

# Planning Board

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January 04, 2007

Acton Planning Board

Meeting Minutes
















January 4, 2007

**Members Present:** Chip Venell, Tom Cashin, Yoli Gallagher, Jim Fiske

**Members Absent:** Randy Goodwin, Brian Belanger

**Guest Present:** John Moore, Catherine Turcotte, David Turcotte, Jeremy Turcotte, Leonard Turcotte, Helen Turcotte, Bob Anderson, Debbie Anderson, Sharon Anderson, Mary James, Mike James, Karl Hodgdon, Donald Giancola, Ron Lowrey, Bob Cronin, Cheryl Donahue, Attorney Bruce Read, Josh Mack(SMRPC), Michael Peverett and Jon St.Pierre (Civil Consultants) , Ken Paul (CEO), Michelle Rumney(secretary)

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Meeting called to order at 7:00pm by Chip Venell

The minutes from 12-21-06 were read and a motion by Tom and second by Chip were accepted as written.

Letters submitted by Attorney Bruce Read on behalf of client Cheryl Donahue were read, letters dated 10/17/06, 11/14/06, 01/03/07 as well as a letter from Attorney Read to the Maine DOT dated 1/3/07. Letter dated 1/3/07 from Patrick Donahue read and letter from 12/21/06 Donald Giancola were read.

Josh Mack of SMRPC is present to explain his memo to the board dated 1/3/07. Josh explains that he is not an engineer he is merely a planner here to interpret DOT Standards and Acton Codes for the board. Josh explains that site distance is the distance in which the driver of a vehicle can see, react and stop when a vehicle is exiting the driveway. He explains that there is another type of site distance called mobility site distance, which is not applicable to this road based on traffic count being at lower standard.

Tom explains that the Acton ordinance states only site distance it does not clarify whether it is mobility site distance. Josh replies that unless specified, site distance should be interpreted as to the stopping distance.

Chip asks if other things are taken into account when this standard is made. Josh replies that many things are taken into account such as wet roads, etc.

Tom asks Josh why Bruce Munger of the ME DOT puts in his notes that the 635ft is not met. Josh explains that the 635feet is a guideline not an enforceable standard. Tom also asks why Bruce would put reference to this permit being grandfathered and Jon replies that because there was an existing driveway there already it is considered grandfathered. Because they are attempting to make improvements on the site distance and location of the entrance the permit will be approved.

Chip asks if this means that only the driveway is grandfathered. Josh replies that in reference to this DOT permit, that yes only the driveway. DOT is concerned about the road not anything beyond that.

Tom makes mention of sun glare which reduces visibility even more at certain times of the day. Tom makes known that he does not feel comfortable with this site distance if 635feet is the guideline.

Josh explains that the D.O.T may require 50% above minimum driveway standards, but they do not always do so based on the perception of the engineers reviewing the application. This site meets the bare minimum standards and was granted a permit from DOT for the entrance. This entrance falls under Driveway Standards because the daily trips is below 50/day. The Entrance Standards which are more restrictive are designed for a higher volume of traffic in and out. Josh recommends that a condition of approval for the applicants be the maximum trips in and out. Josh also notes that the DOT conditions on the driveway permit is that they clear brush/vegetation to improve sight, and to place trucks entering signs approaching the entrance from both directions on 109. Josh also mentions that a 45 mph sign should be placed on 109 approaching from New Hampshire as there isn't one there now.

Tom asked if it was feasible to ask the DOT to reduce speed limit in this area.

Josh replies that it has been done before and you may want to ask.

Tom asks why Josh thinks DOT did not require the additional 50% for sight distance when they know that the vehicles utilizing this site will be larger vehicles. Josh replies that it is an engineering call made by Bruce Munger, the engineer reviewing the application at the time. He probably took into consideration that the applicant intended to improve the driveway and sight distance on an existing driveway.

Tom asks if the DOT is only concerned with the road or also the safety. Josh replies that safety is the predominant concern.

Chip opens the floor for public comment.

Karl Hodgdon explains that this makes sense to someone who drives a truck and doesn't understand why any members of the Board feel they supersede that of Josh Mack and the DOT engineer. Karl explains that many of the pits in town have expanded above 10,000 cu/yds and that other pits are not going through all of this. Site distance for some of these other pits is a lot worse than this.

Chip replies that the Turcottes are applying for a permit that allows them to extract in excess of 10,000 cu/yds per year. They have brought this to the Board and the Board's duty is to make sure that this applicant in front of them meets the standards set. As for other pits, some have come before the Board to meet standards as well. Sight distance is only from the road in which the pit location is located on, not any other roads that the trucks may be trying to do this the legal way. The Board's intention is not to second-guess DOT but to make sure all members understand what the comment means.

Karl states that as a truck driver himself he feels that the distance for this entrance would be adequate.

Sharon Anderson speaks as a lieutenant for Acton Rescue and says that 95% of accidents on this road are due to speed, alcohol, negligence and other 5% to factors beyond control such as weather conditions and animals crossing. Not one accident on this stretch in the past few years has a truck involved. The accident in reference to vehicle vs. bicycle was actually a personal vehicle and a pedestrian not a bike rider.

Bob Cronin clarifies that this particular stretch of road only has a problem with sun glare in the winter when the trees are bare, when the pits would operate.

Bob Anderson reiterates his daughter's point that not one accident occurred involving these types of trucks.

Mike James reads a letter submitted from John Wilson who could not attend. Letter dated 12/21/06. Mike then asks if a 1 year conditional permit. He had discussed the matter with the state senator and state representative and they seemed to agree that this would be a good idea.

Leonard Turcotte explains that they can take out 10,000 cu/yds now and have for the past year with no problems.

David Turcotte explains that there are other pits that are hauling more than the allowable 10,000 cu/yds and are not permitted. He is trying to correct this. The fact that many of the homes on Wilson Lake do not have septic systems should be of more concern to these people.

Debbie Anderson speaks in support of the applicants with comments stating that they are hard workers and very conscientious and the board should let them jump through hoops, the traffic shouldn't be an issue here.

Bruce Read reiterates comments made by the Chairman that we are here to apply standards of the ordinance to this applicant, not review other applicants. Munger's letter references the entrance being grandfathered and also says that the distance does not meet the guidelines.

Josh Mack explains that there are 2 sets of standards used. Entrance Rules for trips that exceed 50 in one day and Driveway Rules that are less than 50 in one day. This location falls under the Driveway Rules which says 425 feet and that they MAY increase by 50%.

Bruce notes that he would like a solid answer from the DOT why the 50% increase was not used in this case and also feels that an independent engineer should shed some additional light on the matter.

Josh explains the difficulty here because sight distance is a grey area, decisions are made dependant on the engineer reviewing each case. They can't place so a decision can be appealed with the DOT, but there is a timeline.

Tom asks Bob Anderson since the store is across the street if he has noticed the pit being utilized. Bob responds that in the last year they were at the current location of the entrance is a bad spot but there has never been a problem. Bob also expresses his support for the Turcotte Pit.

Jon St.Pierre, of Civil Consultants the engineering firm submitting plans on behalf of the applicant speaks to the board.

To address comments made by the public, Jon explains to the Board and guests that a waiver to go below 5ft above the water table can be made but not nor is it their intention to do so. On the plans being review by the board it states that they will remain above the 5ft line specified and if they approve these plans the applicants have to abide by what is on the approved plans.

Chip noted that a crusher is not listed on these decibel readings in your letter. Jon explains that is because they have decided not to have a crusher put on site later on down the road.

Tom asks if they would consider putting in a note that would restrict the topsoil from leaving the site. Jon replied that no they wouldn't, the plans show that they will put back 6" of topsoil which is more than sufficient, and he does not believe that there is much more than that already there.

Yoli asks who gets the 45mph sign for 109 the DOT or the Town. Josh Mack replies that at the request of the Town, DOT will post.

Ken asks what the amount is for the bond for reclamation. Jon responds that it is the amount estimated on a previous submittal. Yoli refers to : \$36,000 submitted 10/19/06.

Ken inquires to whether the applicants are fully aware of all these conditions. Jon responds that they are.

Tom feels that it is warranted to request an independent traffic study.

Tom motions to table until we have more time to digest the information received tonight from Josh Mack. The motion is NOT seconded and d  
Jon explains to the Board that Mr. Turcotte can not get financing in place until the Board makes a decision. Chip explains that this process is n  
than anything else that is being reviewed by the Board. Because there are so many projects in front of the Board at this time, the Board has to :  
the agenda.

Jon speaks to the fact that Josh Mack is not an engineer, but his firm is and they are the ones who put their stamps and accept liability as are the  
They do not stamp anything that they do not feel is safe.

Yoli motions to grant approval to CAT Revocable Trust for an extractive use permit with conditions, Jim seconds the motion.

Findings of Fact for Conditional Use is read:

- A. Will not
- B. NA
- C. NA
- D. Yes
- E. NA
- F. NA
- G. Yes
- H. Yes
- I. Yes
- J. NA
- K. Yes
- L. Yes
- M. NA

Performance Standards are read:

1. 100 ft undisturbed min. buffer around gravel operation
2. Gated entrance (applicant can block old dirt road also)
3. Insurance for operation on plan
4. Topsoil for reclamation on plan (omit sludge derived materials to add)
5. Erosion Control Plan in place
6. Not using portion of land that is near any stream or outlet
7. No lagooning (add to plans)
8. Hours of operation 7am-5pm Mon-Fri ...will discuss Sat operation in conditions
9. Paved Entrance
10. No temp. buildings, no equip or debris
11. No water courses, remove stumps and debris (6C on plan)

Conditions:

1. Trucks entering signs on 109 from each direction as approved by DOT
2. Knox Box on gated entrance for Fire Dept. access
3. Set of approved plans on site
4. Maximum # of Trips to be 48 (24 round trips)
5. No rock crusher on site
6. Add to construction note 6d on plans: "omit the use of sludge derived materials"
7. No lagooning

8. No material to be removed from the site until CEO receives a letter of compliance from the engineers at Civil Consultants.

9. Contact DOT for permission to trim vegetation along the opposite side of the road within the Right of Way.

10.. Place 2 monitoring wells down gradient of the two internal drainage pools, obtain a base level and monitor for 3-5 years after operation be results to the CEO.

*This assures that the operation is not affecting the water quality of the nearby lake.*

11. Hours of Operation: Monday thru Friday 7am to 5pm, Saturday 8am to 12pm, Sunday closed to all operations. Review of hours in one ye:

The Board votes on the motion with conditions, 3 yes 1 no. Extractive Use Permit for CAT Revocable Trust is granted.

Michelle will send a copy of the conditions to the applicants within the next couple days.

Meeting adjourned at 10:50pm.