



**Planning & Development**  
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### **Site Plan Amendment Application Memo**

Date: August 4, 2023

To: Planning Board

From: Planning Office

Re: Bills Lane Pit – Map 47, Lot 39

### **Project Description:**

Geoff Aleva, PE of Civil Consultants has submitted a Site Plan Amendment Application on behalf of the owner/applicant Swan Brooks Holdings, LLC. The Site Plan Amendment Application is seeking approval to expand mineral extraction from 17.85 acres to 22.55 acres on the existing 31.909 acre parcel. No more than 10 acres of open Mineral Extraction permitted at one time. Reclamation of the Mineral Extraction use is required. No structures are proposed. Accessory screening and crushing of material is proposed. The parcel is located off of Bills Lane and is within the Rural District. Tax Map 47, Lot 39.

### **§ 145-74. Review and approval process.**

#### D. Planning Board review process.

- (1) If there are site plan approval applications to review, the Planning Board shall meet at least two times a month and its meeting agenda shall be posted in the Town Hall at least seven days prior to the meeting. Applications and other supporting submittals shall be filed by the applicant in the Office of Planning and Development at least 10 days before the meeting. Additional materials received from an applicant less than 10 days before a meeting will be held by the Office of Planning and Development staff until the meeting and will be distributed when the application is discussed. Such late submittals may only be considered at the discretion of the Planning Board. The Board shall only consider accepting late submittals upon finding that the content is nontechnical, brief and may be easily reviewed in a short time period, and any parties to the proceeding will have adequate time to review and respond to the submittals. **Application submitted on 7/5/23. Planning Board received the application on 7/24/23**
- (2) Applications for site plan approval are to be filed with the Office of Planning and Development. The application shall be accompanied by a site plan and the required fee along with a certification that the applicant has sent or delivered notices to the abutters of the filing of the site plan approval application. If the abutters have been notified by the Code Enforcement Officer of a preapplication for the same project within the last 60 days pursuant to Subsection **A(1)(b)[1]**, the applicant shall be exempted from notifying the abutters of the site plan application filing. Within seven days of receipt of the application by the Office of

Planning and Development, the Code Enforcement Officer shall determine if the proposed use meets the requirements of Articles V, VI and VII. If it does not, the Code Enforcement Officer shall notify the applicant in writing. If it does, the application shall be reviewed for completeness by the Planning Board's agent or placed on a Planning Board agenda for the Planning Board to review for completeness. The applicant may request, in writing, that the Board waive submission of the requirements of § 145-77. The Board may waive any of the submission requirements listed in § 145-77 if it determines that they would not be applicable or are not necessary to determine that the standards of § 145-75 have been or will be met. **Abutters mailed notice of application on 7/10/23**

- (3) It is the responsibility of the Planning Board, or its agent if so designated, to determine if the application is complete. If it is the responsibility of the Board to determine whether the application is complete it must be done within 21 days of receipt of the application by the Board. If it is the responsibility of the Board's agent to determine whether the application is complete it must be done within 14 days of receipt of the application by the Office of Planning and Development. The time period for determining completeness may be extended by mutual consent of the applicant and the Planning Board or its agent. If the application is complete it shall be placed on an agenda for presentation to the Board at a public hearing. If the application is not complete, the applicant shall be notified, in writing, of the additional information needed to complete the application. If the additional information or a written request for an extension is not submitted within 60 days of the notification, the application shall be considered to be withdrawn. If the Planning Board's agent has determined that the application is not complete and the applicant believes it is complete, the applicant may request in writing for the application to be placed on the agenda for the next Planning Board meeting and have the Planning Board review the application for completeness. **Site Walk held on 8/3/23.**
- (4) Upon determining that a complete application has been submitted, the Office of Planning and Development shall notify the Staff Review Committee members of the application and request their comments on the application in writing. **SRC review not applicable.**
- (5) Within 35 days of determining that the application is complete the Planning Board shall hold a public hearing on the application. **Public Hearing to be determined**
  - (a) In scheduling public hearings under this section, the Planning Board shall publish notice of the hearing at least 10 days in advance in a newspaper of general circulation in the area. The applicant shall be responsible for paying the cost of such notices.
  - (b) The Planning Board shall notify, by certified mail, the applicant and all abutters of the lot involved, including owners of lots on the opposite side of the street, at least 10 days in advance of the hearing, of the nature of the application and of the time and place of the public hearing.
  - (c) The lot owners shall be considered to be those against whom taxes are assessed. In the case of condominiums, the condominium association, not each unit owner, shall be notified. Failure of any lot owner to receive a notice of public hearing shall not necessitate another hearing or invalidate any action by the Planning Board.
  - (d) At any hearing, a person may be represented by his agent or attorney. Hearings shall not be continued to other times except for good cause.
  - (e) The applicant's case shall be heard first. To maintain orderly procedure, each side shall proceed without interruption. Questions shall be asked through the Chair. All persons at the hearing shall abide by the order of the Chairman.
- (6) Within 35 days of the public hearing or a period of time agreed to by the applicant and the Planning Board, the Planning Board shall reach a decision based on the criteria found in § 145-75 and shall inform the applicant in writing within seven days of its decision stating its reasons. The Board shall prepare detailed, written findings of fact and conclusions, based on the evidence presented at the public hearing and evidence presented by the applicant and evidence presented by Town staff. **To be determined**

## Recommendations and conclusions:

1. The Planning Board to consider the following:
  - a. Report the site walk results. See attached memo.
  - b. Review Completeness review comments:
    - i. Has the brush cutting been completed/maintained along Bills Lane to achieve the required site distances?
    - ii. Planning Board to review crusher location and plan note 25. Is there to be a limit to the number of consecutive days the crusher is used?
    - iii. The entrance and gate as-built locations are depicted on the plan. The Knox box is not labelled.
    - iv. The paved entrance is not 100' long as required. Additional pavement is required.
    - v. Is an on-site driven point well needed to provide water for dust control?
    - vi. An updated/draft performance bond has been provided. Minor edits to be addressed.
    - vii. Plan scale waiver to be considered by the Planning Board.
    - viii. Updated boundary survey including the 4.8 acres of expansion has not yet been provided as requested.
    - ix. Buffer/screening to be determined after a public hearing:
      1. A 100' wide vegetated no-cut buffer exists adjacent to all lot lines of this property, except along recently divided off parcels A and B. A buffer reduction agreement exists for Parcels A and B reducing the buffer down to 60'. The Planning Board to determine if these no-cut buffers continue to satisfy the screening requirements for residential abutters per 145-53.
      2. In the area of expansion a 100' vegetated no-cut buffer is proposed. The Planning Board to determine if these no-cut buffers satisfy the screening requirements for residential abutters per 145-53.
      3. The Planning Board to determine if the 100' wide no-cut buffer along Bills Lane continues to satisfy the Bills Lane landscaped buffer requirements.
  - c. The Planning Board to consider appointing the Planning Office as the completeness agent.
  - d. The Planning Board to determine if a public hearing is to be scheduled once the application is complete.
  - e. The Planning Board to continue for 60 days.