

# Planning Board

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July 05, 2007

## Acton Planning Board

### Meeting Minutes

July 5, 2007

**Members Present:** Tom Cashin, Chip Venell, Keith Davis

**Guest Present:** John Moore, Steve Stearns, Paul Muse, Jerry Barrows, Louise Ashton, Ron Auger, Bob Samoden, Nick Scaccia, Michael Peverett, Carl Beal, Peg Prisco, Mario Prisco, Jane Knapp, Pam Rommilly, Gwen Knapp, Ken Paul (CEO), Michelle Rumney (secretary)

Meeting called to order at 7:00 by Chip Venell

Minutes from 6.21.07 were NOT voted on, due to lack of quorum from previous meeting

#### **Public Hearing for Emery Mills Energy-Expansion of Conditional Use Permit**

Paul Muse explains that the purpose of this expansion is to add a 30,000 gallon propane storage tank, where the town has already permitted an 18,000 gallon tank.

Abuttor Bob Samoden expresses concern of safety issues such as potential leaks and security measures and fire suppression.

Paul explains that the Acton Fire Chief, Harold Smith, has provided a letter to the Board stating that the fire suppression system far exceeds standards. Peter Holmes from the State office made comment that he wished all tanks had this system. The original design is copied from that required of the Center for shopping in Sanford. As far as security there is a chain link fence.

Tom asks what the fire hazard is for propane. Paul replies that propane is flammable, there is no disputing that, it does need an ignition source that is 1200 to 1600 degrees.

Chip asks what is the size of this 30,000 gallon tank. Paul replies that it is 11 ft in diameter and 47 ft long, and sits on concrete piers.

Chip asks what happens if gas leaks doesn't it just disappate. Paul explains that the propane is 44 degrees below zero in the tank, when it becomes warmer than that it becomes a gas and if it gets in the air it will settle. There are 3 inlets on the tank that have excess flow valves. These valves will close internally if a leak is detected.

Chip asks how often these are inspected. Paul explains that valves are inspected every 12 years.

Keith asks if there had been any incidents where the Acton Fire Department had to be called in since the original permit. Paul replies that there have not been any incidents and that the AFD had only been on site for training purposes.

Keith expresses that he believes that they have shown responsibility over the past 6years with no problems and he is confident in Harold's knowledge on the fire suppression and if Harold is okay with it, he does not have an issue.

Finding of Fact was read:

- |        |        |
|--------|--------|
| A) n/a | I) n/a |
| B) n/a | J) yes |
| C) yes | K) yes |
| D) yes | L) yes |
| E) n/a | M) n/a |
| F) n/a |        |
| G) yes |        |
| H) n/a |        |

Tom motions that all the standards for conditional use have been met; Keith seconds the motion.

Conditions set are as follows:

The original conditions of the 2001 permit. To add reference to Harold's new letter and diagrams submitted on June 14th 2007.

A vegetative buffer of pine and spruce shall be placed by applicant on the property line at the easterly side of Bob Samoden't property.

Approved (3yes)

#### **Carl Beal for ASA Subdivision**

Woodlot Alternatives submitted a letter previously with the findings on RP after doing wetland delineation and found it to not be in RP zone.

The plan is to split one lot in to two lots and to widen 1200 feet of road from Foxes Ridge to the location to give adequate road frontage. The applicant will want to request waivers on most all of the other submission standards as they don't apply.

The board explains that all waiver requests need to be in writing. As far as stormwater, there needs to be no additional run off onto Foxes Ridge and can not adversely affect abutting lots. If a waiver is granted a letter from an engineer would be required post construction that the road was built to specs and will not adversely affect the abuttors and increase any runoff on foxes Ridge. An abuttors list needs to be provided as well as some type of topography of the land.

**Pat Frasier for Lot Line Amendment to Frasier Lane**

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Extend road to create frontage for back lot that he acquired. Extend lot line to create the 5<sup>th</sup> lot that he originally intended for the subdivision.

It was discussed that the test sites have already been done for the 5<sup>th</sup> lot with his previous application; he was just short of the required land size. He recently obtained the land locked piece that was for sale in the back and would take the additional land needed from this piece.

The board suggests that a condition of approval may be to have the engineer sign off on the whole road, including the extension prior to certification be granted.

The board will hold a public hearing at the next meeting.

#### **Pat Frasier for 3 lots on Orchard Road for Bill Elwell (Minor Subdivision)**

Pat gives an overview of the 3 lots that the owner wishes to create on an existing road. Chip explains that this will need a name and topographic layout where proposed driveways will be and have road commissioners' review where any culverts would be placed. Any waivers to be requested shown in plans in writing.

#### **Jerry Barrows for Moose Pond Lot Line Adjustment**

Lot one of the approved subdivision will be amended to give the Knapp's enough land to make their lot conforming. This change would leave of road frontage and would put the lot all in one zoning district.

Knapp alleges they were never notified of this subdivision. It was determined that they did receive a letter notifying them of a public hearing in 2006 which justifies notification.

Tom explains that he believes the pins should be set prior to any approval or as a condition of approval, he is in favor of waiving a public hearing amendment.

Tom motions to approve the amendment with the conditions that Sebago Tech submits 2 final copies in mylar form for the board to sign and the signing the boundary pins should be set, also a copy of the Knapp Purchase and Sale documents also be submitted; Keith seconds.

Approved (3 yes)

#### **Jamie Saltmarsh of SMRPC on Moratorium**

Jamie submits drafted moratorium ordinance for the board to review. She explains that she has put in a retroactive date, this prevents application while the process of scheduling a special town meeting is still in works, however the board can certainly change this if they wish. She also rec Town's attorney review this before it goes to Town Meeting for vote.

A sample site plan review ordinance is submitted; Michelle will need to make copies for the board members.

#### **Loon Ridge on elevation issues**

Steve Stearns of Pinkham and Greer explains that the road does meet standards of private road, however it does not meet the specs in the approved pond is 2 feet higher than the approved plans to avoid blasting. Evidence shows that the pond is working fine; it reduces the rate of runoff. The pond is designed so that water filters through the bottom layer below the pond and then drains through the 6" pipe to the ditches in Young's Ridge Road.

Chip explains that it may be fine, however the approved plans were not adhered to, the town never approved any deviations from the plan as dictated by ordinance.

Keith comments that they should have come before the board for approval for an amendment, as you see other have here before us tonight. He submitted from Pinkham and Greer for the reason for stopping at the elevations that they did, seemed to be only for cost purposes.

Chip explains that this project is being watched by a lot of people after the washouts that occurred during the construction phase. They are all problems, even ones that don't exist. That is why it is important as ever to follow proper procedure.

Nick Scaccia assures the board that they never intended to misrepresent what was going on up there. No inspections were required while in the process, he is assured that it was being built according to plans, and he wants this to be right by the town. The Patriot's Day storm is evidence that the system may not be built to exact plans, he believes that the stormwater system actually benefits the area as it has reduced the runoff that previously caused Youngs Ridge prior to construction.

Ken explains that when the contractor hit ledge he consulted the engineer who agreed that they could stop and still meet the private road standards. The plans did not meet the plans.

Tom requests that Steve submit a letter to the board stating what was proposed, what actually exists now, the reason for the change, and his will on the performance of the work completed.

Chip suggests also that a new profile of the road and pond be submitted as a revision of the approved plan as well as the engineer's letter.

The board reviews the draft moratorium that Jamie submitted. Michelle notices that on the first page the word "commercial" was duplicated in the motions that the board approves the draft moratorium presented by SMRPC as amended; Keith seconds the motion.

Approved 2 yes; 1 no

#### **Harrelson Property (old Rumrill Estate) legal findings**

Discussion on the letter from Durward Parkinson in regards to the Lalumiere/Harrelson property on the Hopper Road. The board interprets that they have to provide proof that the mobile homes were rented with the 90,000 sq ft of land to make them a legal subdivision. Ken has spoken to the attorney handling this land and he is going to turn the information from the town over to his own lawyer.

Meeting adjourned 10:05pm