



## City of Auburn, Maine

Office of Planning & Development  
www.auburnmaine.gov | 60 Court Street  
Auburn, Maine 04210  
207.333.6601

### PLANNING BOARD STAFF REPORT

To: Auburn Planning Board

From: Douglas M. Greene; AICP, RLA  
City Planner

Re: R. A. Cummings Inc., Brown's Crossing Road- Excavation (Quarry) Permit

Date: June 14, 2016

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- I. PROPOSAL- E. S. Coffin Engineering and Surveying, Inc., an agent for R. A. Cummings Inc., is seeking approval of mineral extraction permit for a rock quarry at a property located at Brown's Crossing Road, (PID # 055-009) pursuant to Article VIII (Excavation Permit Regulations) of the Auburn Code of Ordinances.

Auburn's Zoning Ordinance has a specific section for the review, approval and permitting of Quarries and Mineral Extraction. These activities are allowed in any zoning district but must meet stringent requirements. The State of Maine Department of Environmental Protection regulates excavations and quarries. The applicant has applied for a DEP Quarry application, a Natural Resources Protection Act (NRPA) Tier 1 permit for wetland disturbance and to the City of Auburn for an Excavation permit. The applicant has submitted a narrative in two parts (a and b) that explains issues to be considered (Section 60-698, part a) and the 6 items that need to be addressed (Section 60-698 part b). In addition the Excavation Ordinance requires a site visit by the Planning Board prior to the June 14<sup>th</sup> public hearing. The Staff will report on the applicant's narratives in Section III. Planning Board Action.

- II. DEPARTMENT REVIEW- The Plan Review Committee reviewed this application on May 18<sup>th</sup> with the following comments.
  - a. Police- No Comments.
  - b. Auburn Water and Sewer- No Comments.
  - c. Fire Department- Tim Allen, Fire Department stated that the State Fire Marshall would oversee any blasting regulations. There will need to be a pre-blasting survey of structures and foundations within a half mile area.
  - d. Engineering- Gary Johnson, Engineering Department, stated that the 50 foot buffer along Browns Crossing Road needs to be 100 feet as per DEP regulations. The gravel pit plan shows excavation to a depth of 80 feet which may be at or below the level of the Royal River which is near the project. Water might migrate

through cracks in the earth into or out of the pit. Brown's Crossing Road is a posted road and would be limited in use during the time of year roads are posted. There may be a need for bonding for the care and/or repair of Brown's Crossing Road. Gary also mentioned that the property's address may need to be changed based on where the entrance is placed. While it an internal feature, the access road into the pit is extremely steep and side slopes

- e. Public Services- No Comments.
- f. Planning and Development- The staff is also questioning the quarry setbacks from adjacent properties as per a DEP quarry brochure. It lists a 50 foot buffer from adjacent properties not the 25 foot buffer listed on the application.

### III. PLANNING BOARD ACTION-

The Auburn Zoning Ordinance Section 60-698 (Items To Be Considered In An Application) lists 3 main categories for the Planning Board to evaluate.

- (a) In judging whether or not a resource extraction permit shall be issued, the planning board shall **after a public hearing**, determine the setback allowances, ingress and egress to provide a sight distance that meets minimum safety standards, and access road location and maintenance.

**The staff has comments from Engineering regarding the buffer setback along Brown's Crossing Road and would like this addressed.**

- (b) In judging whether or not a resource extraction permit shall be issued, the planning board shall address the following, if applicable:

- (1) Maintenance of safe and healthful conditions such as the posting of danger areas, the installation of gates to prevent access, etc.;

**Staff Comment- Applicant has addressed this adequately**

- (2) The prevention and control of erosion and sedimentation;

**Staff Comment- Applicant has addressed this adequately**

- (3) The proximity of water bodies and wetland areas;

**Staff Comment- Applicant should address Engineering's comment about the depth of the pit and the elevation of the nearby Royal River.**

- (4) The effect on the aesthetic, scenic or natural beauty of the immediate area;

**Staff Comment- Applicant has addressed this adequately**

- (5) Whether the size of the resource deposit in relation to the area affected justifies the excavation activity;

**Staff Comment- Applicant has addressed this adequately**

- (6) The compatibility of the use with the surrounding uses and the neighborhood. Under these criteria, items to be addressed are as follows: hours of operation,



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noise emitted from the operation, types of machinery to be used, dust, provisions of screening, orientation of the excavation operation, etc.

**Staff Comment- The Staff has concern about the possible hours of operation, especially for "special circumstances" 5 am – 7 pm.**

(c) In judging whether or not a resource extraction permit should be issued, the planning board shall address the following:

(1) Adequacy of the applicant's reclamation plan;

The applicant stated in an email dated, June 10, 2016 "The reclamation plan for a rock quarry is the same as the design plan (C-1) submitted. This is different than a gravel pit because of the 2 ½ : 1 slopes required whereas a rock quarry has vertical faces.

**Staff Comment- The Staff will report at the June 14, 2016 meeting.**

(2) The applicant must demonstrate proof of bonding capacity or security adequate to ensure compliance with an approved reclamation plan.

The applicant will provide information on financial capacity at the meeting.

**Staff Comment- The Staff will report at the June 14, 2016 meeting**

#### IV. STAFF RECOMMENDATION-

The Staff will not make any recommendation at this the time of preparing this staff report and instead, rely on the (Planning Board) site visit prior to the June 14, 2016 public hearing and a discussion of the following items listed in III. Planning Board; a, b 3, b 6 and c 1 and c 2.

Should the Planning Board approve this plan, the approval is subject to the following conditions:

1. No development activity until any bonding or inspection fees is determined by the Auburn Engineering Department.
2. DEP Quarry permit is required prior to any development activity.
3. A Natural Resources Protection Act (NRPA) Tier 1 permit for wetland disturbance is required prior to any development activity.
4. The hours of operation shall be (to be approved by the Planning Board)
5. All blasting activity shall comply with State Law.



Douglas M. Greene, A.I.C.P., R.L.A.  
City Planner

## NOTICE OF MEETING

Please take notice that:

R.A. Cummings, Inc.  
82 Goldwaite Road  
Auburn, ME 04201  
207-777-7100

is intending to conduct a meeting at Auburn Concrete located at 82 Goldwaite Road in Auburn at 4:30 pm on Tuesday June 14<sup>th</sup>, 2016. The purpose of this meeting is provide information in regard to the Variance Application for R.A. Cummings, Inc. located on Browns Crossing Road in Auburn. All interested neighbors are welcome to attend.

Under the Performance Standards for Excavations, 38 M.R.S.A. §490-D(6-A), a natural buffer strip of at least 100 feet must be maintained between the working edge of a gravel pit and a public road. The applicant would like to reduce the natural buffer strip to 50 feet in width along Browns Crossing Road and therefore is submitting a variance application to resolve this issue.

If you should have any questions or concerns please contact the applicant's agent:

Coffin Engineering & Surveying  
Jim Coffin  
432 Cony Road  
Augusta, ME 04330  
207-623-9475