

TOWN OF CASCO

635 MEADOW ROAD
CASCO, MAINE 04015

Planning Board Meeting
Meeting Minutes
August 10, 2020



Planning Board Members Present:

Stan Buchanan, Gene Connolly, Ray Grant, Alternates, Ryan McAllister & Steve Linne

Absent: Lynne Potter (Chair) & Jim Macklin

Public Present:

Mary Tremblay (Deputy CEO, Admin. Assistant), Tom DuBois, Craig Burgess, Mike Shane, Holly Hancock, & Tom Mulkern

1. Call the Meeting to order:

Stan Buchanan calls the meeting to order at 7:00 p.m.

Stan noted in the absence of the Chairman and Vice Chairman I asked for a motion to nominate and acting Chairman for tonight's meeting.

Gene Connolly moved to nominate Stan Buchanan as acting Chairman for tonight's meeting

Ray Grant seconded the motion

The Board voted 3 in favor 0 opposed, 0 abstentions

2. Determine a Quorum:

Acting Chairman Stan Buchanan determined a quorum was present with 3 regular members

Stan noted he would like to designate the alternate members Steve Linne and Ryan McAllister as voting members for tonight's meeting in place of regular members.

3. Approve the July 13,2020 Meeting Minutes:

Ryan moved to accept the minutes as written

Ray Grant seconded the motion

Gene noted that his name was misspelled and asked for clarification and spelling change.

Stan noted it has been received.

Mary stated it has been corrected.

The Board voted 5 in favor, 0 opposed, 0 abstentions

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4. Old Business:

Revisit Tabled Item:

Sebago Technics regarding an application for contract Zoning on Behalf of Hancock Leasing, LLC for property known as Map 43, Lot 23-B and Map 43, Lot 24-C know as 4 Edes Falls Road and formerly owned by Spurwink located on Meadow Road, Village Zone District

Craig Burgess of Sebago Technics noted he would like to ask to table this item. He stated Hancock Lumber is still exploring opportunities on both of the parcels and they are not ready to present any further advancement. It was asked that it be table at this point.

Gene Connolly moved to table this item

Steve Linne seconded the motion

The Board voted 5 in favor, 0 opposed, 0 abstentions

5. New Business:

Planning Board Application – After-the-Fact Site Plan application for Excavated Material Hancock Lumber, Map 5, Lot 30 – 1260 Poland Spring Road

Craig Burgess of Sebago Technics Representing Hancock Lumber and Mike Shane General Manager at Hancock Lumber Saw Mill is present as well. Craig noted earlier in the year Hancock Lumber removed approximately 800 cubic yards of material from the Westerly side of the project and this was done unknowingly because all that material was being donated to the Memorial Park Field Project, was used as fill. Craig noted that tonight they are seeking after the fact approval for removing more than 100 cubic yards of material. He presented the Board with a packet which addresses comments made by the Town Planner Tom DuBois of Main Land Consultants. He noted this includes; Two tax maps that show all contiguous properties owned by different Hancock Lumber entities, excavated are that was revegetated and pictures were enclosed as part of the application showing post excavation and grading; State Permit; Hancock Lumber's lumberyard was constructed prior to 1975, which pre-dates SLODA, additions and improvements since that time are generally within the existing developed footprint that pre-dates SLODA. Craig noted that Sebago Technics reached out to DEP in 2017 about an expansion at the site; they received an email back that a permit was not necessary. (A copy of that email is enclosed for reference) in packet. He stated that they are agreeable to a condition of approval that guarantees revegetation in this area. Craig stated as far as surface water drainage the applicant is agreeable to a condition of approval that guarantees revegetation in this area and limits on mowing. He noted a SWEPP Plan is included as well in the packet.

Stan asked Tom DuBois to walk the Board through his review and comments.

Tom stated his concern is site stability and in the ordinance of the town there are some areas that deal with this; some in the Performance Standards and general standards. He noted the applicant has told the board in their initial application package that they had seeded and mulched the site for a grass catch. Tom stated he did a site walk and there are areas that still remain un-vegetated, downstream there were signs of erosion, but due to SWEPP Plan which has been in existence for a while that material is being caught, maintained and kept on site which is good. Tom noticed but that doesn't address the issue that a fair amount of the site has been excavated and remains un-revegetated. He noted that when that site was excavated they took everything as well as the top soil which leaves the inability of site to be re-stabilized.

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Tom stated he would suggest being a saw mill with wood work that debarks logs and some wood waste on site that the applicant tells the Board how that sight is going to be re-stabilized so there is not an ongoing erosion control problem.

Stan asked Tom to explain an after-the-fact Site Plan in regards to a pre Site Plan to the Alternates.

Tom stated he feels that Hancock Lumber did not feel as part of the process that they would need a permit to complete this project. He noted as the ordinance states; if 20 yards or more of material is removed it requires Site Plan Review. He stated this project triggered that since it is more than 3800 cubic yards. Since this was done without a permit they are back to get a permit after the work has already been done.

Stan asked Craig why and how did it happen that they did not come to the Planning Board for Site Plan Review prior to doing the work?

Craig noted as Tom mentioned Hancock Lumber was just unaware of that standard in the ordinance. He noted it was caught right away by Alex and Hancock immediately engaged with Sebago Technics to help with this application.

Ray asked is it true you have been hauling out of there for 3 to 4 years and you doubled the size.

Craig stated uncertain of the complete history of the project he is aware they cleared the area in 2017 and only recently cleared this area of more than 100 cubic yards of material. Craig stated Hancock Lumber is now aware of the need for a Site Plan Permit. He noted in the future before any changes to that site it will come before the board.

Ray asked if Craig was aware that part of this is the waste oil spill.

Craig replied that is what the SWEPP (Storm Water Pollution Prevention Plan) was not only handle how storm water drains from the site but also if there is an oil spill on the site it makes sure it drains to the correct site.

Ray stated that should have been thought of before it was hauled over to the town ballfield? Ray asked if the soil was tested for residue before it was hauled over.

Craig stated the soil that was hauled was undisturbed land that was excavated out and brought to the field. Craig noted he was not aware of any oil spills up there.

Ray noted there was a state fund given to the town to rectify that spill, plus the state spent 3 or 4 years hauling stuff away from that site. He stated there are test wells drilled all around that area. He noted Hancock Lumber lost their wells if he remembers right. Ray noted his concern is does not know if it is even safe to use that ballfield.

Craig stated a lot of times a contractor when moving material that is contaminated they can smell it instantly. Craig noted that Tom may have more insight on this.

Tom stated just by looking at the typography of the site that the area which is shown being excavated on the plans that were submitted originally by Sebago Technics shows land that is basically upgrading of pretty much of the entire mill site He noted he is not sure where exactly the oil spill happened.

Ray noted the location on Tenney Hill.

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Mike Shane noted that the super site is located on the very other end of the mill. He stated the DEP does have at least 2 to 3 wells for testing and test periodically. He noted they have not heard anything from them so he is assuming things are testing well. He stated that the log yard is in the very opposite end of the whole saw mill yards. Shane stated there are 2 drinking water wells in the middle of the yard which by State law have to have tested quarterly and have never had any bad tests come back.

Stan asked when that oil spill happened.

Ray stated it was not an oil spill it was a holding station, it happened around the 60s.

Stan stated DEP would probably have those records

Mike replied yes. They have gotten permission from Hancock to test the well test sites.

Stan noted he is a bit disturbed that the after the fact has happened and that the boards hands are pretty much tied, since they have already been given the go ahead.

Tom stated he had spoken to Alex the previous Code Enforcement Officer who as he understands it is still working 8 hours for the town. He stated as it was explained to him by Alex this project was taking place when the Covid19 all happened and this board was not officially meeting and a decision was made to allow the project to go forward with the understanding that a permit would be submitted as soon as this board would start meeting again.

Stan noted he understands that and the past is the past.

Ryan noted as far as the site walk that Tom of Sebago Technics took today, are there any plans to remedy the erosion control with re-vegetation for the area, and what are the plans for the area moving forward as noted by Craig that is around the lumber storage area. Ryan asked if this is going to be used in the winter to stockpile further quantities of lumber.

Craig stated no, it will not be used for stock piling. The plan is to let the re-vegetation to catch, and not be cut so it can revert back to natural conditions. Craig stated Hancock Lumber will have to do what it takes to meet the conditions of approval that Tom recommended.

Stan asked what the vegetation was. Craig is just talking about reseeding actually; Stan noted you are not talking about what was there before.

Craig no, they are not talking about putting new trees up. He stated it would be a regular seed mixed and letting that grow wild so the grass grows up and over time trees and shrubs will start to grow and not cut them.

Tom stated the point of the condition of approval is to hold the applicants feet to fire to make sure it gets established. The problem right now is that a plan has not been received by the applicant explaining how they are going to make it happen to be sure it gets done.

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Ray noted he would like to see some kind of detail plan with what the board would like done.

Tom noted he would like to see a plan that documents what the plan is to stabilize that site and keep it stable and not for the short term. He stated the slopes are not insubstantial and grass does not grow on that without help.

Ray stated he feels they should come back with a plan.

Craig stated he would like to do that with a condition of approval that loam be placed on the slope, a conservation seed be planted and then they can use some of their own on site wood to throw some bark mulch up on the slope and let it revert back to natural conditions.

Ray noted he feels they need to look into this and see what has happened. He stated at this point they do not know where that plom is going. He stated he has seen the maps and there are fingers as to where that plom is reaching, it fine in some places and other places it's not. He stated he would like to know if it was dug into or not.

Craig stated the hope is to get the approval tonight with a condition it on investigation of that plom, and share the information with Tom and Mary. He noted it is a detail that is fairly simple and hope to capture it in writing as a condition.

Stan noted Tom has recommended limiting the mowing in that area to once or twice a year.

Craig stated the applicant is agreeable to not mowing the slope as Tom suggested.

Tom stated he does not disagree with Craig that a condition of approval that says we can place 4 inches of loam, mulch with two bales of hay per 100 square feet, seed with a conservation mix a pound per 2000 square feet, which would be fine. Tom noted he is not as worried about a 50 year ago oil spill and this is surface material that has been excavated. Typically the DEP is worried about what has gotten down deep into the ground water and moving through the ground water laterally. The material that has been taken here is above the seasonal high water table. Tom stated professionally he does not share Ray's concern with the oil issue on this project.

Steve noted he heard something that is a little disturbing which goes towards intent, first it was they did not know about the ordinance so it's after the fact, then it was the Covid 19 and the Planning Board was not meeting, and then something about the ordinance. He asked who knew what when?

Tom stated Hancock and the contractor was already excavating, Alex Sirois the Code Enforcement Officer saw the work being done and met with the applicant and because planning board was not meeting at the time, the decision was made at that time to keep going forward. Tom stated Hancock was put on notice the application process had to happen but they already and well into the project and the ballfield was essentially waiting for material.

Steve asked if Alex had that authority to make that decision.

Tom stated it could have been something he had discussed with Selectmen. Tom noted it is something that was just conveyed to him today.

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Ryan noted in reference to the mowing. If the intent is to loam, mulch, seed, and let it revert naturally, it would be best to never mow it. He stated if you are going to bush hog a field even once a year, every year you will kill back any growth that is trying to establish. He stated it seems pointless to be mowing it if its purpose was to let that slope grow back naturally. He suggested it not be mowed. He stated that he would also suggest that the Planning Board also take note and be sure that Hancock Lumber do something to revegetate that beach that they have over by the log yard.

Ryan asked if the Board agrees on this condition of the revegetation plan, is it Mary that will be going out insuring that it is completed or is it something Tom will be doing.

Mary replied yes, it will be done by either her or Alex depending on the timing Hancock gets the conditions taken care of.

Steve noted he has no problem with the conditional approval however; he would like to see something in writing from Hancock that gets reviewed and signed off that it will effectively work on this site along with all the other criteria.

Tom suggested that the administration building across the street was before the board a year and a half ago with a formal erosion and sedimentation control plan presented by Sebago Technics. Tom noted could that plan be utilized on this site with the same site stabilization conditions use on the admin building and make it work for this plan. That way they already have something that's in writing, it's a plan that has already be reviewed, it meets town and DEP standards and will accomplish what needs to be accomplished.

Stan noted he would like the conditions Tom mentioned very precise and clearly tonight in plan language and also if it meets the approval of the CEO.

Tom stated that would be placement of 4 inches of loam, mulching with two bales of hay per 1000 sq. ft. and seeding with 2 pounds of conservation mix per 1000 sq. ft.

Craig noted they would be agreeable to those conditions.

Stan stated he knows Ray has some concerns with the DEP, testing and oil on that site. He noted he would like to have the CEO follow up on this due to some concern there may be leakage still occurring and it shouldn't be just ignored.

Ray stated he would like some kind of a check from engineers or DEP to make sure they haven't opened a can of worms by turning up that soil while still being seeded.

Stan asked if the soil which was placed in the ballfield is safe or not. He suggested that the CEO have DEP or someone check that soil which will have nothing to do with Hancock Lumber. He noted he would like to know if it is safe for the kids to be playing on.

Steve asked about some sort of time frame to get this erosion control plan done.

Tom agreed a time frame should be assigned. Tom suggested a 30 or 45 day window on this.

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Stan set a condition to have the vegetation is up by October 1, 2020. Stan stated he would like a re-inspection by site walk in late May as a condition.

Craig noted he could check with DEP to see if they have had any tested levels recently from the monitoring wells and if so at what depths were they taken.

Tom asked Stan if this was a Hancock spill.

Ray stated no

Tom stated then Ray you are holding Hancock Lumber responsible for somebody else's mess that already went through a super fund site for cleanup.

Ray state no, he is holding Hancock for exposing it.

Tom replied he thinks this is over-reaching.

Steve asked if Ray was concerned about the soil that went to the ball field.

Ray stated to find out if the soil that went to the ball field is contaminated, yes.

Steve stated that would be the most direct way instead of dealing with monitoring wells and everything else. Steve stated he did not know who or if there was a contractor that did the ballfield but would you want to require samples of the soil that went to the ballfield instead. He noted this may answer Ray's question.

Ray replied either way. Ray stated the company Hancock Lumber knew that the oil spill was there and it is their obligation not to help to spread it.

Ray agreed to seek the advice if there is a well there and if it is in that area the Dep should know.

Stan stated than Hancock can seek advice of DEP

Stan moved to approve the After the Fact application with the Conditions as follows set by the Board

- 4 inches of loam, mulch with two bales of hay per 1,000 square feet, with 2 pounds of conservation mix per 1000 sq. ft.
- vegetation is up by October 1, 2020, with a minimum of 75% coverage
- Re-Inspection of the site by late May
- It was agreed by the board to have Hancock Lumber seek the advice of DEP if there was monitoring for contamination; if not and there is a possibility of contamination, the board would want it tested. Ray Grant stated if it is confirmed there is no possibility it can be ended there.

Ray seconded the motion

The Board voted 4-1 in favor, 0 opposed, 1 abstention (Gene Connolly)

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7. Additions:

Stan stated he had some questions about the role the Planning Board would play in the hiring of a new Code Enforcement Officer

Ryan stated he had brought this up to Lynne Potter prior to the meeting and she was going to address this and how much involvement the Planning Bo

Stan noted he was highly disturbed that the board is just hearing about this now, he stated being the Planning Board they should have been notified.

Ray noted sometimes they pick a committee

Ryan stated his understanding that the Town Manager, Courtney is planning on reviewing the applications the 14th. He noted he is unaware of her taking the final selection to the Selectboard. He stated he is not aware of how much involvement the Selectboard or the Planning Board would want to pursue.

Stan stated he is highly upset by not being made aware of what is going on before now regarding the new Code Enforcement Officer and is willing to approach the Selectboard as to what kind of involvement the Planning Board may have in this.

Stan asked if Holly Hancock who is a Selectboard member present at the meeting who mind stepping and hearing their concerns.

Holly Hancock stated obviously the Selectboard will be made aware of the position, but not sure of their involvement.

Stan asked how is that is even possible

Holly Hancock noted she is not going to answer that question. She noted they were informed by the current Town Manager that the next Town Manager would be interviewing for the position, which may have changed.

Steve Linne moved to adjourn the meeting

Ray Grant seconded the motion

The Board voted 5-0 in favor, 0 opposed, 0 abstentions

The meeting adjourned at 8:25 p.m.

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Stan Buchanan, Acting Chairman

Respectfully Submitted by
Mary Tremblay, Deputy CEO, Administrative Assistant