What I was trying to fathom in my head so you have boundary markers and then you're digging the dirt so how do you keep track of that it's like GPS or something? I mean if you're excavating up to the lines for Carroll materials for example, how are you guys going to know where that boundary line is down the road when the land gets sold or whatever?

Mr. Burgess: So that's all done through a deed description of the property by surveyors' research. On the deed description, which should reference all property monumentation that was found; that defines what that property line is.

Gloria D: Yes, but then I think that's the area you want to open up or it's currently opened up so keep going up each other's line... I mean Carroll materials might be up here and you're down here or vice versa, so obviously some markers might be missing once you get done excavating.

Mr. Pepin: With GPS you're not as precise and come within 5' which in our industry is pretty much good enough. It's not like we're building a house close to the property line, so we take a GPS and get a pretty accurate.

Mr. Feldman: Craig, at least at least along the Carol Pitt property and probably the southern property if you can get meets and bounds from the survey information and show it on there that would be great. I mean you do have one on here. You've got a latitude/longitude location on here but it's so busy in that area that it's hard to tell what's going on.

Gloria D: I think somewhere in here it said Carroll Pit Road was a private road and therefore you didn't have to have 150-foot buffer. Here it is on Page 3 and onto page 4 "We are not required to maintain a 150-foot extraction buffer, which was in the permit, off Carroll Pit Rd as this roadway is privately owned by Newfield Sand LLC and we have granted All State Materials a right-of-way along this road. We've maintained an adequate buffer from Carroll Pit Rd on current plans to ensure that drainage along the roadway is sufficient and that there is a vegetative buffer between our operation and Carroll Pit Rd. There are no houses located directly across the street and the land across the street from these areas is privately owned by Newfield Sand."

Gloria D: There are some privately owned homes on the West side your property.

Mr. Pepin: Yes, there are some privately owned homes here, but our property line does not go as far the homes. In this area as far as right here and there; there are no houses this way at all.

Gloria D: But there are some privately owned properties in that area that could potentially have homes on them. They're owned privately.

Mr. Burgess: We will have all abutter labels to better demonstrate. It's just this piece right here but when we remove the Saco River Corridor Commission piece the only area that will be just limited to this small area right here. (Gloria D asked, "With no buffer?") Mr. Burgess: Well, there's still a buffer; it's just not 150-feet.

Gloria D: What are you proposing?

Mr. Burgess: It varies between, it looks like between 50 and like 120 feet or so. That's really to maintain the drainage patterns along that roadway.

Gloria D: So, is s that where it goes up there around the corner where it's going to drain back down to the river? You showed me one gate, the one that you reclaimed. Where is the other entrance? Where do you enter now?

Mr. Pepin: Right now, we come in through Carroll's property to get on this piece here. But Craig has actually shown us a roadway in so that we can come in from our own property. We hope to get this approved; we know that there are habitats here but it's a better alternative than us potentially having to come up from using these existing logging roads. It's the best option for us to get access to this particular area which is directly off of Carroll Pit Rd.

Gloria D: You mentioned the noise level was maximum at 50 decibels even with the screening equipment. Can you just explain what you do because I think I saw the word washing in here so can you just explain so I don't know what that is; the screening and washing or whatever?

Mr. Pepin: Yeah, dry screen is where you just run the material through the screens; pretty straightforward and washing is more complicated. Mr. Woodward had a permit in this area what that means is that if you want to sell inch and a half washed stone for a septic system for example you might be able to run the stone over your screens and spray that stone with some water to cleaning the stone so that it's clean so that it's clean for your septic. If we had inch and a half stone on site in the five-acre area we might want to hook up the plants with some water and it might just be a pond that's right there. Typically, the wash plant has three ponds that are in series and those ponds would be well above the groundwater level. They could not be below that 5-foot threshold they would be above the ground margin level. They would be at least five feet above, but I think for the purpose of our permit we said 10 just for extra added protection. Really what we are doing is you're just washing the dust off of that stone so you end up with like some kind of silky material that ends up in your ponds and a lot of people dredge that silky material out of the pond and that's open material they all use it for slopes but it's actually a pretty good vapor barrier that kind of holds that moisture to the surface for the reclamation process. (Gloria D asked if they have ever done washing because Mr. Woodward never took any dirt out of it.) We had never done any washing on the site.

Gloria D: I don't think Mr. Woodward did either because he never removed and dirt from the site. That white block: that's where you're proposing, if you were to do such a thing, that's where it would be?

Mr. Pepin: It would just be in this one five-acre area right here where that would be done.

Gloria D: Where is the trail that goes down through there in relation to that square or rectangle or whatever that is?

Mr. Pepin: We will also have to provide trail access to the snowmobile trail so if we decide to some extracting in this area then we would have to move the snowmobile trail to go around this area. We're committed to always providing more ways for the snowmobiles to get through so overtime depending on where we're working.

There was some discussion regarding the depth and monitoring wells to be more specific.

Mr. Feldman: Back to the wash area. It might be advantageous, since you're going to revise your stuff, just to submit some photos of another washing area to show a visual of what it looks like.

Gloria D: I think you said you're in the east pit now? So now you're going back to the north so are you going to cut trees in there? There must be some forestry you have to do before you get to the gravel?

Mr. Pepin: Most of this area has already been cleared but there are a few spots that we'll be able to expand a little bit. They are going to finish up in one area first known as Phase 1 and then reclaim that area and then come down to this area location right now.

Gloria D: How long do you think it will take for Phase 1?

Mr. Pepin: Probably about 10 years.

Gloria D: If you stay 10 feet above ground water, how much material do you lose? That's what Carroll's Materials is and that is the standard for Newfield.

Mr. Pepin: We would lose a considerable amount of material.

Gloria D: Is there some way to calculate it? I mean it shouldn't have to be a precise study, but they must be able to go per acre. You could just give us a rough estimate next time.

Applicant: 10-feet is the Newfield Standard?

Yes. That's what Woodward had and it's in the condition of approval on the permit.

Mr. Burgess: We would have to amend that to go to 5 feet which is the State Standard.

Gloria D: Correct but the Town of Newfield can have stricter standards than the state and at the time that's what they chose to do. I'm not saying that's what we're going to do now, I just wanted the information how much material you will be losing if we were to bring that or leave it at 10 because that's where it is now.

Mr. Pepin: It's a very significant amount. To have to stay at that level throughout the entire 90- acre parcel would be a very significant material loss. I'm not 100% sure of every detail about Carroll's permit but I know that what stands us apart from Woodward's original plan and some of the past experiences that now have a full-blown plan that was run by certified technologists. St. Germaine is one of the leading firms in the State of Maine. They know their stuff and they really know a lot about gravel pits and groundwater and how those two things kind of interact and they would be more than welcome to come in and talk about this in person with everybody. Don McFadden is an expert and can really explain why the 5 ft standard is there and why the State thinks that level is adequate enough to treat groundwater sufficiently before entering the groundwater table. On top of having a groundwater plan they also have an intervention plan which is a 12-page document and go through very strict procedures that we follow in case there is ever a spill on site. We have to follow that spill plan very closely if there's ever incident on site and that would include say we had 15 gallons of diesel spillage on site and say you've got to call the code enforcement officer. The Town decides. We have to call 10 different agencies to let them know what happened and then we have to clean it up and remove the material from the site. So, I'm just trying to say that since those rules were done in the past you've got a lot of solid engineering on this.

Gloria D: You mentioned the 10 monitoring wells so when Woodward had to pit, he had some monitoring wells I cannot remember if there were two or four. Are these in addition to those?

Matt Pepin: These are in addition, yes.

Mr. Feldman: I am thinking that one of the other plans you may want to do, Craig is to take this plan with all of the contouring and vegetation and everything and turn off your existing topo layer. Just provide a plan with the proposed contours and all of the vegetated areas.

Gloria D: Where is the Pitch Pine Scrub Oak Barrens boundary and how far away from it are you?

Mr. Burgess: I should increase the hatch a bit more but it's in the light green color but really it follows this extraction area and goes around, and it really covers the rest of this site over in this corner.

Gloria D: It looks like, compared previous maps, that maybe some of the pitch pine scrub oak has already been taken out when went over towards Carroll's Materials years ago.

Mr. Pepin: There were some areas that I believe were pitch pine which goes back to my dad, and he came to the planning board in 1998 with an attorney named Peter Faulkner and at that time they were asking the planning board to work in that area. Peter Faulkner filed with DEP but not with the Town of Newfield. There was no word back from the State of Maine that there were any issues with them working up there and thought the Town didn't have any issue with it. They never received any word, and they were under the strict pressure at that time and a proposal was filed.

Gloria D: I read that, and I read the minutes. I think you supplied them in the application. It says a proposal was brought to the planning board.. Well, a proposal isn't a permit. There's no further action after the proposal so that doesn't give permission to go. So, what's done is done and you are not going to do anymore is what you're saying?

Mr. Pepin: Of course not. We are going to reclaim this area.

Gloria D: My question initially was the pan area and how far is it set back from the pitch pine scrub oak area there?

Mr. Pepin: There's no setback in this area right here; not much of a setback in that habitat. This has already been opened. Everything you see is already open with the exception of this little corner here where we come in. There is an area with pitch pine with not much of a setback. We're going to leave that pitch pine area alone and one thing about the pitch pine habitat is everybody knows that before the fire of 1947 none of the habitat was here before that fire and after that happened the pitch pine started to naturally grow here because people plant as well. It is a protected habitat but it's not something that is naturally here they came in after.

Gloria D: Any other comments or questions from the board? I'm a little concerned about the pine pitch pine barrens and in the ecosystems in there and I'm no expert but I know what I've read, and I know what we experienced when Woodward and F.R. came in. I was here then. There's some very unique creatures and habitat there and it was real big deal at the time however that was in 1990 when the assessments were done. Lee Jay, is there some way we can get someone in there to update that assessment?

Lee Jay Feldman: I think what he has submitted and said is its brand-new on-site investigation.

Mr. Burgess: Some. Flycatcher did rough limits of that habitat.

Gloria D: I was thinking more of Maine Audubon Society and Nature Conservancy who tend to the 140 acres of Carroll materials. It probably abuts this I'm not sure. They manage that area they have agreement with the Town

and DEP and Nature Conservancy. I would like some of those experts to give us a look to see if it lines up with them.

Lee Jay Feldman: We could contact them I'm not sure that they come out and do assessments. They usually leave that to the biologists and other habitat folks the ones that have provided all of the information here. There's a letter from DEP one actually from Inland Fishers and Wildlife laying out all of the habitat between there and they're consultation review assessment of the area that was done in August of 21. There is a second letter from Inland Fishers and Wildlife on December 9th of 2021 regarding the assessment and their consultation recommendations. The maps they have provided in the application are from beginning with habitat which is pretty close to the best information that the State has in relation to all of those sorts of things and all of that has been identified through habitat from the Flycatcher submission.

Gloria D: Where I was going, is if F.R. Carroll, now Carroll Material, has this conservation easement for their portion of the pitch pine barrens and how it's monitored.

Lee Jay Feldman: That's a different thing. We're kind of mixing apples and oranges here because certainly some of the things that they discussed tonight and this would be one of them would be that you could condition them if you're going to approve the project to put that land into a Conservation Trust. Whether it's their own or whether it's to the town or to a local Land Trust could be a condition of their approval and again it's well documented both not only on their plan but for example we've got Maine Natural Areas Program to certainly identify it. It may have the Pepin and Flycatcher title on here, but this information has come from the beginning of habitat and they've identified it. So, what we would do is based on the information submitted by beginning with habitat would be to condition them on preservation of that entire area. So we're mixing a little bit but I've been taking a lot of notes with following the discussion and a lot of that stuff will find its way into conditions and approval if you go that route versus if you were to go the other way and want to deny the application you would need to use some of that information as part of your reason for denying. That's where I'm headed; either gathering information for approval or reasons for denial.

Gloria D: We weren't here in 1947 so I'll take your word for it that the historians said it (the Barrens) wasn't there. I've read about some of the ways they maintain it. Fire actually helps to get rid of some of the dead trees and then allows the ecosystem below them to grow. And then I guess what The Nature Conservancy did with a portion of this recently was actually to log it and then they burned it over underneath. So that requires some maintenance so I don't know how we address that or not.

Lee Jay Feldman: You're talking about Nature Conservancies and I think what would need to happen as part of this is to find out if there is interest on their part to take that land over and then they would maintain it as they have done with the other parcels. They would Deed it to the Nature Conservancy.

Mr. Pepin: The reason F.R. Carroll deeded over some of the property to the Nature Conservancy is because they allowed them to develop 150 acres of that habitat. I cannot deed over half of the property unless the State or Town helps develop some of that habitat.

Gloria D: This paragraph right here conversion of the pitch pine scrub oak barren to a mineral extraction pit would adversely affect this habitat and the rare species that depend on it. Maine Natural Areas Program strongly recommends avoiding any land clearing for use as a mineral extraction pit within at least 250-feet of mapped pitch pine. Practice forest management to remove competing White Pine, Birch, Red Maple so that pretty much confirms what the reports from 1990 it's a very unique area. It really can't be replaced.

Mr. Burgess: It's hard to say what will happen in 30 years. So if that land is permanently given away that's real land that could have value in 30 years. It's hard to tell or what could be a consideration here is that there would be some type of access easement granted to The Nature Conservancy group if they need to get in there and maintain it then there could be just a template with an easement do that rather than permanently give that land away. That could be a consideration for maintenance for that habitat. But giving that land under a permanent easement because this project is like Matt said potentially 30 years out it's hard to tell what that plan would be like 30 years.

Gloria D: Well we've been through 30 years and what I'm reading so far is pretty much the same; it's still very unique and special.

Mr. Feldman: The recommendation to the applicant is as follows to include the Check List in their packet:

Article 8 Conditional Use Standards: Review the checklist for their Conditional Use requirements to be sure all is submitted.

Review Article 9.

Article 10 Section 7B2. Look at the Extraction Industry section of the Ordinance.

If looking for waivers of any submissions: note it (for example it asks for signs, lighting, parking, loading areas.) If not doing any of that, provide the board with a waiver so the board can make its determination of completeness. If the waiver is granted then you don't have to submit it.

Review of the Land Use Ordinance

The question regarding a public hearing was posed.

Gloria D: There is a conditional use permit process. First of all we must determine if the application is complete and once we do that we can set a site-walk and public hearing. I did want to ask, as this is such a huge piece of property, if we were to vote on having a site walk how would that work? We could get into the Northgate easily but still you usually do a site-walk keep all people together as a group, so I don't how we would go from pit to pit. You have some time and let us know what you think might work and then we can decide on that probably the next time. Saturday morning may be a good time. The next meeting is September 7<sup>th</sup> and we meet the first Wednesday of every month. If you get the rest of your work done by September we can get you on the agenda. Please get your material to us at least a week before the meeting.

The applicants were reminded of the ways in which to contact the Planning Board and the Town Administrator. They were instructed to let the board know as soon as soon as they know if they think they're going to be ready to be on the September agenda.

Eileen Hennessey: They said they could not use Bridge Street and West Road and that was a State road. Is there a possibility of a time of year that we could have two extraction companies going down Bridge St at the same time? I would like to be able to see if some of that traffic could be diverted down and if that could be part of this information they get back.

Gloria D: Thank you so that brings up the question I think was asked about the process before. The applicants submit their material and we determine it complete. Once we determine it complete then we can hold a sitewalk and a public hearing and we might hear something at the hearing that we may ask for more information.

Lee Jay Feldman: The differences are finding something complete means that they've submitted the information on the checklist. If there is additional information you feel you need above and beyond what has been submitted on the checklist required, then you can request that of them.

Chair Gloria D: Next on the agenda is Draft Findings of Fact Balch Lake Marina Boat Yard Year- Round Boat Storage, 275 Sanborn Road, Map 47 lot 27. We voted on the permit at our last meeting, and we made a decision and we've had some conditions along with a permit. So, what we need to do tonight is review the Findings of Fact and make sure that they accurately describe what we talked about and voted on and then amend them if necessary. These are the edits that I found and am proposing, maybe you folks found some as well. We'll take a look and then we'll need a motion and a second. We did receive an e-mail from Leah Rachin, and she had been contacted by Attorney Ted Small with a comment and he said, "I believe at the meeting the board discussed altering the hours of operation to cut down on noise and other disturbances. Also, there was at least a discussion about limiting the number of boats to 25. I believe based on the original permit. I don't see reference to either in the Draft Findings of Fact and as an FYI it sounds like the applicant has had someone camping out of a trailer at the site which seems to violate the terms of a new permit. I know the planning board is not an enforcement authority but wanted to point it out for that information." Attorney Small was not present at this meeting to comment or answer any other questions by the board.

**Anthony G made a motion and Skip T made a second to accept the Findings of Fact for Balch Lake Marina Boat Yard Year-Round Storage with amendments. Vote 4-0-1 (Dan P abstained)**

The Draft Findings of Fact for Town of Newfield Salt & Sand Facility at 369 Water St, M19 – L18 were reviewed.

**Skip T motioned and Gloria D made the second to accept the Findings of Fact for the Town of Newfield Salt & Sand Facility with edits. Vote 4-0-1 (Dan P abstained as he was not present for the initial review of the CUP)**

Agenda Item: Certified USPS delivery of CUP Applications directly to the Newfield Planning Board Members. At the current time the procedure for the Newfield Planning Board members to obtain copies of any Conditional Use Permits is for them to physically go the Selectmen's Office. This is not feasible for some of the members due to their work schedules.

**All Board members in attendance agreed to have CUP Applications delivered via certified USPS mail delivery to each member.**

Agenda Item: Planning Board Budget. The Newfield Planning Board Budget was approved in March 2022 in the amount of \$6,045. At this time, halfway through the fiscal year, there is only a balance of \$3,094 remaining in this budget. Many extra hours were expended for the Administrative Assistant due to the Shoreland Ordinance, Site-Walks, Public Hearings, Findings of Fact preparation and a salary increase for the Administrative Assistant. The average monthly hours for the Administrative Assistant currently is 27 and the budget allotted 15 to 20 hours per month. After Board discussion, it was decided to not limit the hours needed by the Administrative Assistant to complete the necessary work monthly.

**Motion by Skip T and a second motion made by Emily F to request from the Selectboard how to access \$1,000 to balance the Newfield Planning Board Budget for this year. Vote 5-0-0**

The next Newfield Planning Board meeting is scheduled for Wednesday, September 7, 2022 at 7 PM at the Newfield Town Hall, 23 South Effingham Rd, West Newfield, ME 04095.

Dan P motioned and Skip T made the second to adjourn this meeting at 9:10 PM.

Respectfully submitted,

Maria Marchant, Administrative Assistant

These Minutes are not verbatim.