

Town of Acton, Maine

Planning Board Meeting

MEETING MINUTES

DATE: April 20, 2017 (approved May 4, 2017)

ROLL CALL:

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

Members Absent: Skip Scott (excused)

Also present: Ken Paul, CEO; Brenda Charland, Recording Secretary; Virginia Deboer, Video Recorder; Matt Pepin, Jim Crowley, Charlie Goodstein, Tom Harmon

Approval of Minutes:

Moved by Tom Cashin, seconded by Gavin Maloney, to approve the Minutes of the Meeting of April 6th as written. The motion passed 5-0.

Old Business:

- **Pepin, Conditional Use Permit to Expand Mineral Extraction Operations at Map #207, Lot #005, H Road:** Matt Pepin reviewed the list of issues that the Planning Board identified at the meeting of March 16th:
 - A copy of the liability insurance binder was sent to the Land Use Department;
 - The Operations Manual stipulates in Section 2.13 that all top soil will remain on site to be used for reclamation;
 - The apron area where the entrance meets H Road is currently paved beyond the required 100 feet;
 - Reclamation is outlined in Section 3.0 of the Operations Manual and on page four of the Gravel Extraction Site Plan;
 - Section 2.1 of the Operations Manual provides for the provision of bathroom facilities on site;
 - Section 2.9 of the Operations Manual addresses refueling equipment and the “Spill Prevention Control and Countermeasures Plan” section of the Gravel Extraction Site Plan;

- The installation of a Knox box to allow unrestricted access to emergency personnel is addressed in Section 1.3 of the Operations Manual;
- “Trucks entering” signs are posted along H Road in compliance with the original approval as stated in Section 1.3, Site Access, of the Operations Manual;

- The final reclamation grade of 2:1 is defined in Section 2.3 of the Operations Manual;

Tom Cashin recommended changing the final grade to 2.5:1; consensus of the Board was to make this one of the conditions of approval.

- Trees used in reclamation will be native as listed in Section 3.2 of the Operations Manual;

Gavin Maloney distributed a list of acceptable trees and vegetation and suggested revegetation techniques. Discussion was that these techniques, which includes using a mounding which reduces fertilizer and lime application.

- The maps have been modified to define the vernal pool buffer and adjust the resource protection around CRD4 based on the Town of Acton criteria;

- Maintenance of the two roads crossing across Resource Protection: Section 4.10, Use of Existing Logging Roads, of the Operations Manual states that “the operator shall ensure that erosion control methods are used to prevent any runoff near a stream crossing associated with the roadway. The operator will ensure that environmentally sensitive areas near the roadway are protected at all times.” There are notes on page two of the plans that address this issue also;

- Hours of Operations: After discussion, consensus of Board members was that hours of operations will be 6:00 a.m. – 5:00 p.m. on weekdays, 7:00 a.m. – 2:00 p.m. on Saturdays and the crusher will not be operated on Saturdays from June 15th through September 15th.

- Noise is addressed in Section 2.10 which states that “noise at property lines is limited to 60 decibels at all times”;

- Section 2.2, Hours of Operation, in the Operations Manual lists the school bus schedule and states that “all traffic moving in and out of the site will be made aware of the local school bus schedule as a safety consideration”;

- Off site materials will be used in accordance with Section 2.6, Off-Site Material, of the Operations Manual. Mr. Pepin noted that he believes only top soil necessary for reclamation will be truck onto the site;

The Chairman asked Mr. Paul if an issue is addressed in the Operations Manual, is it necessary to include it as a condition. Mr. Paul responded that only if it is a major concern, then the condition can reference the Manual or Plan notations.

Tom Cashin read the Standards Applicable to Conditional Uses as outlined in Section 6.6.3.7 of the Zoning Ordinance:

- a. The use will not have an adverse impact on spawning grounds, fish, aquatic life, bird, or other wildlife habitat.

Yes
with Conditions

- b. The use will conserve shore cover and visual, as well as actual, access to water bodies. Yes
- c. The use is consistent with the Comprehensive Plan. Yes
- d. Traffic access to the site meets the standards contained in this Ordinance; and traffic congestion has been addressed in accordance with performance standards in this Ordinance. (Section 1.3, Site Access, of the Operations Manual) Yes
- e. The site design is in conformance with all municipal flood hazard protection regulations. Yes
- f. Adequate provision for the disposal of all wastewater and solid waste has been made. Yes
- g. Adequate provision for the transportation, storage, and disposal of any hazardous materials has been made. (Section 2.9 Refueling of Equipment, Operations Manual) Yes
- h. A storm water drainage management system capable of handling a twenty-five (25) year storm without adverse impact on adjacent properties has been designed. (the site is internally drained) N/A
- i. Adequate provisions to control soil erosion and sedimentation have been made. (Section 2.12 Control of Dust and Erosion of the Operations Manual and page four, Erosion Control Measures of the Extraction Site Plan) Yes
- j. There is adequate water supply to meet the demands of the proposed use and for fire protection purposes. N/A
- k. The provisions for buffer strips and on-site landscaping provide adequate protection to neighboring properties from detrimental features of the development, such as noise, glare, fumes, dust, odor, and the like. (the decibel level will not exceed 60 outside of a three hundred foot perimeter of the operations area) Yes with Conditions
- l. All performance standards in this Ordinance, applicable to the proposed use will be met. Yes
- m. Archeological and historic resources, as designated in the Comprehensive Plan, will be protected. NA

The conditions discussed by the Board which will be listed on the plans:

- the decibel level will not exceed 60 outside of a three hundred foot perimeter of the operations area;
- the crusher will not be operated on Saturdays from June 15th through September 15th;
- the final grade to 2.5:1, as stated in Section 2.3 of the Operations Manual;
- the Town will be notified of any substantial change in activity;

- operations will be 6:00 a.m. to 5:00 p.m. on Mondays through Fridays and 7:00 a.m. to 2:00 p.m. on Saturdays;
- Truck trips onto the site is limited to a maximum of 48 per day.

The Chairman stated that the approval of the Conditional Use Permit, with changes to the Operations Manual and the Gravel Extraction Site Plan, will be considered at the next meeting.

- **Moose Pond Sand And Gravel Conditional Use Permit Application for Mineral Extraction, Anderson Cove / H Road, Map 207, Lot 001:**

The Chairman reviewed the site visit that was conducted on April 15th:

- This site was approved for excavation previously and not much has changed;
- Reclaiming efforts of the excavated areas were started but are still weak;
- All required DEP permits have been acquired;
- There was some concern around the quality of the top soil that will be brought to the site for reclamation. The property owner will be required to contact the CEO for inspection of this material;
- There seemed to be open excavation areas in excess of the allowed ten acres or this may just appear so because the reclamation hasn't taken place yet;
- Two very wet areas were observed that may require some sort of protection.

Tom Harmon explained that the existing open areas are well under the ten acre maximum allowance; the stock pile areas do not count against the ten acres.

He also noted that as long as the open area of excavation remains under ten acres, the DEP does not require bonding.

Bob Smith asked Mr. Harmon about the number of truck trips listed on the plan and requested that this number be clarified.

The Board set a Public Hearing to review the application on Thursday, May 18th.

- **Jim Crowley regarding a Conditional Use Permit for a Professional Building at 1076 Route 109, Map 233-020:** Mr. Crowley explained to the Board that he is seeking a Conditional Use Permit to rent out three professional spaces to tenants such as real estate brokers, etc. and a residential unit on the second floor. He plans to change the traffic pattern so that the parking area and main entrance will be on the left side of the building and the existing parking area that serves presently will be revegetated and the existing entrance to the building eliminated. He noted that the State Fire Marshall did a study about four years ago which allowed the second floor residence.

Mr. Crowley stated that he has the DOT entrance permit; the driveway will be wide enough for in and out traffic. There are thirty-four proposed parking spaces, which the CEO said is adequate for the proposed use.

Tom Cashin asked if the lots meet the minimum road frontage for the Commercial District. The CEO responded that the lots are both existing lots of record and that the proposed use of the building will impact the traffic on Route 109 far less than when it was used as a restaurant.

Gavin Maloney asked about the 20% impervious lot coverage. Mr. Crowley explained that revegetation and planting is planned. The CEO asked him to have the surveyor calculate the current impervious lot coverage and the proposed lot coverage.

The Chairman observed that the existing septic system is more than adequate to serve the proposed usage.

The Board set May 18th as the date for the Public Hearing.

- **Goat Hill Subdivision Redivision, Map 220, Lot 002:** The Three Rivers Land Trust is applying to modify the original approved subdivision to create an additional lot which will be accessed from Garvin Road. Tom Cashin noted that the new lot will have a conservation easement attached to it much like that on the existing Lot #1.

A Public Hearing to discuss the application was scheduled for Thursday, May 4, 2017.

- **Proposed Amendments to the Zoning Ordinance:** The Board set Thursday, May 4th as the Public Hearing to review the proposed amendments as required by the Ordinance.

Moved by Yoli Gallagher, seconded by Gavin Maloney, to send the proposed amendments as modified on April 18, 2017 to the Selectmen to be on the Warrant of the Annual Town Meeting in June as five separate articles with a recommendation to approve all five articles. The motion passed 5-0.

Adjournment: The Chairman adjourned the Meeting at 9:15 p.m.