

# Town of Acton, Maine

## Planning Board Meeting

### MEETING MINUTES

**DATE:** March 16, 2017 (approved April 6, 2017)

**ROLL CALL:**

Members Present: Bob Smith – Chairman  
Tom Cashin – Vice Chairman  
Yoli Gallagher  
Gavin Maloney  
Skip Scott  
Lincoln Marston, Alternate

Members Absent: Leslie Berlan, Alternate (excused)

Also present: Ken Paul, CEO; Brenda Charland, Recording Secretary; Virginia Deboer, Video Recorder; Tom Harmon, Civil Consultants; Matt Pepin; Carl Davis; Raymond Robichaud; John Hood; Scott McLean; Steve Stearns; David Horne; Anita Horne; Patrick Demers; Dave Haberman; Judy Haberman, Jim Fiske

**Public Hearing: Pepin**, Conditional Use Permit to Expand Mineral Extraction Operations at Map #207, Lot #005, H Road: The Chairman convened the hearing at 7:00 p.m.

Matt Pepin reviewed the application requesting to expand the current thirty-five acre pit to approximately ninety acres and to extract up to 10,000 cubic yards annually from two areas in the northern portion of the property near the river. He noted that the intention is to actively mine the site in about ten years. He pointed out on the map several monitoring wells around the property which ensure that there are no contaminants in the ground and that the excavation is no closer than five feet above the water table. The Company intends to only excavate within seven feet of the water table until there are enough records to determine the typical water level of the property.

He also stated that they are working with the Three Rivers Land Trust to transfer the land around Hanson Pond to that Trust.

Anita Horn asked how close to the property lines will the excavation be done. Mr. Pepin replied that the requirement is 250 feet, and that stipulation is clearly stated in the Operations Manual.

Yoli Gallagher asked Matt how many truck trips are expected per day. Mr. Pepin answered that they are requesting a total of forty-eight daily trips, however, typically, unless they are working on a special project, they would only do about twenty-four trips per day.

Bob Smith asked what exactly occurs at the start time of 5:30 a.m. Mr. Pepin responded that only truck loading would occur that early; crushing and screening would not start until 6:30 a.m.

The Chairman asked if anyone present had any other questions or comments. Hearing none, he closed the public hearing and convened the regular meeting at 7:25 a.m.

**Approval of Minutes:** Moved by Skip Scott, seconded by Yoli Gallagher, to approve the Minutes of the Meeting of March 2, 2017 as written.

Tom Cashin noted that in discussing the Moose Pond Sand and Gravel Conditional Use Permit, #5B of that plan should state the allowance of a maximum of a 3 to 1 slope instead of elevation.

Mr. Cashin also observed that in discussing the proposed amendments to the Ordinance, the Minutes removed the date, September 29, 2011 from the section heading instead of from section 1.4. 11.2b as was voted by the Board. Therefore, the section should read:

1.4.11.2 b) After September 29, 2011, if any portion of a structure in the Resource Protection District outside of the Shoreland Zone is less

Approving the amended Minutes passed 5-0.

**Old Business:**

● **Pepin, Conditional Use Permit to Expand Mineral Extraction Operations at Map #207, Lot #005, H Road:**

Items of Board discussion were:

- provide proof of liability insurance;
- all top soil will remain on site to be used for reclamation;
- the apron area where the entrance meets H Road should be paved. Mr. Paul pointed out that the overhead map indicates that about 170 feet is currently paved;
- reclaiming in the CRD 7 and CRD 9 areas will coincide with opening a new excavation area;
- bathroom facilities should be available on site;
- ensure that no petroleum products reach the ground during refueling, no fuel storage on site;
- a knox box will be installed;
- “trucks entering” signs should be posted along H Road;
- the slope of reclamation will be 2 – 1;
- trees used in reclamation will be native, a list of species used in each reclaimed area should be maintained;
- modify vernal pool buffer on the map;
- adjust the resource protection around CRD4 based on the Town of Acton criteria;
- maintenance of the two roads crossing across Resource Protection;
- hours of operations;
- limiting the decibels at the property line. Gavin Maloney was concerned about how sounds affect the wildlife, nesting birds, etc. Discussion was to limit the decibels to 60 throughout the site;
- list the school bus schedule in the Operations Manual;
- disposal of stumps;
- off site materials, Mr. Pepin stated that only materials that are needed for reclaiming will be brought onsite and he would work with the Code Office to use the materials;

- **12<sup>th</sup> Street Acres Subdivision Modification – Proposed Plan Revision:** Scott McLeod spoke with the Board about modifying the driveway for lot #4 and explained that he was unaware that the plan did not allow him to change the driveway. He stated that the engineering report regarding the change says that with the ditching and culverts as required by the plan, no additional water would run into the road with the driveway change.

The Chairman stated that throughout the original approval process, many of the neighborhood home owners expressed concern that the development runoff would cause road damage. He felt that the plan resulted in a lot of dialog and compromise. He expressed concern when he visited the site recently.

Mr. McLeod stated that throughout the development, he has taken every precaution to prevent erosion. The Chairman asked the neighbors that were present if they have observed any problems during the construction. Doug Haberman responded that he has not but that it has been very dry.

Steve Stearns noted that he had entered data into an evaluation program that concluded that no more water will run from the property with no higher velocity. He stated that the design is based on a two, ten and twenty-five year storm. Tom Cashin suggested that he design the plan with the data for a fifty year storm.

Mr. Paul pointed out that the water is going to the detention pond whether it comes from the driveway on the original plan or the driveway as modified. Lincoln Marston agreed that a well-maintained ditch will greatly improve directing the water from 12<sup>th</sup> Street.

Skip Scott moved to approve the modified plan to include a paved driveway on Lot #4 designed to prevent sheet flow onto 12<sup>th</sup> Street. The motion, seconded by, Tom Cashin, passed 3-2.

The amended plan was signed by Bob Smith, Skip Scott and Lincoln Marston.

**Van Hertel Four-Lot Subdivision Application, Route 109 / Milton Mills Road, Map 241, Lot 241:** to be discussed at the meeting scheduled for April 6, 2017

- **Moose Pond Sand And Gravel Conditional Use Permit Application for Mineral Extraction, Anderson Cove / H Road, Map 207, Lot 001:** Site visit scheduled Saturday, March 18, 2017 @ 10:30 a.m.
- **Proposed Amendments to the Zoning Ordinance: Tom Cashin repeated that the date should be struck from Section 1.4.11.2 b instead of the heading, reading:**

1.4.11.2 b) After ~~September 29, 2011~~, if any portion of a structure in the Resource Protection District outside of the Shoreland Zone is less

#### **Code Enforcement:**

- **Sergio and Effie Jaramillo, 96 Chipmunk Run, Map 112, Lot 014, Best Practical Location Approved 11/3/2016:** Jim Fiske, the contractor working on rebuilding at this site, explained that on the original application, he had stated that the relocated building would be 44 feet from the shoreline, originally 35 feet, and 51 feet from the center of the Chipmunk Run. However, because it was discovered that the front pins of the property were located incorrectly, the revised certified plot plan shows that the building would actually be 41 feet from the center of the Road. Mr. Fiske is seeking an approved modification to the 11/3/2016 Best Practical Location Approval.

Moved by Skip Scott, seconded by Tom Cashin, the approve the modification with the conditional that all expected stormwater mitigation practices are used and that the final location of the building is no closer than 44 feet from the high water mark of the water. The motion passed 5-0.

**Adjournment:** The Chairman adjourned the meeting at 9:24 p.m.