

Planning Board

- Meeting Schedule
- Select Board Agenda
- Select Board Pending
- Business Directory
- Elections and Town Meetings
- Public Hearings
- Ordinances
- Policies
- Forms
- Tax Information
- Town History
- Public Notices
- Mary Grant
- Cemetery

April 19, 2007

Acton Planning Board

Meeting Minutes

April 19, 2007

Members Present: Chip Venell, Tom Cashin, Jim Fiske, Randy Goodwin

Members Absent: Brian Belanger, Yoli Gallagher, Keith Davis

Guest Present: Pat Baldwin, Pam McAlinden, Arvid Roberts, Donna Goodrich, Joe Ruma, Forrest Dart, John Ford Sr, Barbara Seckar, Marian Elliott, Bob Seckar, Christina Michaud, Andrew Michaud, Tara Rankin, Jeff Rankin, Beau Cormier, Jack Kelly, Richard Neal, Brian McGlincey, Diane Srebnick, Patrick Hannon, Jim Rankin, Russ Huges, Doug Vennel, Ken Paul (CEO), Michelle Rummey (secretary)

Meeting called to order at 7:05pm by Chip Venell

Minutes from 4/5/07 can not be acted upon as only one of the members present at that meeting is present this evening.

Public Hearing opens for John Ford Sr Conditional Use Permit (Map 05 Lot 47)

Russell Hughes, the forester for John Ford Sr. gives an overview of the timberland harvesting that they propose to do. He notes that he recognizes that these are sensitive areas and will maintain a minimum 75 foot buffer around the Resource Protection Zone while keeping erosion and soil disturbance prevention. The cut is a fairly small cut and will be less than 40% of the allowable. There is significant habitat in these areas and wildlife and fisheries biologists will be visiting the site and making recommendations. The cut will leave adequate shade; this cut is a selective cut not a clear cut.

Joe Ruma asks what type of timbers is on this site; Russ replies that there are white pine, hard pine, oak, and hemlock.

Joe then asked if Russ believed that the trees within the 75ft buffer should also be managed. Russ replies that he believes all of the forest should be managed and it is important to do so, but he must comply with town regulations.

Richard Neal, an abuttor addresses the board and makes them aware that his initial concerns of this operation were that the trees along the school property be left and the trees adjacent to the brook behind his own house. He spoke with the land owner and the forester and was assured that this cut would not include those areas.

Tom addresses that there are conditions within the zoning ordinance that the board has no authority to waive for timber harvesting in the Shoreland and Resource Protected Districts and that their plan should meet these conditions. (5.15.2) Russ is aware of these conditions and has no problem meeting them.

Russ explains that when removing the cut trees they will avoid working in the RP area. Tom asks if there will need to be any stream crossings; Russ replies that not in the RP but there will be some small crossings. They have a set up to install over the banks of the stream that will leave the soil/water undisturbed. Work is planned in the dry months of summer and along the brook on frozen ground.

Chip asks where the logs will be yarded and how many truck loads in/out; Russ replies that he estimates less than 15 trucks in a one month period should be able to take care of it as it really is a small cut. The logs will be yarded and loaded in the old pit where it is nice and dry and there is room to move.

Ken Paul asks what the intended hours of operation would be; Russ replies that he had figured that the town would decide that and had believed that the hours of 7am-5pm Monday thru Friday were previously mentioned.

Richard Neal mentions that the last operation that was out there worked all hours of the night which is quite disturbing to the neighbors, he requests that the operation be limited to daylight hours.

Tom notes that getting close to the 5pm hour the trucks entering and exiting would be hitting higher traffic times with people coming home from work. Tom also recommends that signage be used for the road. Russ replies that trucks won't be onsite hauling daily. The primary work will be the cutting itself so he does not believe that the traffic will be an issue, and as for the road signs they have them on their trucks and use them even if it is not a requirement.

Tom asks if a management plan has been drawn up as described in the ordinance. Russ replies that he has not done one yet as he is waiting for the wildlife/fisheries biologist to make their recommendations. Tom asks that the info from the biologist be shared with the Board as this may be a model operation for the Town to refer to when other applications come through. Russ would be happy to share. Tom also reminds that this management plan will need to be submitted to the CEO prior to beginning the operation as laid out in the ordinance. Russ replies that he understands this.

Public Hearing closes at 7:40pm, regular meeting continues

Ken asks if the culverts are still there after the rain; Russ replies that they are and may add another. Chip reminds the applicant to notify the CEO if they add a culver there.

Chip inquires what they intend to do if the entrance is dry and dusty, if they plan on putting any rock or something of the sort down to reduce this and what they intend to do if it is muddy in the "frozen" months. Russ replies that they would be delighted if it became dusty at the entrance and will put rocks down to reduce the dust if it is needed. As for the mud, his truckers would be instructed not to run in those muddy times.

The Board goes through findings of fact as outlined in the Conditional Use Permit Ordinance(6.6.3.7).

- a) will not e) n/a i) yes m) n/a
- b) n/a f) n/a j) n/a
- c) Yes g) n/a (none stored on site) k) yes

Meetings

- 2023- 7
- 2022- 29
- 2021- 22
- 2020- 22
- 2019- 22
- 2018- 20
- 2017- 23
- 2016- 23
- 2015- 24
- 2014- 23
- 2013- 18
- 2012- 24
- 2011- 25
- 2010- 20
- 2009- 21
- 2008- 24
- 2007- 21
- 2006- 13

Direct Links

- Elementary School
- Library
- Channel 26 APAT

 [Find more about Weather in Acton, ME](#)

d) n/a h) n/a i) yes

Tom makes a motion to approve the Conditional Use Permit as submitted w/ conditions; Rand seconds the motion. Board members vote all in approval. Permit is granted with the following conditions:

- 1) Hours of operation to be from 7am to 5pm Monday thru Friday
- 2) Signs shall be posted on either side of the entrance for Trucks Entering
- 3) Timber harvesting management plan shall be submitted to the CEO prior to harvesting
- 4) Conditions for Timber harvesting as outlined in Acton Zoning 5.15.2 shall be met
- 5) If the entrance apron become dusty during the operation, stone will be laid down to prevent the dust from flying.
- 6) Notify the CEO if another culvert will be added at the entrance

Patrick Hannon for Amended Conditional Use Application (Map 22 Lot 51)

Pat explains that the current approved use of the back warehouse is for storage and repairs. He wishes to amend the use for process and storage. The 8700 sq ft building houses 4 bays that will accommodate this operation. No building will be required. Pat explains that the operation would be public, the traffic entering and leaving would do so from the entrance on Milton Mills Road and then to State Road route 109. This facility would accept and demolish waste which would be dropped on an asphalt pad and separated and eventually hauled off and sold. Also municipal solid waste (trash) would be accepted inside the building.

Chip asks if the foam fire retardant is gone; Pat replies that all that was removed as required when he initially did Twin Ridge.

Tom asks Pat if he has a written presentation for the Board to see. Pat replies that he does not, but by the time a public hearing is scheduled he will be verbally presenting to the board tonight. Tom remarks that he thinks there should be a written plan presented to the board prior to a hearing.

Pat explains that this land is zoned for commercial use, he can meet all the performance standards of the town and state requirements. The state is far more restrictive than that of the town. He is before the Board to get local approval before investing thousands with the State permits.

Ken Paul asks Pat to touch base with the Fire Chief prior to a public hearing and see what may be required of him there. Pat replies that he will.

Tom asks how many current uses are on the property. Pat replies that there is storage, gas station and the restaurant. He is not proposing an additional use applying to amend the use of the storage.

Pat explains that he has run 11 landfills and a few transfer stations. This is a professional operation. He intends to open the facility 24 hours/day to leave early in the morning. He would have streets swept and attendants on litter patrol of the area. It would be open to the public to drop their trash then be sorted and shipped out. His intentions are to start small scale and see how it goes and then eventually expand it and offer the services to them to eliminate their need to operate the transfer station.

Tom asks Pat if he is close on his lot coverage. Pat replies that he met lot coverage when Twin Ridge was accepted and no new structures are planned so there will not be any change in lot coverage. If the business needs to expand later on, he would probably get rid of the front building and redevelop for additional storage.

Tom explains that Pat should have State/DEP approval prior to the town approval and he is hopeful that this be a requirement. Pat tells Tom that for the Board to make not him on his own and reminds Tom that he just sat through an approval of a permit that did not have his plan yet and a Board approved that permit. Pat asks for the same treatment by the Board as they show all the other applicants that come before them. If he goes to the State prior to the town and then the town rejects the application he will have spent thousands of dollars for nothing.

Pat explains that he has no problem of submitting detailed plans to the Board. He is here this evening to have a preliminary discussion with the Board for fair treatment.

Chip explains that it would be helpful to the board to at the very least know what requirements the State has. Pat will drop copies off to the board guidelines.

Tom asks what the estimated weekly/monthly volume to make this work would be. Pat explains that financially that is not of concern to the Board, the question is to what volume would the facility be able to handle. Pat replies that weekly they would be able to handle about 1800 tons.

Chip asks how many vehicles would this mean in and out of the facility. Pat estimates about 10 hauling trucks a day, transfer trailers. Pat explains that it would be an opportunity for the town to save money.

Tom explains that there are other expenses involved to save this money, the quality of life in the town has to be taken into the equation.

Pat explains that 15-20 new jobs would become available and believes the residents of the area could use these jobs. He believes that it is his right to his property as allowed by regulations and ordinance and get the money out of it that he can. At the current use he is not making enough money to start a new venture would allow him to make the money. He wants an even playing field.

Tom explains that the Board can see the magnitude of what is going on by seeing the state permitting and conditions they set forth prior to Town. Tom has not dealt with anything like this before.

Pat explains that there is a Transfer Station in Town already, operated by the Town. As he explained, he will be happy to drop of the state requirements.

Chip explains that it would be helpful for review if the Board has sketches, pictures, where and what is stored in the building.

Pat also notes that radiation detectors will be located at the entrance.

Tom asks if he will be expanding his need for water supply or septic. Pat replies that no additional water is needed but a new septic is on order.

Jim asks where the water goes when they wash down the bays. Pat replies that there will be drains in the floors and holding tanks underground that they get hauled off.

Tom asks if the CEO got a baseline reading report and if he is getting reports from the monitoring wells as required by the prior permits. Ken replies that he believes this was necessary after it was determined at a prior meeting that this was not a significant aquifer. He does receive results from the wells as required by the state.

Tom disagrees with this statement and explains that the Maine Geological Survey shows this is a significant aquifer. Tom refers to the minutes from the bi-annual audits. At the very least we should be sure to get baseline data now. Pat asks if Ken or Michelle could revisit the minutes from back then and get clarification here.

Ken asks Pat what his road frontage is. Pat replies that he has around 2000 feet on the Milton Mills Road as he owns up to Middle Road.

A site walk is scheduled for Saturday May 12th at 9am, members will meet in the rear of the property.

Discussion on Winchell submissions

The board agrees that the materials submitted are acceptable as required by the condition of approval of his road, pending the approval of the n coordinator and a letter submitted by Ben Gore stating so.

Ken Paul for Best Possible Location (Map 55 Lot 12) 44 Beechwood Park

(Recap from 4/5/07 meeting)

Doug Venell, Contractor for E.Flemming (Greystone Trust), Chip refrains from a vote on this as it is a conflict of interest. Only two voting members leaving the Board without a quorum.

Two existing outbuildings (accessory structures) on property, one is 7x20 the other is 4x10.

Would like to demo both and replace with one 10x12 shed 60' back from water, this would reduce total shed volume by 35 sq ft

By allowing it in the location requested, the benefit would be that no trees would have to be cut and by moving it back further would cause intr

Ken recommends the approval;

Randy motions to accept Kens recommendation; Jim seconds the motion. Board votes all in favor. BPL for M55-12 is approved.

Ken Paul for Best Possible Location (Map 39 Lot 17) 153 New Bridge Road

Demolish old cottage and replace with new dwelling, setback an additional 20' from waterline, 30% expansion used and new septic.

Ken recommends the approval;

Jim motions to accept Ken's recommendation; Randy seconds the motion. Board votes all in favor. BPL for M39-17 is approved

~Public Hearing w/CPIC on definition changes on Wednesday May 2nd at 7pm

Minor change made to definition of Kennel as noted by Randy to add the word "training" into definition.

Tom requests a copy of the letter from Durwood Parkinson in reference to his findings on the Hebo Hybo Road for the Creamer application. N copy for Tom.

Meeting adjourned at 9:30