

Planning Board

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October 19, 2006

Acton Planning Board

Meeting Minutes

October 19, 2006

Members Present: Chip Venell, Tom Cashin, Abraham Damuth,

Randy Goodwin, Jim Fiske

Members Absent: Yoli Gallagher, Brian Belanger

Guest Present: John Moore, Emily Cook, Donald Cook, Lionel Williams, Priscilla Williams, Catherine Turcotte, David Turcotte, Tom Harmon, Michael Peverett, Russell Wilkinson, Maureen Casey, Marion Casey, Ron Lowrey, Nancy Ruma, Joseph Ruma, Richard Hoyle, Sandra Hoyle, Penny Flayhan, Cheryl Donahue, Bruce Read, Deborah Baker, Bob Cronin, Selma Carson, Dan(WLA), Ken Paul (CEO), Michelle Rumney(secretary)

Meeting called to order at 7:10pm by Chip Venell

Public Hearing for Turcotte Gravel Pit (Map 09 Lot 16)

Jon St.Pierre of Civil Consultants opened with an explanation of the proposed extraction operation. The following points are made; the lot is 84 acres and approximately 53 acres will be harvested. A 100ft buffer will be kept surrounding the property as required by ordinance. An entrance permit is required from the Maine DOT and has been granted. The entrance will be moved approximately 75 feet south. The pit will be internally drained; there are two spots which are designated on the plans to show where. Berms will be created to impound water on site and allow water to infiltrate into the ground. The applicants are not asking for any waivers, they plan to do everything to meet the Town Ordinance.

Chip reads aloud for the record, a letter submitted from Walter and Beverly Wright dated October 17, 2006. A letter was also submitted from Attorney Bruce Read on behalf of abuttor Cheryl Donahue. Bruce Read is in attendance and does not feel it is necessary to read his letter aloud as he will address the points throughout the hearing.

Russell Wilkinson on behalf of the Acton Recreation Committee shares concerns that he and other have with the rec field being across from this proposed operation. The rec field is used generally between the months of August and October and May and June. He asks what hours of operation are proposed as they have a lot of kids at that field as well as parents when there is practice or a game and the traffic of the large trucks is of great concern. Also how many yards will be hauled per year and how many trips per day?

Jon St.Pierre says that without the permit 10,000 yds per year can be hauled. The estimated trips per day are 24. 12 trips in and 12 out. These trucks will likely be headed south to New Hampshire. Only 10 acres of the site will be opened at one time.

Bruce Read on behalf of abuttor Cheryl Donahue addresses the board. He explains that this permit does not have to be granted. It is in the board's hands to grant or deny this. It is not like a Conditional Use Permit, where if all submission requirements are met that you have to approve it. You have to consider if this operation is compatible with other uses that are already there. This is a neighborhood not only of residences but also with a recreation field for the children right across the street. Ms. Donahue would be sandwiched between two gravel pit operations, the Crawford Pit and this proposed pit.

He has heard third hand that the applicant had talked of down the road making this into a batch plant and producing cement. If this permit is granted, it should be clear that this is an EXTRACTION only permit. Do they plan on bringing materials in to the site? What if the loads/trips per day exceed 12? This should be limited by the Board. And where does the number for 24 trips come from?

Jon St.Pierre replies that this estimate of 12 trucks in and out is what they believe to be a reasonable estimate of market average. We are not licensed to be a batch plant and are not in front of the Board to license a batch plant. We are here for an extraction permit. He states that at times there may be screening and they could foresee that perhaps bringing in rock to be crushed may be a possibility.

Bruce Read states that as an extraction permit, no materials can be brought on site, the ordinance is very clear on this. Have traffic studies been done?

Jon St.Pierre replies that they applied for an entrance permit from the Maine DOT and it was granted. They have not done traffic studies themselves.

Bruce expresses that it would be helpful to know what type of traffic goes through here, how much and at different times of the year. Also of concern is the hours of operation and how many trucks do you estimate will be onsite at one time? Do these trucks have back up alarms that will add to the noise?

Jon states that they estimate an average of 3 trucks at one time on site. And the trucks will be equipped with whatever safety mechanisms that are required, so probably there will be alarms.

Penny Flayhan of Chickadee Road states that her driveway is directly across from the new entrance site, there is a dangerous curve in the road and it is hard to get out of her driveway as it is now, she fears that it will nearly impossible to get out if this goes through.

Nancy Ruma asks if there will be screeners on site and if they anticipate a crusher?

Jon replies that occasionally there will be a screener on site, if the operator were to want to bring material such as rocks on site a crusher may be utilized, but not planned.

Donald Cook of Falcon Road shares concerns about moving the entrance as there are a lot of accidents on that sharp corner already. Are the owners going to modify 109? And what about run off, you say it will be drained internally, but can you guarantee it?

Jon replies that there are standards in place and the way that it is designed it will not allow runoff to leave the site.

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Dick Hoyle emphasizes that the biggest value to the Town are the lakes and they should do anything to keep the lakes clean. Wants a guarantee make it into the lake.

Jon tells the residents that the lakes are of concern to them as well. Plans have been sent to County Soil Conservation Committee as well as Sc Regional Planning. We have designed it so that no runoff/ silt make it to the lake. These peer reviews should ensure that we have designed it r

Lionel Williams speaks. There are numerous accidents on that curve, concern of traffic also concerned of noise pollution. There are already 2 mile of each other, how will the town benefit from having another?

Russ Wilkinson asks approximately how many cubic yards are on the location and over what period of time will this operation run?

Jon states that they estimate 2 million cu/yards over a 20 year period in a series of 6 phases.

Don Cooke of Falcon Road is concerned because his road begins in the middle of Anderson's Store driveway, what happens when one of these have a coffee, his road will be blocked. Also, take in consideration the seepage from the trucks and machinery that will be onsite.

Bruce Read speaks: We don't know how much is too much for Route 109, a traffic study needs to be done. The Board needs specific answers. decided whether and with what conditions to give the permit.

Deborah Baker asks if this will be a year round operation, and if there are plans of secondary uses of this location we need to know. What is g daily basis on site?

The site will be used to load trucks for transport; machinery will be onsite to work the sand into piles, load trucks, and dumping materials into will be noise; however with the buffers left hopefully most noise will be diverted.

Sandra Hoyle asks what time they plan to start.

Jon replies that ultimately the board decides that, but they are asking to start loading trucks at 5am and working the pit at 7am until 8pm.

Sandra Hoyle expresses that this will be taking away from the quality of life here. This will be going on at 5am in their backyard.

Cheryl agrees with Sandra that we live here and visit here for a quality of life. We have to travel to get groceries or go to the movies, but we cl maintain this quality of life. The number of trips per day is estimated at 24, you should really consider the high of 48 trips, what will this do to

Russell asks how long before the Board will vote on this? What is the earliest?

Chip replies that we don't know when a decision will be made; it will not be tonight because there are more things that still need to be submitte not be on our meeting agenda until November 16, so no decision will be made before that for sure.

A guest member asks if this is open to guests to vote on like at Town Meeting. Chip replies, no the board votes on it; however they will take q and concerns into consideration when they do vote.

Sandra Hoyle asks if the members who are going to vote on this have been down to the area to see what this is. Chip replies that yes nearly ev the site.

Don Cooke expresses that he feels that this is unfair that this has come up now after most of the summer owners have left and it affects the wh area.

It is explained to the guests, that the application was submitted four weeks ago and likely most of the summer residents were gone by then. Th meeting with time open for a public hearing. All abutters of record within 500feet of the site were sent notices and notices were placed in both and Observer. Notices have also been placed in various locations around town.

Bruce asks how long the board will leave the record open to accept letters from homeowners that may not have been able to make the hearing.

Chip replies that the Board will always accept letters from the public; historically this has been the way we do things.

Cheryl Donahue asks what happens when their property values decrease due to noise pollution or even water pollution, does the town send out

Chip says that you have to seek abatement yourself through the assessor's office.

Nancy Ruma, an Acton Selectman, explains that before abatement is given the decrease of value has to be seen as a trend.

Maureen Casey addresses the possibility of run off making it into that stream and to the lake, which is a concern; however that water is also w house. She is concerned what she will be drinking? Also, when the rec field was being constructed the noise was horrific and that was just a re on these roads are nothing compared to what they are in the summer, and who will repair the road with these heavy trucks coming in and out al

Jon assures Ms. Casey that it will not affect your drinking water or the lake because that is the way they designed it. The State maintains Rout

Dick Hoyle asks if they plan to use water on this site.

Jon replies that he can't foresee it.

Chip asks the audience if there are any new comments or questions. There is not. He then asks the Board the same questions.

Tom asks Jon to explain some of the identifications on the plans and Jon answers Tom's questions. Tom then asks if there are notes here on a r Jon replies that they are enclosed in the packet submitted tonight. Tom then asks if they know what the elevation of Wilson Lake is. The answ the elevation is 574 feet.

Chip explains that the new entrance location should be staked out so that the members can go take a look at it before they come on the 16th.

Jon explains that they have been grated curb cut which will make the opening about 150 ft at the tapering. You will not see into the pit from th

Bruce read from submitted plans that they intend to close from March 1 to April 15 and any other time that the soils are saturated due to heavy frost.

Tom asks what types of soils were found at those levels where they did the test pits; and Jon replies that it is mostly all sand, very little rock.

Tom asks if they foresee that these drainage pools will maintain surface water. Jon replies that they are staying 5 feet above water table, so the dissipate quickly. In heavy rain they could see that there may be build up for a short period of time.

Dick Doyle asks that if the elevation of the lake is 574ft, what happens to the lake if they go below that elevation.

Jon replies that 583 feet is the lowest elevation that we show on our plans. Also concern of spillage or seepage on site was expressed, Jon repli be stored on site and a refueling pad has been designed to prevent spillage when fueling machinery that is used on sit.

Cheryl asks if the idea of a batch plant would be permitted by the Town. Chip replies that he does not know if the ordinance addresses batch pi have to come before the board separately for that. The extraction permit is not inclusive with a batch plant.

The Board will want the following information before they proceed further in the decision process: DOT traffic study, when was it last done a

numbers for winter traffic as well as summer traffic, mark out the new driveway entrance, provide a surety bond and certificate of insurance.

Tom asks if the applicants would be willing to develop a sort of building envelope where they would use the crusher and see if we could try to would least disturb the neighborhood with the noise. Also Tom does not see the 5am to 8pm operating hours as responsible hours for the board what will the days of operation be?

Randy expresses that he thinks a 12 hour loading and 8 hour operating period is a bit more reasonable than a 15 hour operation.

Selma Carlson tells the board that the pit operation just beyond the transfer station can be heard all over Great East Lake.

It is asked if the town has a noise ordinance, the board replies that there is not a noise ordinance in Acton. It is also asked if the applicant could decibel readings of the noise produced by the various types of machinery that will be used and at different distances.

Deb Baker mentions the hairpin turn in the road and asks if they foresee that being a problem with the trucks.

Trucks drive over this road all day long from everywhere, the turn is less likely to be a problem for trucks entering the pit as they will be slow distance before the turn so they can turn to the pit, and when leaving the pit will most likely not be up to speed by the time they approach the tu

Chip explains that if the noise of a Jake brake is of concern, there are steps and conditions that can be used to limit that.

Tom asks if DOT visited the site; Jon replied that yes they have.

Public Hearing closed.

Regular Planning Board meeting resumes.

The minutes from October 5, 2006 were read and on motion by Randy and a second by Abe were accepted as written, with a typo correction.

Ken Paul for Best Possible Location for:

Lee and Maryann Robator of 858 West Shore Drive (Map 31 Lot 1)

Camp is 26 feet from water now. New camp would be 80 feet from water, 1 bedroom with new septic and 3 car garage. Site is to remain seasonal reduction in volume. The board reviews the application and site plan. Board recommends that a survey be submitted to make sure they are me make sure they know it is to remain seasonal unless Growth Permit.

Randy motions to accept Kens recommendation and Abe seconds the motion. Best Possible Location for 858 West Shore Drive is accepted.

***Next meeting Nov 2nd.**

Woodlot Alternatives and Mulcahy project

New 5 lots on Hopper presentation

Review of subdivision regulations.

***November 16**

Turcotte Pit,

Review subdivision regulations

Tom tells the Board that he thinks we should be open with Mulcahy and let him know that we are revising subdivision regulations and *unless* h accept a complete prelim application prior to the final changes, the Moose Pond project will not fall under the current regulations.

Meeting adjourned at 9:40pm

***RSVP for the new date for Shoreland Zoning Workshop (Tuesday November 14)**