

**Union Planning Board Minutes**  
**Thursday, September 9, 2021, 6:30 p.m.**  
**William L. Pullen Municipal Building Downstairs Meeting Room**

**Present:** Laura Curtis, Gerald S. Brooks, Jr. (“Jerry,” Chair), Dale Flint, John Mountainland, Glenn Taylor, Michael Johnson

**Others Present:** CEO Grant Watmough, Erik Amundsen, Laurie Olmsted, Paul Curtis of JBI, Jake Barbour of JBI

**1. Meeting called to order: 6:30 p.m. by Jerry Brooks.**

Erik Amundsen addressed the board. He apologized for a harsh email months ago to Jerry. He thinks the Planning Board has the most important and hardest job in town, as it affects the whole future. As brought up at the last Select Board meeting, 20% of the townspeople are new which means stresses on all kinds of things. He urged the board to look carefully at zoning laws as changes are coming. He also urged the board to start looking at things tightly, stressed the importance of the town’s character, and wished them well.

**2. Request for family burial grounds – Map 2 Lot 7 – Laurie Olmsted:**

Jerry established no conflict or bias, quorum, applicant has standing, and all fees have been paid.

Laurie said her mother passed away last summer, and she inherited the property. Many relatives are already buried there, but she realized as a thorough person and former paralegal and nurse that it was not complete. She contacted her lawyer and had a survey done. Her intent is to give the small piece of land on the other side of the wall to her sister and husband to add to their house lot. The survey showed this as well as the proposed cemetery, where she would like to put a post and sign “Springer Family Cemetery.” She noted not a lot of other people that will be buried there. She summarized the family cemetery is pre-existing; she came before the board to file the property description, officially make it a family cemetery, and bury her mother there.

Laurie said there are four people currently buried there not including her mother. She noted the cemetery is way in the back. Two sides are marked by rock walls.

The board discussed setback requirements; it was noted there are no structures here. John added other cemeteries in town do not meet any setback requirements.

## September 9, 2021 Planning Board Minutes

No off-street parking is required for cemeteries. Laurie noted she owns the Right of Way road and keeps plenty of room so people could drive in there; her brother-in-law maintains it.

Jerry led the board through the list of Family Burial Ground Requirements per the State and Town of Union Land Use Ordinance.

Two conditions emerged: 1) waive setback requirements; and 2) record with the Registry of Deeds.

Motion to approve with the above two conditions by: Glenn Taylor

2<sup>nd</sup> by: Dale Flint

6-0

Grant noted one of the reasons this has to be recorded is that once it's done, it cannot be undone.

Glenn thanked Laurie for doing a lot of work.

### **3. Pre-application meeting under Site Plan Review, gravel pit – Map 13 Lot 21 – Jake Barbour (JBI)**

Jerry noted tonight is step one of a three-step process. The board will hear the applicant's preliminary presentation including a sketch plan of the proposed project. The board will review the application and presentation then outline information required for the next step.

Jerry established no conflict or bias, quorum, Planning Board has jurisdiction, appropriate fees paid, and applicant has standing to apply (Purchase and Sale Agreement included).

Jake Barbour of JBI said this is in an area of existing pits, though there is not presently a pit on this property. A 2008 application got Planning Board approval. Jerry noted John, Dale, Glenn, and Laura were all on the board then. Jake said they would follow that application as that's where the material is, where they would excavate. An existing wood road leads to the material. The property is plus or minus 367 acres. Excavation area would be around 40 acres. They would improve the wood road. The town road going to the property is in pretty good shape; they are aware it does get posted. They would follow all town standards as well as DEP, erosion control, NRVA, etc. To conform with DEP, no more than 10 acres at a time will be open, reclaiming as they go. He noted DEP does yearly inspections.

Grant added if approved, the Planning Board requires gravel pits to come back for reapproval every five years.

## September 9, 2021 Planning Board Minutes

Glenn said they must fall under MSHA. Jake said yes, and MSHA is mainly concerned about equipment, access, bags, from a safety standpoint.

Jake noted he/JBI is an experienced operator in good standing with DEP, MSHA (deal with them every day or as much as they come around) – good rapport with all of them. He also noted that there are houses on the way in, but none close to where the pits are going to be. The property is wooded. It's delineated. Paul did a lot of work.

Paul discussed the submitted materials, which show where the region is. It will be more delineated in the field, but as of now they are out of Resource Protection area. He showed wetlands from the previous Gartley & Dorsky submission. A lot of the property lines are from tax maps, with lot descriptions and owners updated since last time this was approved. He also provided contours at 5' intervals, 150' setbacks, and silt fence barrier around the area they plan to excavate.

He said as Jake mentioned, once DEP notice is filed, they can go up to 10 open then probably reclaim as they went. If they want to go more than 10, DEP requires filing a permit bond then an additional bond that goes with it for restoration purposes.

In answer to Jerry, Jake said they do not have performance bonds. Paul spoke with DEP who said it's not required unless they go over 10.

Paul believes the town originally waived the performance bond, and there were additional things concerning roads.

Jerry said they required \$100,000 surety at one point. He reminded this is an informal process and asked for any questions from the board.

Glenn recalled a site walk previously. John is against site walks; he thinks the premise should be what's presented. Jerry said it's a stretch because it's so many acres, checking against wetlands, etc., where it's been done twice his personal tendency is to waive. Glenn added not a lot town-wise has changed since 2008. Jerry agreed including commercial mineral extraction except perhaps some wording of Site Plan Review.

Grant said if site walk – which Jerry added is not required -- they would be looking at vacant land. As far as wetlands setbacks and Resource Protection, that is his job.

Glenn noted we will have a public hearing. Jerry said there are new abutters. Grant said a third of the abutters have changed since last time.

Jerry led the board and applicant through relevant portions of the Land Use Ordinance:

1.10.3.10 Excavation, Processing, and Storage of Soil, Loam, Sand and Gravel

## September 9, 2021 Planning Board Minutes

### 1.10.3.11.2 Application for Commercial Mineral Extraction

The board waived 1.10.3.11.2.1.6 (location of water bodies or wetlands within 1 km of proposed site) and 1.10.3.11.2.1.8 (proposed movement, which is covered by DEP).

### 1.10.3.11.3 Performance Standards for Commercial Mineral Extraction

Jerry said last time the previous board waived the requirement for surety.

The board waived 1.10.3.11.3.4 (screening from surrounding property) and 1.10.3.11.3.19 (Surety and Terms of Approval).

Jerry went through 2 Site Plan Review Provisions. Regarding 2.4.2.1.2 the board requires four copies of a site plan rather than eight.

The board waived 2.4.2.2.6 (existing soil conditions), 2.4.2.2.7 (location of public utilities, culverts, wells, and leach fields), 2.4.2.2.11 (updated survey), 2.4.2.2.13 (location of all buildings within 300' of property boundaries), and 2.4.2.2.14 (location of all other structures, wells, etc. within 300' of property boundaries).

Jerry went through 2.5 Review Criteria and Performance Standards. The board waived 2.5.3 (odor) and 2.5.6 (solid waste and sewage waste disposal).

Next was 2.5.13 Performance Guarantees.

John said he would like to hear from the Road Commissioner, as they did the previous time.

Jake estimated 25 trucks per day, depending on the demand, jobs, and phase of jobs. He has a quarry in Friendship which is steady. He said it would operate nearly year-round.

The board agreed they would like a letter from the Road Commissioner regarding this project. Grant noted he can post the road any time of year, but let's see how he responds.

Jerry said the board will leave the decision about a performance guarantee to the Road Commissioner.

Next was 2.5.14 General Conditions.

The next meeting was set for Thursday, September 23, 2021 with public hearing and final scheduled for Thursday, October 28, 2021.

**September 9, 2021 Planning Board Minutes**

**4. Accept minutes of April 8, 2021:**

Motion by: Glenn Taylor

2<sup>nd</sup> by: Michael Johnson

4 (digital approval, Robin Milliken)-0-3 abstentions (Curtis, Mountainland, Johnson)

**Accept minutes of May 25, 2021:**

Motion by: Michael Johnson

2<sup>nd</sup> by: Laura Curtis

4-0-2 abstentions (Taylor, Mountainland)

**Accept minutes of June 10, 2021:**

Motion by: Michael Johnson

2<sup>nd</sup> by: Dale Flint

5 (digital approval, Robin Milliken)-0-2 abstentions (Curtis, Taylor)

**Accept minutes of August 12, 2021:**

Motion by: Glenn Taylor

2<sup>nd</sup> by: Michael Johnson

5-0-1 abstention (Flint)

**Other:** Jerry reminded the board to sign the waiver for special expansion allowance, to be recorded with the Knox County Registry of Deeds. Grant reminded four signatures are needed. The document was there and signed.

**5. Adjourn:** 8:12 p.m.

Motion by: Glenn Taylor

2<sup>nd</sup> by: Dale Flint

6-0

Respectfully submitted,

Sherry Abaldo  
Secretary