

Union Public Hearing & Planning Board Minutes
Thursday, October 28, 2021, 6:30 p.m.
William L. Pullen Municipal Building Downstairs Meeting Room

Present: Laura Curtis, Robin Milliken, Gerald S. Brooks, Jr. (“Jerry,” Chair), Dale Flint, Glenn Taylor

Others Present: CEO Grant Watmough, Paul Curtis of JBI, Jake Barbour of JBI, Mary Therese Onoshko, Kathy Ulmer, Rob Milliken, Bruce Gleason, Mike Seeger, Nikole Seeger, Elsie Mank, Paul Mank, Devon Mank, Kelly Gross, Nathan Buczac, Rae Leach, Steven Leach, Eva Burns, Cynthia VanGalen, Tanja Barbour, Harrison Linscott, Debra Lay, Doug Lay

PUBLIC HEARING –
SITE PLAN REVIEW FOR JAKE BARBOUR, INC. (JBI)
TO ESTABLISH A COMMERCIAL GRAVEL PIT
ON MAP 13 LOT 21

Received ahead of public hearing: emails from Candida Bordonaro, Michael Seeger, and Ray and Tracey Thombs; phone call from Anthony Carr; draft of road use bond and outline of planned road maintenance agreement from Jake Barbour.

Public Hearing opened at 6:33 p.m. by Jerry Brooks.

Jerry outlined the format of the Public Hearing: presentation of proposed gravel pit followed by commenters in order of abutters, residents, all others. Comments to go through Jerry.

Jake Barbour said he/JBI is an earthwork contractor serving midcoast Maine. The proposed gravel pit is at the very end of Happy Hollow Road. It was previously permitted in 2008. He has the property under contract and has been working off the 2008 permit, cleaning it up and upgrading that road. The pit will be run by town and DEP standards, with at most 10 acres open. He will maintain all side slopes, have to reclaim when done, and the pit will basically be internally drained. There should not be any runoff, all stabilized, erosion control. Most everyone in his company is certified in erosion control. The pit will really run with one loader, no crushing, no blasting. One man will be in there potentially with a screen – a loader and a screen, and hauling out of there. He has been working with Road Commissioner Jay Feyler and Jerry Brooks on a road maintenance agreement. Dust control to be calcium chloride type with spreader. He is aware the road gets posted, so sometimes they will not be able to haul out of

October 28, 2021 Public Hearing & Planning Board Minutes

there. The road will be inspected twice a year between JBI and the town; they have an outline of a road agreement (draft submitted). He will have a bond (draft submitted). He estimates 25 or so trucks per day depending.

Glenn asked about hours of operation. Jake said they are based in Owls Head so he could almost say 7:00 a.m. to 5:00 p.m., no Sunday work, not typically Saturday but maybe depending on projects. Jake added it will be pretty unobtrusive. If close enough one may hear back-up alarms, or the loader run a little bit.

Jake closed his presentation by saying he has a quarry in Friendship. He formerly worked for George Hall & Sons, who operated a pit out of here for many years. George Hall was his grandfather. Wally Moody also had a pit; a lot of his material went to cover the town dump. There are a lot of deposits here, good quality, mostly sand.

ABUTTERS

Nikole Seeger said she is the only person who shares that road. If the road is shut down, how do you notify us? Jake said he would typically notify in person, by phone, adding they work a lot in town on jobs, with neighbors and homeowners; they should be able to maintain the road as they improve it. Nikole added they are at the end, there will be a house, and she bought her property from James Feyler, Jay's son.

Mary Onoshko, 411 Sidelinger, said 25 is a lot of trucks. Is the company going to be responsible for any damage? Jerry said yes. Trucks coming in on Bump Hill Road will also be part of an inspection process, twice a year. She asked about environmental protections, which Jake said go through DEP. She asked about recourse. Jerry said reach out to CEO Grant, and from there Road Commissioner Jay, or Public Works. She asked how this would be good for the land, environmentally positive? Erosion, wildlife, air quality, what is your expectation? Jake said they may cut trees, pull stumps, change topography but part of the DEP process addresses runoff. Ideally you have your pit internally drained; when first starting out not always possible. We do it every day, jobs we're on, silt fence, silt berm, erosion control mix (shredded wood chips & sand). Depending on the situation we will follow all rules. Jake has a good relationship with DEP with both pits and jobs. She has concerns things will change considerably. Jerry said it is important to bear in mind this is not the first time this property has been used as a gravel pit; it has no bearing on our evaluation this evening but is important to note. Jerry mentioned we have a restoration process in the ordinance.

Cynthia VanGalen asked if it is still going to be in one way in, one way out on that road. She thinks it is crowded as is, and they use it as a racetrack. Jake said yes, one way in and out is the only option. That bridge can't be fixed? Grant said she is referring to an old discontinued road,

October 28, 2021 Public Hearing & Planning Board Minutes

which reverted back to existing property owners; putting the bridge back would be major and involve the Town of Washington.

Bruce Gleason, 202 Sidelinger, asked of 25 or so trucks per day how many are under JBI, and how many are independent drivers? Jake said they have control of their trucks. If they use outside trucks, they will get rid of them if not respectful or following rules; they just won't sell them materials. Bruce said he drives a dump truck on weekends for a local company. Jake said if an issue comes up, they will deal with it. Jerry added the sheriff's department or state police would be a recourse. Jake reiterated call us, we'll take care of it.

Nathan Buczacz, 321 Happy Hollow Road, has safety concerns with a wife and two little girls. It is hard to imagine 25 average trucks per day in a safe manner. Jake said he deals with DEP, MSHA similar to OSHA but for mines, all pits are posted at 15 mph. We could extend 15 mph into that area. Nathan said it is a narrow twisty hill, they had some close calls with neighbors and guests' vehicles; you mentioned upgrading – what kind of upgrade? Grant confirmed 3-rod road; Nathan said it has been diminished, grading twice a year is inadequate as is let alone 25 trucks. Jerry that is the requisite number; they are not going to want to go over impassable roads with their trucks. Jake confirmed. Jerry said as part of this, there will be a surety bond, two inspections, and grading; Public Works will still be responsible for normal wear and tear with no bearing on what gravel pit is doing; we will continue to talk about road erosion as part of this process.

Mike Seeger (whose wife Nikole spoke earlier) bought property with the intention of building a home comfortably in woods. As mentioned there has been a gravel pit previously, but has the board considered homes 150' within silt barrier? Not a naysayer but how do you weigh those rights? Jerry said we review but follow the ordinances. Mike asked what the current zoning is. Grant said rural; gravel pits are allowed in rural. Jerry added applicants have to appear before the Planning Board. Mike said, once approved, if we have issues we'd then go through CEO as recourse. Mike asked how long will the pit be in operation? Jerry said reviewed every five years. Jake said 10, 15 years depending on material, use. Mike asked how many independents come to purchase? Jake said this is specialty, really good sand, not a huge amount; they will access via a discontinued road, a dirt path. Mike asked if he had a plan for how wide that road is going to become? Jake said similar to town 20' range. Mike asked if trees need to be cut down? Grant said when the road was discontinued, it reverted back to abutting property owners. Mike asked if the town currently used calcium chloride? Grant didn't know, they did in Warren. Mike asked about health concerns; Grant said DEP allows it. Mike said it was a huge shock when he heard about this. Jerry listed recourses: JBI, CEO Grant Watmough, Public Works perhaps, sheriff if speeding. Mike asked if any issue with groundwater contamination; Jake said no. Mike asked if chemicals or gas stored on site; Jake said diesel fuel, also given the remote location, typically

October 28, 2021 Public Hearing & Planning Board Minutes

operators would have a tank in the truck; he would probably not store anything on site, as vandalism or theft could be an issue, and other than that they don't use any chemicals.

Jerry read Candida Bordonaro's letter aloud. She is an abutter at 423 Sidelinger Road. Her concerns were: hours and days of gravel pit operation; equipment and truck noise; weight of the trucks on the roads; what happens in spring with posted roads; whether or not all property owners on Bump Hill were notified; and some questions about JBI's drawing relating to the site. She also noted at the base of Sidelinger Road, vehicles on Bump Hill Road yield to those on Sidelinger and wanted to know if that would change.

Replies to her letter were as follows. Hours would be Saturdays sometimes, 6:30 or 7:00 a.m. start and 5:00 p.m. finish. Roads can handle the weight. On the issue of Sidelinger/Bump Hill yielding, Grant said this is not anything that JBI or we can change – Select Board, the Road Commissioner perhaps. Bruce Gleason added that coming up Bump Hill Road there used to be a stop sign; now it is a yield sign.

Jake said when roads are posted, no travel. Grant clarified the town's posting on roads like that in the spring means it has to be below 32 degrees and the road has to be frozen; if those conditions are met, a truck could go up there, and that is anywhere roads are posted. Grant also said there was a notice about this in two papers, two times, letters sent to abutters within 500' of the proposed gravel pit property, and on the town website which is legally what we are supposed to do. Grant called her about her questions regarding JBI's drawing related to the site.

UNION RESIDENTS

A letter was read aloud from Luke Church, 108 Bump Hill Road, in opposition as follows. For years Bump Hill Road was a mess until the town tore it up, dug out the rocks, and resurfaced it. Gravel pit trucks will destroy it; taxpayers will have to pay. The upper end of the road including Happy Hollow Road is gravel or dirt, and passenger vehicles tear up the road as is. Imagine heavy trucks. Another problem is the width of the road, not wide enough for two trucks let alone with people walking both with and without dogs. Bump Hill Road is treated like a racetrack. JBI and the town would be better off putting in a large culvert in the river where the bridge was washed out years ago and come in from the Washington end – less distance, fewer homes.

Steve Leach, Sidelinger Road, asked about a winter operation. Jake said they would be operating at some points in the winter. (Steve noted he called Jake, who called right back and answered all his questions.) Regarding dust management in the pit, Jake said there are DEP requirements; the crusher has an air emissions license; and they have a water truck.

October 28, 2021 Public Hearing & Planning Board Minutes

Doug Lay, 817 Bump Hill Road, asked once this approved, what is the anticipated timeline to get the pit up and running? Jake said he has to nail down the agreement with Town Manager Jay regarding a surety bond. Grant said Mr. Barbour still needs to purchase the property as step one (until then no bond, no permit); after that, it could happen fairly quickly. Jake would say some time after the first of the year, February or March. Doug said he has lived there about a year and a half; even the limited amount of traffic as pedestrians is a little scary sometimes. Anything that can be done to mitigate the impact on homeowners and residents would be gratefully appreciated. Finally, 25 trucks are actually 50 trucks in and out, really an enormous amount of truck traffic on Bump Hill and Happy Hollow. He is not arguing against the development; clearly that whole region has had pits. Anything that can be done to mitigate on a lovely area of Union would be nice to see.

Devon Mank, 335 Bump Hill Road, is still on the pavement and has family that lives on the dirt portion. His concern is cars are going to rot out due to calcium chloride. Jake said he does plan to use calcium chloride mix to keep the dust down on the dirt road portion. Devon said we spend a lot for nice vehicles we can't drive due to salt and rust. Also, trucks means tractor trailer trucks. You can't go off Bump Hill Road onto 17 and take a left and not take up the whole road. You can't come onto it without taking up the whole road, or hitting cars trying to go out. They're going to show up at 7:00 a.m. when people are going to work. There would have to be a turning lane, a reduced speed zone for a long way to get those trucks slowing down and making that road safe. Grant said it takes DOT to set speed limits as well as a separate lane. Jake said he typically runs tri-axles going back towards Rockland and doesn't see a problem.

Devon said he bought the house almost two years ago to not deal with people, and here is a massive mining operation. Any good pit has 50 trucks a day. He questioned the zoning. Jerry said commercial mineral extraction is allowable in the rural zone. Devon said it is not sales, though. Jerry said commercial is sales, referring to the table on page 19 of the Land Use Ordinance. Grant confirmed commercial means sales. Jerry added no distribution means nothing like a UPS or Fed Ex hub.

Paul Mank, 569 Bump Hill Rd, is the first house on the dirt. He said he gave up a lot to move onto dirt, owning nice cars that he doesn't drive often as calcium kills a car. He said now you are going to come in and spray it, so we will be driving on a chemical all year long. He recalled trucks back to Larry Sukeforth in Washington doing between 50 and 100, and his pit is almost done; what's the next best thing? Back to grandfathered pits whose last operation was 30 years ago when the bridge was in place. Half the houses haven't been there for 30 years. The trucks were smaller than tri-axles and tractor trailers. Jerry spoke of his experience with Meklin hauling out of the Steve Luce pit, Wottons Mill with Johnny Hart hauling, which is that it hasn't changed. Jerry added the last operator was George Hall, 2008, and most people on this board were part of the process. Jake said Hall's typically hauls a tri-axle, maybe a wheeler. Paul feels

October 28, 2021 Public Hearing & Planning Board Minutes

this pit will be very busy with the Washington pit closing soon. Jake said as far as the calcium goes, typically it just makes the road look wet. Paul said every time it rains, it gets on cars.

Dust mitigation options were discussed. Water would be mud. Jake suggested reclaimed asphalt, which helps keep both dust and mud down. Jerry asked Grant if reclaim could be a condition of approval. Grant said it is up to the board and might be a question for Road Commissioner Jay. Jake said it is something we could work out when we finalize that agreement. Jerry noted the concerns about calcium chloride.

Paul said it appears all Jake is responsible for is his new driveway and signing off with the town for a little bit of road maintenance. Coming back on 17, why is there no DOT approval needed for this many trucks? Paul just put in a new garage and had requirements such as putting in a turn lane. Grant said the difference is this is a public road coming out onto a public road. Jerry said unfortunately it is not in the board's purview, it is DOT. Paul said why is it not in this whole plan? You are dealing with a town road – you guys are the town -- all the way on to 17, which is DOT. It is not a good intersection at any time of the year (Route 17 and Bump Hill). There is no way it's a safe access. Jerry said again unfortunately not the board purview, a DOT issue. Paul doesn't understand why it's not a Town of Union concern.

Grant said throughout our review the biggest concern we had was the road. They asked the Road Commissioner for his opinion, and he did not mention it being an issue. Glenn said he may not have thought of it; he may have been thinking more about the impact on Bump Hill and Happy Hollow Road but not so much on that intersection of 17 and Bump Hill Road.

Paul suggested contact DOT and do a plan on the intersection. Glenn said he will make a motion not to approve until there are more answers, including the wording as far as Jake agreeing to use reclaim for dust control.

Jerry said we are getting ahead of ourselves. We are talking the Road Commissioner redressing that situation, also potentially requiring reclaimed asphalt as a condition of approval.

Bruce Gleason said for more than 40 years, that has been a horrible intersection, but we cannot hold JBI responsible for a poorly-designed intersection. What a slippery slope.

Jerry agrees. He said there are certain things in our purview. Unfortunately, this is beyond; this would be a community-generated change. Talk to the Road Commissioner. It does not fall into what we are doing this evening.

October 28, 2021 Public Hearing & Planning Board Minutes

Grant said there are probably several hundred vehicles a day going in and out right now, so to add another 50, is that something DOT will want to look at? He doesn't think so.

Jerry and Grant agreed it is a bad intersection. Jerry said unfortunately it just does not fall into our purview, but Paul brought up some great points. Paul said he just put a new driveway in on Route 17, and for one truck they wanted a turn lane.

Dale feels it is up to the Road Commissioner and out of our league. We did ask the Road Commissioner for some recommendations. He recommended we bond for road damage beyond normal wear; we have a draft. As far as the safety of that road, we need to bounce that back to the Road Commissioner.

Robin said she doesn't think it has anything to do with permitting or not permitting. There have been a lot of trucks down there forever, big ones, small ones. Now there are more people living there. Route 17 has nothing to do with what Jake wants to do here. Does it affect Route 17? Yes, but it's not at all what we're doing here. Route 17 has nothing to do with that section of ground being allowed to be a pit.

Glenn agreed with Robin and Jerry. He'd still like to bounce it off the Road Commissioner again.

Jerry asked what weight the Road Commissioner would have as far as initiating DOT. Grant said it would probably be him to request DOT take a look at the intersection.

Nathan Buczacz said he is concerned about the intersection as well as that rise and very narrow section of Happy Hollow Road. Happy Hollow Road is a town road. Is there going to be any assessment regarding safety of cars passing JBI trucks? Jerry said the board will not be assessing that situation. JBI, the Road Commissioner, inspection, and any maintenance or repairs or extensions will be up to the Road Commissioner. The Road Commissioner by the way is Jay Feyler who is also the Town Manager.

Harrison Linscott, 939 Bump Hill Road, said the Happy Hollow corner concerns him without trucks. It is very shouldered up, maintenance needs to be better, and he has a motorcycle that he does not want to wait until July to get out. He thinks it is now basically a four-wheel drive type of road. He agrees with the calcium chloride concern and safety of pedestrians with the width of the road as big concerns. Jake said he could take care of it, could be as simple as bringing a front-end loader. There have been issues with drying the road up and potholes.

Mike Seeger, EMT, lots of roads are difficult to access. It would be tragic if road(s) not maintained for emergency vehicles. Jerry noted twice a year inspections set forth by the Road

October 28, 2021 Public Hearing & Planning Board Minutes

Commissioner. Glenn is now hearing the road sucks already; can't see it's going to be worse — if anything Jake is going to improve the road so he doesn't beat up his vehicles.

Jerry said but what is the guarantee? Does the board increase inspections? He noted we still have a Public Works department. The inspections are solely JBI, not responsible for normal wear and tear.

Robin said we might be a little bit behind. Glenn drove out through there in early summer, what they put down is what 3" stone. He would not want to drive over that every day. He thinks the town should bring the road(s) up to snuff before we expect Jake to go in and make it pretty.

Jerry asked if increasing inspections would penalize this company, this applicant, or shouldering the burden on Public Works or the Road Commissioner? We must be fair about this.

Dale said no denying the road as it exists now is in poor condition.

Jerry personally thinks it is not going to get worse, it is going to get better. We ensure the public we're listening.

Dale agrees with Glenn – get together with the Road Commissioner and get a base or starting line. If Jake has a bond, it will be easy for him as the road is in poor condition.

Jerry said we are beyond our scope, in Road Commissioner and Public Works territory.

Grant said Road Commissioner Jay did ask if you would want him to be here tonight; he should have said yes.

Jerry said we can't penalize applicant, but also, we can't put in an approval, no way, it's just beyond us.

Glenn said we can't hold the applicant responsible for the town's conditions of the road.

Jerry summarized conditions of approval only apply to the applicant not the town.

Glenn thinks we need the Road Commissioner at our meeting, maybe get a verbal.

Nikole Seeger asked is 150' within nearest resident, is that part negotiable? Can we say it has to be further than 150'? Jerry said the setback is listed in the ordinance; to change it, we'd have to go through town approval, public hearing, special town meeting. The short answer is no. We cannot deviate from the ordinance in that way.

October 28, 2021 Public Hearing & Planning Board Minutes

Jerry read aloud a letter from Ray and Tracey Thombs, 607 Bump Hill Road. Concerns included the following. Send notices to all affected land and homeowners, not just abutters. Amend the proposal for an additional 45 days to give citizens more time to understand the scope of this project. JBI/town build a road and bridge with ROW to Route 17 at JBI's cost as primary access to the proposed gravel pit, gated and locked accessible only to JBI and Union Public Works.

Additional questions concerned road travel safety, road maintenance responsibility, security measures, dust and debris and air quality control, and increased road improvement/paving needed for increased commercial transport. Also included: vehicle frequency and fatigue factors, visual cues, effect on property values, wildlife conservation laws affecting this if any, tax assessment effect, will JBI hire other companies to do the process plant work, will JBI sell product from this pit to other commercial businesses using these roads, will JBI supply Union Public Works with reduced price gravel, does the town earn any credits or tax breaks or other incentives from the state or federal government if JBI is not going to be responsible for road maintenance.

Glenn Taylor left the meeting at 8:31 p.m.

Jerry noted we still have a quorum and continued reading the letter. Jake said they would have a gate and a sign; no blasting, will use tarp, talked about dust and debris control; talked about potentially using reclaimed asphalt. Property value is not Planning Board purview. Conservation is DEP. Grant said the property does have some Resource Protection in it, but he is staying completely out of that. Tax assessment is not Planning Board purview. This will not be a processing plant. JBI will sell from this pit to other commercial business with their dump trucks and trailers. Discount is not Planning Board purview. Surety bond guarantees road kept up.

The public hearing was adjourned at 8:38 p.m. Jerry Brooks thanked all parties for their interest and participation.

PLANNING BOARD MEETING

- 1. Meeting called to order:** 8:39 p.m. by Jerry Brooks
- 2. Final Site Plan Review, gravel pit – Map 13 Lot 21 – Jake Barbour (JBI)**

Jerry noted no conflict or bias, have quorum, board has jurisdiction. Applicant has standing as he is the listed buyer on Purchase and Sale Agreement of this property. All applications and fees done.

October 28, 2021 Public Hearing & Planning Board Minutes

The board reviewed 2.5 Review Criteria and Performance Standards, with JBI's submission read aloud by Paul Curtis of JBI.

2.5.1 Air and Water Pollution

The proposed project will not result in excessive water or air pollution on or off site. The pit will be internally drained, as such the storm water runoff will be contained within the pit. The project will not require subsurface septic fields, potable or fire control water. Therefore, the water requirements of this project should not impose a significant burden on the existing water supply.

2.5.2 Dust, Fumes, Vapors, and Gases

The mining activities will comply with the applicable Federal and State regulations pertaining to dust, fumes, vapors, and gases. The proposed mining activities should not result in the generation of fumes, vapors, and gases. If necessary, water or other palliatives may be applied to gravel roads to reduce dust per the agreement with the Road Commissioner of the Town of Union.

It was noted calcium chloride is typically used mixed with water. Jake suggested reclaimed asphalt, Grant said he thought a short section – dirt to paved section of Bump Hill Road, around residences. Jerry asked if board should entertain as a condition of approval. Grant said Jake is volunteering to do it, but you can't require him to do it. Laura suggested this be incorporated into the bond. Jake said this would be taken care of with a combination of calcium chloride, reclaimed asphalt, in conjunction with the Road Commissioner.

2.5.3 Odor

Waived.

2.5.3.4 Soil Erosion

The pit will be internally drained. Therefore, sediments produced by storm water runoff will be contained within the pit preventing the development of dangerous or unhealthy conditions on and off the site. The pit excavation shall have a minimum setback to adjacent property lines of 150'. The 150' setback will allow for a significant vegetated buffer from the adjoining properties. In addition to the pit being internally drained BMP(s) will be deployed around the perimeter of the active mining operation. Inactive areas of the pit will be revegetated to stabilize the area from excessive erosion.

October 28, 2021 Public Hearing & Planning Board Minutes

2.5.3.5 Vehicular Access, Parking, and Circulation

The proposed site layout shall provide for safe to and from public and private roads and shall meet the following standards:

2.5.5.1 The access road is a continuation of Happy Hollow Road. Therefore, the minimum sight distance requirements do not apply.

2.5.5.2 The road serving the site will be upgraded to adequately carry the anticipated traffic. There are no hazardous conflicts with existing turning movement and traffic flows.

2.5.5.3 There will be no pedestrian traffic at the site. Therefore, the safe separation of pedestrian and vehicular activity is satisfied.

2.5.6 Solid Waste and Sewage Waste Disposal

Waived.

2.5.7 Historic Sites

Waived.

2.5.8 Comprehensive Plan and Ordinance

The proposed mining operation is consistent with Comprehensive Plan and Ordinances of the Town of Union.

2.5.9 100-Year Flood Evaluation

Waived.

2.5.10 Relationship of Structure to the Environment

Waived.

2.5.11 Glare

Waived.

2.5.12 Noise

Sound from the mining operation shall not exceed the following limits at the property line measured at a height of four (4) feet above ground surface: in Rural District, 50 dB(A)s 7:00 a.m. to 10:00 p.m. and 40 dB(A)s 10:00 p.m. to 7:00 a.m.

October 28, 2021 Public Hearing & Planning Board Minutes

The following uses and activities shall be exempt from the sound pressure level regulations: temporary noises created by construction, timbering, or agriculture.

Grant said back up alarms are exempt from our noise standards as a safety device.

2.5.13 Performance Guarantees

Roads are the only infrastructure anticipated as requiring some form of performance guarantee negotiated. The requirements of the performance guarantee will be negotiated and agreed upon by JBI and the Road Commissioner of the Town of Union.

Jerry read aloud a letter dated October 27, 2021 from JBI to the Union Planning Board outlining the framework for the road maintenance agreement for Bump Hill and Happy Hollow Roads between JBI and the Town of Union. This framework had been discussed with and incorporates requirements from Road Commissioner Jay Feyler. Included:

1. JBI shall obtain a road maintenance bond in the amount of one hundred thousand dollars (\$100,000.00) for each year that the commercial mineral extraction operation is in production. The road maintenance bond will only be exercised in the event that JBI does not fulfill the terms and conditions specified in the road agreement, which are outlined in items 2 through 6 below.
2. JBI shall grade the level portions of Bump Hill and Happy Hollow Roads up to two times per year.
3. JBI shall be responsible for dust control and applying dust palliatives to the gravel portions of Bump Hill and Happy Hollow Roads.
4. JBI shall conduct an inspection of Bump Hill and Happy Hollow up to two times per year to document the condition of the roads by means of, but not limited to, photographic, video, or written documentation of our visual observations. The Town of Union Road Commissioner will be notified prior to an inspection so that a representative from the town may be present during the inspection.
5. JBI shall not be responsible for normal wear and tear of Bump Hill and Happy Hollow Roads.
6. Notice of defect to Bump Hill and Happy Hollow Roads shall be provided to JBI from the Town of Union in written form. JBI shall have 30 days after receipt of the notice of defect to respond back to the Town of Union with an action plan.

Jerry asked Grant about inspections. He feels as though two would do it. Jake said the town is free to do as many as they want. Twice a year is almost for his protection; greatest risk is the paved portions. Dirt they have, grader they have. It is more an inspection in his mind of the paved surface. They want two inspections along with the town. He noted his inspections are really his protections. Grant said we could do one a week if we chose to.

October 28, 2021 Public Hearing & Planning Board Minutes

The board next considered page 25 of the Land Use Ordinance, 1.10.3.10 Excavation, Processing, and Storage of Soil, Loam, Sand and Gravel. There are five conditions, two of which were waived (1.10.3.10.1 Applicability of Shoreland Zoning Ordinance and 1.10.3.10.5 Setback from Shoreline). The rest are redundant and will be covered in the next section (1.10.3.10.2 Setback from Lot Lines, 1.10.3.10.3 Finished Slopes, and 1.10.3.10.4 Topsoil Retention).

The board moved on to page 26 of the Land Use Ordinance, Commercial Mineral Extraction which is 1.10.3.11.

A sketch plan was submitted previously in Site Plan Review (1.10.3.11.2.1).

1.10.3.11.2.1.6 regarding wetlands and 1.10.3.11.2.1.8 regarding earth movement activity within specified time intervals were previously waived by the board.

1.10.3.11.2.2 Written statements and/or sketch plans were submitted which detail:

1.10.3.11.2.2.1 The location and nature of proposed fencing, buffer strips, signs, lighting, parking, and loading areas.

The property is not proposed to be fenced to restrict access. Once mining operations commence a gate with applicable signage may be installed at the mine entrance. Buffer strips will be provided adjacent to property lines and protected resources.

It was added that the site will be fairly remote.

1.10.3.11.2.2.2 The proposed method of earth movement will be by mechanical means such as but not limited to excavators, dozers, loaders, trucks, screening equipment, etc.

Dale confirmed no blasting. Jerry confirmed no crushing.

1.10.3.11.2.2.3 Working hours of the pit will typically be between 7:00 a.m. to 6:00 p.m. Monday through Friday. There will occasionally be Saturday hours as stated in the Public Hearing.

1.10.3.11.2.2.4 Erosion & sedimentation control measures shall be in compliance with the Maine DEP Erosion and Sedimentation Control Best Management Practices guide and manual.

It was again mentioned that the pit will be internally drained.

1.10.3.11.2.2.7 The average truck traffic to the pit is estimated to be approximately 25 trucks per day.

October 28, 2021 Public Hearing & Planning Board Minutes

Dale said the Road Commissioner may have info that may help here, even proposed changes; he may have an infrastructure plan to improve that road once he gets funding. It would be good to hear from him. That would address traffic.

Jerry said we need guidance from the Road Commissioner. This is not necessarily JBI's load to bear. The question is do we table it? Grant believes it was approved for George Hall in 2008. Dale, Laura, and Robin would like to bounce it off the Road Commissioner.

The board next considered 1.10.3.11.3 Performance Standards for Commercial Mineral Extraction, with Paul Curtis again reading aloud from JBI's submitted application.

1.10.3.11.3.2 Proposed setback from lot lines on the plan is 150'.

1.0.3.11.3.3 Pile heights shall be limited to 50'. Slopes of active stockpiles shall be limited to the materials natural angle of repose.

1.0.3.11.3.4 Screening from Surrounding Property

Waived.

1.0.3.11.3.5 Liability Insurance – JBI legally operates pits and quarries throughout the region. All of these mining operations are in compliance with local, state, and federal regulations and carry the appropriate insurances. The proposed Happy Hollow Pit will also be maintained within the required regulations and insurance requirements.

1.0.3.11.3.6 JBI proposes to comply with this provision, Topsoil to be Stockpiled.

Stockpiles will be seeded and mulched.

1.0.3.11.3.7 JBI proposes to comply with this provision, Control of Runoff, Debris, and Effluents.

1.0.3.11.3.8 JBI proposes to comply with this provision, Control of Sediment.

1.10.3.11.3.9 JBI proposes to comply with this provision, Control of Erosion.

It was noted that industry standard is a slope no steeper than 3:1.

1.10.3.11.3.10 JBI proposes to comply with this provision, Disturbance of a Water Source.

The planned activity on the site should not have a deleterious impact on water sources.

1.10.3.11.3.11 JBI proposes hours as stated during the Public Hearing of weekdays and some Saturdays, from 7:00 a.m. to 6:00 p.m.

October 28, 2021 Public Hearing & Planning Board Minutes

1.10.3.11.3.12 JBI proposes to comply with this provision, Covering of Loaded Vehicles. JBI's trucks are equipped with tarp systems.

1.10.3.11.3.13 JBI proposes to comply with this provision, Control of Road Dust and Mud.

Dust control shall be by watering or by applying a suitable dust palliative. Reclaim was mentioned.

1.10.3.11.3.14 JBI proposes to comply with this provision, Control of Emissions.

1.10.3.11.3.15 JBI proposes to comply with this provision, Transport of Materials; however, no transport of dangerous, hazardous, or toxic materials is anticipated.

1.10.3.11.3.16 JBI proposes to comply with this provision, Storage of Materials; however, no dangerous, hazardous, or toxic materials are anticipated.

1.10.3.11.3.17 JBI proposes to comply with this provision, Storage of Materials (re: debris or junk).

1.10.3.11.3.18 JBI proposes to comply with this provision, Site Restoration, to the fullest extent practicable. Their intent is to perform restoration activities as the grade mining operations cease and to not attempt to restore the mine to the existing ground contours that existed prior to the commencement of mining activities.

1.10.3.11.3.19 Per the pre-application meeting, the Planning Board has waived the requirements of this section, Surety and Terms of Approval.

Jerry then asked for comments from Planning Board members.

Laura summarized that many of this evening's public hearing comments had to do with road and intersection issues that are beyond the Planning Board's purview and have nothing to do with us approving or disapproving this application.

Jerry said prior to leaving Glenn had mentioned tabling the application in lieu of communication with the Road Commissioner.

Dale said initially that was his feeling, too, but it is not really fair to the applicant. We already asked for the Road Commissioner's input, and we have received it.

Robin suggested some agreement between the applicant and the Road Commissioner.

Jerry and Grant discussed that the Planning Board does not have the capacity to make requirements of the Road Commissioner.

October 28, 2021 Public Hearing & Planning Board Minutes

Grant said we finish acting on it tonight or at the next meeting in two weeks. Jerry said we could hold a special meeting.

Jerry noted we can have a performance bond. We have the minutes from this meeting, and it is recorded.

Laura noted the second Thursday in November is Veterans Day.

Motion to approve the application with two conditions – finalization of the performance bond and finalization of the road agreement between Jake Barbour, Inc. and the Town of Union Road Commissioner – by: Dale Flint

2nd by: Laura Curtis

4-0

3. Accept minutes of September 23, 2021:

Tabled due to lack of quorum.

4. Any other business by the board:

Grant executed the notary public seal regarding Robin Milliken unable to attend the September 23, 2021 Planning Board meeting at which this application was discussed.

5. Adjourn: 9:45 p.m.

Motion by: Laura Curtis

2nd by: Robin Milliken

4-0

Respectfully submitted,

Sherry Abaldo
Secretary