

# Planning Board

- [Meeting Schedule](#)
- [Select Board Agenda](#)
- [Select Board Pending](#)
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- [Elections and Town Meetings](#)
- [Public Hearings](#)
- [Ordinances](#)
- [Policies](#)
- [Forms](#)
- [Tax Information](#)
- [Town History](#)
- [Public Notices](#)
- [Mary Grant Cemetery](#)

June 07, 2007

## Acton Planning Board

### Meeting Minutes

June 7, 2007

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

**Guest Present:** Percy Lowell, John Moore, Pam McAliden, Mary Gannon, Floyd Folsom, Ann Germon, Jack Kelley, Jamie Saltmarsh, Bill Bartosch, Eric Gallagher, Rich Fowler, Carol Fowler, Tom Rousseau, Dana Libby, Joe Ruma, Nancy Ruma, Bernard Yeaton, Patrick Hannon, Steve Ledoux, Brian McGlincey, Pat Baldwin, Eric Hamlin, Ken Paul (CEO), Michelle Rumney (secretary)

Minutes from 5.17.07 were read and on a motion by Keith and second by Tom were accepted as written.

#### DEP's Eric Hamlin on Solid Waste Facilities

Chip opens meeting explaining that this is not a public hearing and that the Board is hosting an informational with DEP's Eric Hamlin to obtain information on how Solid Waste Facilities are licensed through the state so that the Board may better understand the process. There is no accepted application before the Board and the Board will not discuss any possible application.

Tom explains that he had hoped there would be an application with detailed plans before the board before this informational took place to give them a better idea of what they are looking for in information. An application was submitted but it did not adequately describe the plan and has not been accepted as complete.

Eric Hamlin of the Maine DEP explains that he works with Solid Waste Facility applications in licensing, compliance and enforcement. He explains that a transfer station is a resting place for trash on its way to somewhere else. Usually consists of roll-off containers and paved areas. Some things that the DEP takes into consideration when reviewing these applications are: whether the area is suitable, is the soil able to bare these operations, are the plans done by a licensed engineer, how is stormwater control addressed, the surrounding scenic characteristics, noise, traffic, dust nuisance...to name some.

Chip asks how many licenses has the state granted in the past 5 years and of those how many were private vs. municipal facilities.

Eric replies that he has licensed between 6-8 transfer stations, more often they are municipal. There have been other private facilities licensed, but not by him personally. Pine Tree Waste was a private facility licensed by co-worker Randy McMullen. This is a large high volume facility.

Jim asks where the trash is coming from; in state or out of state. Eric responds that they do not regulate interstate commerce; they are concerned as to where it is going once it leaves the facility.

Chip asks how money is made at transfer stations. Eric replies that the State does not regulate fees charged, so he would assume that a combination of fees and location have a lot to do with that. The money part is not of concern to the State.

Keith asks what the oversight is on these facilities that are licensed. Eric replies that most are visited on average of once a year, some more than that depending on complaints or previous violations and if he is in the area inspecting one he usually tries to get as many in the area as time allows. An annual report is submitted yearly and when they are reviewed they look at things like volume, shift in trends in types of waste handled. Any significant may throw up a red flag and trigger an inspection.

Chip asks if there is a time limit on how long this household waste is allowed on site. Eric replies that he believes that 2 years would be the limit, but not positive without looking up the specifics. A good way to judge is if it stinks, are buzzards pulling apart trash in areas surrounding the facility. If there is good storage you shouldn't smell it and the birds should not have access.

Keith asks where they find the most problems with compliance, public or private facilities. Eric responds that overall usually commercial facilities do better in compliance; this may be because they are in it to make money and by not complying they jeopardize their income.

Tom asks in the realm of size of a facility, what he would consider an operation that would handle 1800 tons a week. Eric replies that this would be a fairly big operation.

Chip asks if a traffic study is always required by the State. Eric replies that it is not always required. In some cases submissions that address traffic issues are accepted. For instance if a transfer station is relocating, they know what the traffic was at the previous location and may include a submission addressing that.

Tom asks if there are conditions for final approval that would allow the Town to wait on the States approval. Eric replies that the State process stands alone. If the State approves it, it does not over ride town decisions. Usually an applicant will go for Town approval first because it is usually less costly. The State application fee is \$1200, then once you have stormwater control, traffic site plans, this can easily run the applicant 10's of thousands of dollars. If the town denies after State approval a lot of money was wasted.

Tom explains that the Ordinances in our town do not address something of this magnitude. This would be reviewed as a Conditional Use Permit which does not set standards for something like this. He believes it necessary to be educated through State permits and conditions set forth through those permits. Through our review process we are allowed for hydrogeologic study, traffic access, and stormwater control. Tom asks how Eric feels that the Town could adequately review this.

Chip interjects and asks if other Towns have an in depth process set up for these type of facilities. Eric replies that he doubts any town looks at these applications the way the State does. However he knows that Elliot just licensed a facility in their town and it was a fairly lengthy drawn out process from what was relayed to him, but not sure of the standards they follow. MMA may have draft ordinances that address this. Westbrook and Gorham have also recently passed private facilities.

Eric explains that he can provide the Board with a copy of an accepted application if that would be helpful. Chip replies that it would be very helpful.

#### 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](#)

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Jamie Saltmarsh of SMRPC remarks that there has been situations where towns have posted a moratorium on an issue until an ordinance or set of guidelines have been put in place for review. This is something the Board may want to consider. This would allow a 6 month window to draft performance standards.

Tom addresses Eric in regards to Chapter 402 of the regulations the state uses. He quotes a section which addresses setbacks in reference to hazardous solid waste. He then asks what this type of waste is. Eric replies that it is your basic household trash, also referred to as MSW. Construction waste would be NON-MSW.

Tom asks if certain activities can be prohibited at the state level; such as tire piles and burning of waste. Eric replies that that is up to Town. State has standards in place.

Tom asks if the proposed location is to be located on top of a significant aquifer if this throws up a red flag. Eric replies not with a transfer station transfer station is that trash goes in and stored temporarily and then sent out. It should not be onsite long enough to impact.

Jamie Saltmarsh inquires if it is required that the facility be completely fenced in. Eric replies that the access should be controlled. The entrance or blocked when closed. This is to prevent vandals, unauthorized drop-offs, and for safety purposes. Most places do not have fencing around the entrance, it is more to stop vehicular traffic.

Jamie inquires about how the facilities handle water from "washing down". Eric replies that when the wet trash containers are cleaned with water have a holding tank where the water drains to and is later hauled off. Some facilities have plans for a dry clean up using such methods as speed absorb and wet trash and scoop it up and put it in with the regular MSW. Jamie also remarks that she noticed that removal of litter along the road state regulations. Eric replies that they expect good housekeeping.

Jamie inquires how much the State takes the neighborhood in to consideration. Eric replies that abutters within 500ft of the proposed facility are put in the papers. It is up to the applicant to get waiver letters from these abutters or to adequately prove there will be no adverse effect. Traffic area with a transfer station there is no doubt, the state looks at how it will increase.

Jamie asks if the license transfers to new owners. Eric replies that it does not, the new owners would have to file for a transfer of license if that does happen.

Jamie asks what types of waste are typically handled at a transfer station. Eric replies: MSW, construction and demo debris, recyclables such as tires, brush/stumps. Though they are not required to handle all of these.

Jamie asks what types of conditions are usually attached to a license. Eric replies that the basics that they adhere to the rules and to address any ordinary, maybe an operations manual needs to be updated or testing for asbestos.

Jamie asks how long the review process usually takes. Eric replies that they are required to complete the review within 6 months of receipt. Typically 6 months can be expected.

Jamie asks if he has shut down an operation. Eric replies that he has not, maybe prohibited certain parts of the operation. The usual protocol is violation and hope they correct the violation, then if violation continues fines are placed, and if there is still a problem the activities have been

Tom asks if there are setbacks from public water supplies for transfer stations and if there are water quality monitoring required for sites that are on. Eric replies that the DHHS may have some with respect to permanent disposal sites but not for transfer stations.

Tom asks if there are any regulations in proximity to great ponds. Eric replies that setbacks to wetlands in general yes. Tom asks if the Town level attention would the state consider. Eric replied that that would be on the approval of the Town level requirements, not in states. But once in an area whether as a condition of town approval or voluntary, the State has authority to make sure they are in compliance.

Jack Kelley asks if the hours of operation are regulated. Eric replies that 7am-7pm are typical daytime hours, this is addressed through noise standards to avoid undue impact.

Pat Baldwin expresses concern of water quality issues in the area, whereas she sees potential for heavy metals and bacteria. Private water supply concern, she inquires how can extra caution be handled here.

Eric replies that with setbacks, stormwater control and good housekeeping of the surfaces where waste is stored this should be a non issue.

Nancy Ruma asks if a typical commercial transfer station accepting loads usually dumps indoors or outdoors. Eric replies that both practices are though very uncommon for inside only dumping.

Nancy asks what type of area these larger private transfer stations encompass. Eric replies that Planet Recycle is about 8 acres and that is a very large. Most municipal stations are usually 2 to 3 acres.

Floyd Folsom asks if they require a performance bond. Eric replies that for tire storage and for processing stations they do require an applicant to have technical and financial ability but not for a transfer station.

Percy inquires what the differences between a processing and transfer station are. Eric replies that a dual license such as grinding more than 30 stumps/brush, or sorting. Percy asks if a conveyor sorting the MSW would be processing. Eric replies that he believes that would be and would meet stricter standards.

John Moore asks how long they can store this waste on site. Eric replies 2 year maximum is what he believes without looking it up. But usually practicality, money can be made if the waste is being kept on site they have to make room for more to come on. If stink becomes a problem, then before that if a complaint is made.

Jerry asks about how the runoff is contained and water quality is being protected. Eric responds that measures are taken into consideration for how to be it retention ponds, drainage, ditches, etc. Jerry responds that the water is still going into the ground eventually.

Pat Hannon explains that at his site walk he decided that all the dumping would be inside, no material will be outside. He asks Eric if he thinks that are not adequate enough to protect the Town.

Eric replies that he can not offer any help on the Town level, he believes the Maine standards are fairly good, but not perfect for every application that by tipping indoors, this will reduce the risk of odor, precipitation runoff, and wind blown litter or dust.

Tom Rousseau asks who addresses traffic impact. Eric replies that the State makes sure the operation will not produce unsafe conditions or del

The Board concludes the informational session with the DEP

#### **Loon Ridge- Joseph Lenkowski for elevation issues**

Joe explains that a portion of the road 300-400 ft from Youngs Ridge was not built to the exact elevations on the approved plan. The engineers would effect the runoff at the bottom. While the road was being built there was lots of runoff before the drainage was put in. There was once Commissioner that the elevation was too high from what the town approved. However, the drainage works, there was not any problem during the day on patriots day.

Bernie Yeaton expresses concern that there should have been a redlight with a deviation from the approved plan. He also has a concern of the runoff into town ditches. It is explained that the retention pond is draining before it should

Keith explains that when a plan is approved, that is how it should be built. If you were going to deviate from the plan you should have come to the board and ask for an amendment rather than going ahead with what the engineers deemed as okay.

Chip requests that they go back with engineers and check all elevations and check that the retention pond is built as designed and is working properly. When they have more information for the board to contact the secretary to get on the agenda.

**Paul Muse for Emery Mills Energy on expansion of Conditional Use**

Would like to add a 30,000 propane storage tank to existing site on Muse Lane. Current tank on site is 18,000gal with fire suppression. Fire code requires fire suppression. The tank would be on concrete piers.

Because this is a significant change a public hearing will be required. Public Hearing set for July 5<sup>th</sup> @7pm. Michelle will notify abutters and the public.

**Ken Paul for BPL for Cambell at 116 Cottage Lane (tax map 46 lot 8)**

Cottage damaged by fallen trees. Plan to demo existing and replace with new, same size in existing location. DEP says if good foundation make same place to not disrupt the soil. Ken recommends keeping it where it is and building on the existing foundation. Keith motions and Jim seconds recommendation. BPL granted.

**Ken Paul for BPL for Denise Marion at 1272 Hopper Road (tax map 7 lot 14)**

Needs foundation to raise it out of flood zone. Currently below flood zone now.

Tom believes that the septic should be improved. It is not required to be. Ken recommends keeping the house in same location and allowing for foundation. Randy motions and Jim seconds to accept Ken's recommendation. 3 yes, 1 no. BPL granted.

Tom asks Michelle to contact MMA for sample wording for an ordinance to address standards for acceptable road frontage.

Meeting adjourned 10:20pm