

Planning Board

[Meeting Schedule](#)
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[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](#)

November 01, 2007

Town of Acton
Planning Board Meeting Minutes

November 1, 2007

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

Members Absent: Randy Goodwin, Brian Bellanger

Guests: Bill Lotz, Larissa Crockett, Barbara Seckar, Marion Elliott, Susie Hamilton, Peter Hamilton, Dan Archambault, Jane Archambault, Jennifer Folsom, Ryan Smith, Jared Valiquet, Jonathan Ray, Bob Hardison, Selma Carlson, Pam McAlinden, Richard Burke, Arvid Roberts, Lista Staples, Donna Goodrich, Elise Miller, Robert Gosselin, Cathy Gosselin, Steve Ledoux, Richard Neal, Duncan McKechern, Patrick Hannon, John Moore, Dan Davis, Shelly Blaisdell (secretary), Michelle Rumney (secretary), Ken Paul (CEO)

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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Meeting called to order at 7pm by Chip Venell

Yoli motions to accept the minutes of 10/4/08; Keith seconds the motion. Minutes approved as written.

Chip opens floor for public forum on any matter on the night's agenda.

Larissa Crockett asks if the "independent consultant" clause in the ordinance also includes hiring the town's attorney for legal counsel pertaining to questions about an application. Chip responds that the town attorney will probably be consulted along the way as the need arises. Larissa also asks if the board is willing to consider inviting surrounding town's boards to any hearings on this application as it will surely effect more than just Acton. The board agrees this is a good idea.

Dan Archambault submits a letter to the board for consideration in regards to the proposed transfer station.

Jonathan Ray offers a large packet of information from the EPA and various other resources related to solid waste.

Keith reads a letter from Pat Baldwin on behalf of the Mousam Lake Watershed Alliance.

Jim reads a letter from the Town of Sanford.

Jamie Saltmarsh explains that she has spoken to town planners in Sanford in regards to this project and they have a great concern for traffic issues particularly at the intersection in Springvale and suggests that it would be a great idea to include them in the meetings.

Duncan McKechern suggests that bonding an applicant makes sense on a project of this magnitude; it is definitely something the board should consider.

Carl Beal/Mike Peverett for ASA/Homepride Builders (Map 257 Lot 19)

Proposed project is the creation of 2 lots from one lot on an existing right of way and bringing the ROW up to town standards for a private road. Final submissions are included in the packet received by board members.

The board goes through the final submission check off list:

- A. yes
- B. yes
- C. yes
- D. Private wells
- E. Hydro letter
- F. Yes
- G. yes,
- H. No culverts needed
- I. Yes,
- J. Waiver requested for soil/erosion control (board ok's)
- K. Storm water waiver requested (board ok's)
- L. N/A
- M. N/A
- N. Estimated \$10,000 to improve the road
- O. N/A no flood zone

Ken recommends having the wetland delineation shown on the map, also the name of the road on the plan. Ken also mentions that the existing home is okay, but the new lot created by the subdivision will have to have AFD approved sprinkler systems installed in the home. Ken also recommends having 100 feet or so of the entrance paved to reduce dust and rocks from over flowing on to Foxes Ridge when people pull out.

Yoli motions to accept the application for subdivision as complete, Tom seconds the motion. Board votes to accept as complete.

Site Walk Scheduled for Saturday November 17th @ 9am

Ron Auger, the landowner/applicant mentions that he has opportunity to buy a piece of the lot before this one. He may want to do this now and asks if the board foresees any problem with this holding them up. The board seems agreeable as long as he can get the submissions in before the 15th. If so, the public hearing will be scheduled for December 6th @ 7pm.

Chip introduces Pete Maher of Sevee and Maher Engineers Inc. Chip explains that the applicant has agreed to pay for the peer review of his a waste engineer was hired. The secretary put out calls to 4 different firms and Pete was kind enough to return the call and willing to meet tonight.

Pete is an engineer with 30 plus years of experience in the solid waste field. His firm employs 42 people and have been in business for 22 years he does is related to landfills, transfer stations and waste management.

Tom Cashin expresses concern that the board did not vote to hire Sevee and Maher. Chip explains that the applicant agreed at the hearing to pay an engineer in the solid waste industry for peer review. He asked the secretary to call a few and see if anyone was interested and invite them to explain that a handful of engineers were contacted and this is the firm that has shown any interest. The board does not have to vote to hire out voting the application complete (see letter E in the submissions) it is agreed that we can hire consultants.

Chip asks Pet if he has ever done work with Patrick Hannon or Mass Environmental.

Pete replies that he has not. Pete explains that the secretary sent the materials submitted by the applicant and has reviewed the town ordinance and has done a drive by of the proposed location.

Jamie Saltmarsh asks if his firm generally offers peer review of this type. Pete replies that his firm has done a lot of peer review on various projects for solid waste.

Pete explains that he believes that what has been submitted is a conceptual sketch plan intended as an introduction. It is certainly not up to site application. More studies and designs are needed. He also comments that the town ordinance is fairly silent on waste facilities, though there is article 6 for a conditional use.

Tom would like to talk about a mistake he feels the board made by accepting this application as complete on September 6th. He reads from the ordinance for the review and hearing procedure. He reads the section which says that with these submissions in 6.6.3.3, the applicant must show that the 6.7.3.7 can be complied with. He expresses concern that the applicant can not with what is submitted show that those standards can be complied with. The board needs to revisit the vote on 9/6/07.

Chip explains that the board has never addressed any application this way. As the review process goes on they request various information before the board.

Tom refers to the Planning Board Manual from MMA and notes sections dealing with Prior Mistakes of the Board and sections on the Applicable Ordinances to an application.

Tom also expresses concern about the plans submitted in the application, where stamped plans submitted were derived by using existing plans from Environmental or Corner Post. Weston and Sampson never actually surveyed this land.

Chip explains that 6.6.3.3.d Boundary survey has been met on a survey done in 2001 by Corner Post, it does not require any buildings on it, and is required to be stamped by a licensed surveyor in our ordinance.

Pete addresses that matter and agrees that the applicant should show that 6.6.3.7 can be met when accepting an application, as he interprets the ordinance.

Tom believes that the applicant needs to show us not just what but HOW he is going to do these things to be sure 6.6.3.7 are met.

Tom motions that the board revisit the vote on 9/6/07 for completeness of application; Keith seconds.

Tom would also like to see an overlay map of what is currently there on the property and what is proposed, drawn up by a professional engineer.

Pat Hannon explains that Tom is grasping at straws. He explains that the boundary lines have not changed in 6 years, the survey from 2001 is correct. The secretary. What is proposed is in your packets with my application submission. The board voted that the application was complete. Never before required that performance standards be met at the beginning. He urges that the board consult their attorney on this matter before they go further.

Keith agrees that if it is practice to have the standards met in 6.7.3.7 before review begins, he would like it looked into.

Jamie Saltmarsh believes that in most cases towns with a site plan review state clearly that these things have to be presented up front, but with conditional use ordinances it needs to be looked into.

Pete Maher sees major traffic issues that will need to be dealt with and with the 75 day timeline this makes studies and review nearly impossible.

Chip explains that the timeline can be extended if agreed upon by the board and the applicant.

Keith asks Pete as a licensed engineer if the plans submitted by Weston and Sampson are acceptable. If they can use an existing plan to derive the new plan.

Pete explains that their stamp on the plan is just representing that the plan is accurate to what the title proposes.

Keith asks if he thinks it meets the criteria in 6.6.3.3.b. Pete can't say for sure as he has only looked over the ordinance once.

Tom expresses that the major concern is that reading article 6.6.3.4 we have to agree that standards set in 6.7.3.7 can be complied with by the standards clearly they can not.

Tom asks Bill Lotz who is an engineer if he believes that what the board has is what is asked for in article 6, and he opens that question also to Consultants who is also present in the audience.

Bill refers to submissions c1 and c2 and gives opinion that they are redundant and not much of an engineering plan.

Pat reminds Tom that the survey and the site plan are separate from each other, the ordinance does not state that they have to be one and the same going to the lawyer first.

Keith asks Tom if he would consider amending the motion to have the attorney give an opinion first.

Tom withdraws his first motion. Tom makes a new motion:

To ask attorney Durward Parkinson if the initial vote was in accordance as outlined in the ordinance and if these submissions are adequate as to the application process and if proper procedure was followed as laid out in 6.6.3.4, specifically in regards to the standards being met for 6.7.3.7. Motion. The board votes to approve consulting the town attorney.

Pat Hannon states that he is willing to stop the timeline for 30 days to give the board and the attorney adequate time to review this matter thoroughly.

Tom expresses some concern that Sevee and Maher do not have experience in the peer review for transfer stations. Chip explains that they are whether they have done peer review for this or not does not mean that they can't.

Pete has agreed to draw up a proposal for the board if that would sit better with the board.

Pat reminds Chip that if an engineer is hired that all correspondence goes through the secretary or the Chairman so that he is not paying for a n and unnecessary hours of work. Chip explains that this process has already been agreed upon when it was first brought up with SMRPC.

Discussion on Attorney's letter in regards to HEBO HYBO Road project for Creamer

Chip refers to the letter and interprets this to say that the burden of proof is on the applicant to show that he has private and public access to his easement in the deed or written permission from road owners.

The board is in agreement with this interpretation. The secretary will send correspondence to the applicant and leave it in his hands.

Meeting adjourned at 9:45pm

Next meeting agenda:

Correspondence from attorney in regards to Hannon application

Warren Seavey for information on moving CU to new location

CPIC for Site Plan Review/ possibly ordinance changes for 2008