

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

Photo Galleries

Direct Links

- Elementary School
- Library
- Channel 26 APAT

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August 16, 2007

Acton Planning Board

Meeting Minutes

August 16, 2007

Members Present: Chip Venell, Jim Fiske, Tom Cashin, Yoli Gallagher, Keith Davis, Randy Goodwin(arriving late)

Members Absent: Brian Belanger

Guest Present: John Moore, Debbie Bahr, Marion Elliot, Barbara Seckar, Percy Lowell, Patrick Hannon, Jamie Oman-Saltmarsh(SMRPC), Michelle Rumney (secretary)

Meeting called to order at 7:00 by Chip Venell

Minutes from 8.2.07 were read and on motion from Tom and second from Jim were accepted with amendments.

Patrick Frasier is not present. This matter will be moved to a future date when requested by the applicant.

Chip explains that this is a regular meeting of the Board not a public hearing but opens the floor for brief public comment.

Barbara Seckar questions why the moratorium was taken off the warrant for a special town meeting. Chip replies that it was the decision of the Selectmen.

Marion Elliot questions why the selectmen took it upon themselves to make this decision. Chip explains that it may be an issue best discussed with the Selectmen, but he knows that they had a discussion and legal opinions suggested that it be removed from the warrant.

Mike Conway offers to speak as a selectman regarding the issue. Mike explains that the Selectmen contacted MMA and the Town's attorney on the proposed moratorium to provide their opinions on the legality of this article. Due to circumstances on how the moratorium came about both entities offered the opinion that this article could appear as though the Town was targeting a specific individual or business that had approached the town with an application. In this instance the Town would probably lose any legal suit against them and should not continue with this proposal. Because of these legal opinions, the selectmen acted on what they believed best for the Town. He explained that a group of citizens have approached the Selectmen with the idea of petitioning for this to come before town meeting. Mike explained that he was researching the process for them. Chip interrupts the conversation and suggests that any further discussion on the matter be taken up at a selectman's meeting.

Pat Hannon for Conditional Use Permit Application at 559 Route 109

Pat asks the Chairman to not have Tom Cashin deliberate on this application as he believes that there is a conflict. Chip responds that if there was a conflict of interest Tom would have to step down from deliberations on this project, but there is often a shortage of board members to make a quorum and can not ask Tom to step aside on personality conflicts alone. Pat expresses his concern that there is a conflict of interest here.

Tom addresses the Chairman and explains that when an allegation is made against a board member it is in the best interest of the board and the applicant to take immediate action and discuss the matter. He explains that what he believes Pat is referring to is a time when he was working for Lou Neito on a project at one of Mr.Hannon's properties in Shapleigh. As Tom recalls, he completed the work and was paid and that was the end. Some how there is a notion that he was fired from the job and holds a grudge. Tom asks Pat to explain his side of this story. Pat refuses to discuss this at this meeting and offers to speak at special meeting if the board should so wish to schedule one.

Keith explains to Tom that he understands that he want to solve this matter as he was once in the spotlight for the appearance of conflict, however in this matter he believes that the two can put their personality conflicts aside and move on.

Pat explains to the Board that what has been submitted are completed plans and a map of the proposed usage and detailed manual explaining the proposed use for the existing storage building. He explains that this facility would take Municipal Solid Waste (MSW) and Construction and Demolition debris. The proposed hours would be 24 hours a day 7 days a week. The truck route of the haulers leaving would be on Route 109 South towards Sanford. There would be no outdoor storage and no additional lighting needed.

Keith asks what the process would be for sorting. Pat explains that recyclables would be separated, sort out clean wood from construction and demo debris, this would be done by hand and by machine. The MSW would not be sorted; it would be sent right back out.

Keith asks if the building is big enough for this and how many trucks would be in at once and how long the material would be in the building. Pat replies that yes the building is large enough so that two trucks can fit in at once; most material would be stored for approximately two days before the bins are full and ready to be hauled off. However it will take time to attract the market so the operation is much more likely to start off very small.

Keith asks Pat if he has run a facility like this before. Pat explains that he managed the transfer station in Hudson Massachusetts for the Town and also owned a few solid waste facilities. Keith asks if there is a good track record there if the Town wishes to call, Pat replies that he would gladly give the Board the contact information if they so wish.

Yoli asks why people would pay to bring their MSW to his facility when they can use the Town facility for free. Pat explains that it would be a convenience issue, many people don't mind paying if they can get rid of their trash when it's convenient for them. Often the Town transfer station is closed when an individual has the time to take care of things.

Pat explains that this entire property has met the standards set by the town, it conforms to the standards and is zoned for solid waste. There shouldn't be an issue here.

Tom asks if Pat is requesting that the initial submissions from previous approval of Twin Ridge be used. Pat replies that the Town has all the information and yes that is what he is asking. If the Board wishes him to resubmit all the initial information, he will only come back to the town and request copies.

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

Tom reminds the board that there have been changes in the Ordinance that would apply to this since the last approval of Twin Ridge. He refers to the town's zoning referring to Aquifers and argues that this property does overlay an aquifer as described in the article.

Pat reminds the board that there were two hydro geologists that reviewed the previous applications, one hired by him and one by the town that he believes to be a significant aquifer under his property. He concludes that if there were, he would be here applying for bottled water instead.

Chip notes that the plans before the Board are not stamped by a license engineer nor does it have a date it was prepared.

Tom references 6.6.3.3.c where this is required. He also offers that 6.6.3.3.b has not been met with this map showing total floor area, ground cover, and scale house.

Pat argues that a perimeter survey has been submitted previously and the Board should use that. He asks to withdraw the scale and scale house from this application and if he wishes to add it at a later time he can come back before the board. By removing the scale and scale house there are no changes to what is there and what is on the stamped perimeter survey and no change is made to the 18.89% coverage.

Keith suggests that if the scale is to be taken out, then the text and plan should be resubmitted to show the changes before it is accepted as complete.

Chip asks the Board what else is needed to make this complete.

Keith motions to have Pat resubmit the plans without the scale and scale house info on it and remove the text pertaining to it in the manual; Yeas 3, Nays 0.

The Board goes through the list in 6.6.3.3. It is found that

A) is met B) is met if resubmitted C) is on record and secretary will locate the most recent map D) has been paid E) applicant understands that consultant fees may be due in reviewing this application.

Pat asks that all contact with these consultants be done through the Chairman directing the Secretary. Chip agrees that this could be done.

Tom would like to see verbiage added stating that no change is being made to the % of land coverage. Pat does not believe it is necessary to add anything going to be done.

Randy notes that if Pat changes his mind and wants to have an engineer draw up plans including the scale and scale house that this would be all right.

Tom notes that the plans in front of the board that are stamped from 2001 do not show what is actually there, the added diesel pump is not on the plans should be one more current. We should have plans of what is ACTUALLY there. Chip explains that we do have it in the building if we approve the plans.

The motion made by Keith is voted on; and passes.

Chip explains to Pat that he can not say for sure that the Board will accept his application as complete the next meeting, but if these changes are approved he will see anything else missing for submissions at this time.

Tom asks that the Board discuss with Jamie Saltmarsh her comments on this application.

Jamie explains that her notes mostly pertain to the notion of the scale and scale house being added. Also something for the board to consider is where the scale house will be located, will they all be inside the building or will there be full or empty trailers be stored outside until their use is needed or until pickup is needed or until employee parking needs to be factored in.

Pat is concerned that the Town has hired this consultant who does not have expertise or knowledge on solid waste facilities and is offering legal advice she knows nothing about. He believes it is clear that most of these comments come straight from the mouth of Tom Cashin and it is a waste of money and of his own.

Jamie explains that she does not offer a legal opinion. She is hired to review an application to make sure it meets the standards within the Town Ordinance and her opinion is for the board's consideration and if they wish to use it so be it.

This will be on the agenda for the September 6th meeting.

CPIC for Site plan review model

John asked for copies of this model for the CPIC, Michelle stated that copies were made previously for them and left in the box upstairs. She will get more copies off to them. Jamie Saltmarsh recommends that the CPIC work through the site plan review for Town Meeting 2008 since the ordinance is going to be enacted at this time.

Randy makes a motion to accept the minutes from 6/21/07 as written; Jim seconds. 3 yes; Minutes Approved