

Town of Acton
Planning Board Meeting Minutes
January 03, 2008

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

Members Absent: Brian Bellanger, Randy Goodwin & Yoli Gallagher

Guests: Shelly Blaisdell (secretary), Ken Paul (CEO), John Moore, John Giardi (Town of Wakefield, NH), Debi Rix, Mark Rix, Joseph Ruma, Patricia Dutil, John Steffens, Steve Bodkin, Dick Neal, Pam McAlinden, Tom Rousseau, Pete Maher, Warren Seavey, Larissa Crockett, Carl Beal (AS& A Developers), Pat Hannon

Meeting called to order at 7:00 p.m. by Chairman Chip Venell

1. Warren Seavey met with the board regarding his application for a conditional use permit. Warren explains his plans to have a business on Sanborn Road where he restores antique cars and fabricates panels for cars that are unavailable to purchase. The board reviews the application packet to consider if it is a complete application. Mr. Seavey explains that he also plans to add an addition for a utility room, office and small showroom to show the cars. Mr. Seavey says the addition proposed will be 24' by 480' for the new business as well as his living quarters. Chip explains to Mr. Seavey what the next step of the process is and asks for an abutters list, and if there is a well and/or septic on the property now? Mr. Seavey says that the well is already in and there is a tank in for septic but it is now covered with snow. He has an approval from the State, but hasn't completed it yet. Mr. Seavey pays \$100.00 for the application fee and Chip asks if anyone on the board has any questions? Tom asks Mr. Seavey if he plans on having welding in his shop. Mr. Seavey says that he will not be doing welding in the traditional sense but he may need to spot weld on occasion. Chip says that this is something that the board may want to look at later on, but for now the board just needs to make a determination as to whether this application is complete.

Tom Cashin makes a motion that the board find Mr. Warren Seavey's application complete. Keith seconds. All in favor. Passes 3-0.

A site walk is scheduled for January 19, 2008 at 9:00 a.m. on the property of Warren Seavey.

Public hearing is scheduled for February 7, 2008 at 7:00 p.m. for Warren Seavey project.

Chip asks Warren if he had a chance to look at other applications they have had for a similar repair shop. Mr. Seavey says yes he has. Chip explains that he needs to be prepared to answer questions regarding disposal of anti freeze and waste oil, and if any of these things are involved in his business, he will have to have a plan for that disposal and how he plans to take it out of the vehicles. Also, if he is going to have a company dispose of anything, something needs to be in writing from them. If he is going to have batteries on site, he needs to tell them what his plan

is for storage of these, etc. Chip says to Warren that the more he is prepared and had the necessary information, the quicker the process will go. Warren agrees and says that time is of the essence due to him needing to be out of his current location in mid March.

2. Mr. Carl Beal of Civil Consultants gives a presentation to the board on behalf of AS&A for the project on Foxes Ridge Road. Mr. Beal says that at the last meeting there were some issues raised as to whether an entrance permit was needed from the road commissioner or DOT. He said that a permit is needed and he included it in the boards packets tonight. Part of that discussion also included site distance along Foxes Ridge Road. It is a 35 mph road and technique for that speed says it needs appropriate site distance each way. DOT confirmed that it meets all of the requirements each way. The State required a paved apron on that section of road. Mr. Beal says the paved apron is 20 feet from the edge of the pavement back to the right of way on Foxes Ridge Road. Chip says that is not even close to what the board will require. Mr. Beal says that it is on the plans right now as to what the State requires. He also says that a

turn around for emergency vehicles has been added on proposed lot #1 and they will culvert that

lot with an easement which will allow the owner to maintain, plow or anything they need to do, and anyone on Saunders Lane will be able to use that as a turn around. He also says that that area will probably be the driveway for that lot because it is in a good area with good visibility. Chip asks if that is on the wetlands? Mr. Beal says that it is not on the wetlands and is approximately 100 feet from it. Mr. Beal also addresses questions that were posed by Jamie Saltmarsh. He said her first comment was regarding the turn around location, and that was before they allotted the legal bearings and distances on the plan, so they provided easements to handle her first concern. Another question posed by Jamie is 11.4D she talks about the standard

for sidewalk lines be perpendicular to the street. He said the new lot line proposed between the two lots that are being created is 128 feet and is perpendicular to the street, so he doesn't understand her comment regarding that. Chip says he thinks she is talking about the next street over because it goes back at an angle. Mr. Beal explains that if she is concerned about the other

road, with road frontage, it is already an existing road with enough road to build on, so it doesn't apply. The other issue Jamie talks about, 11.12.B.2A, talks about the site distance on Foxes Ridge Road and he says they responded to that with getting the DOT standards. 11.12.B.3 talks about the verified vertical alignment to road grades meeting the ordinance requirements. Mr. Beal says that those requirements are a maximum of 8% and also a 2% grade on the first 25 feet to the intersection. He says that all of their grades on this road are between 1% and 3% so they meet the requirements that are in Acton's ordinances. Another question Jamie had is 11.12.B.5 which addresses skew angle, curve radius and curve width. Mr. Beal explains that the skew angle on the intersection that comes into Foxes Ridge Road is approximately 84 degrees and the old ordinance that they are under says it needs to be between 60 and 90 degrees so they

meet that criteria. Curve radius does not apply to a private way, but they do have a 30 foot radii at the intersection, so they do meet that requirement. The width of that portion of the ordinance says 24 to 26 feet, again a private way is a minimum of 18 feet, so he doesn't feel that

it applies. Curb cut width requests a range of between 74 and 110 feet at the intersection and they actually have 75 feet so they meet that criteria. 11.12.B.2 talks about a petuitous concrete paved apron and he says they have shown a paved apron 20 feet from the end of the pavement to the right of way line based on DOT's permit. Mr. Beal says that if more of an apron is required then they can do that back to the right of way line. 12.1.E you talk about a note in the

plan that says there shall be a private way, etc. which actually is a requirement under the new ordinance, which they are not under. Mr. Beal says that if at some point in the future somebody wanted to approve this, they could petition the Town for acceptance and the note is on the plan to be recorded. Jamie's concern regarding 12.2.H just wants to verify that Saunders Lane will meet the private way criteria and he says that it does according to his statement. 12.2.J.2 addresses stopping site distance along Saunders Lane. Mr. Beal says that cars will be able to stop easily because minimal stopping site distance in the ordinance is 125 feet and that is met at

any point along Saunders Lane using the height of object, etc. in the ordinance. The last point that Jamie asks about is 12.2.J.3 regarding site distances at intersections. Mr. Beal says he is not sure what she meant by that . He explains that the standard requires 250 feet of site distance at the intersections and they have 500 feet each way on Foxes Ridge Road. He says the existing alignment does wind around, but unless she is talking about driveways, Mr. Beal says that he doesn't feel that applies. Chip questions what Jamie meant by that and says he

thinks that she is probably talking about Foxes Ridge Road off of Saunders and can you see 500

feet site distance. Mr. Beal says he feels that they have answered all of Jamie Saltmarsh's comments and feels they have answered everything with their plans as they are currently. Keith Davis asks Mr. Beal if he is saying that they are going to meet the criteria for width of 18 feet. Mr. Beal says they are going to have 24 feet total with 18 feet of right of way. Chip asks Mr. Beal for copies of the two pages of the plans that show the updates, along with Mylars to be signed at some point. Chip asks the board how they wish to proceed? Keith asks Tom if he is comfortable with this? Tom says yes he is, and Keith reads ordinances A - N from the old ordinance book, page 52. Chip asks what the proposed cost is for the improvements? Mr. Beal says it is at \$10,000.00 for road improvements. Chip says that they are going to need something to ensure that once the work begins it will be completed. Mr. Beal says he can provide a letter of credit to cover this. Ken Paul says this is acceptable. Keith asks about the insurance maps showing it in a flood prone area, and Mr. Beal says that it is not in a flood zone. Chip asks for discussion on any conditions. Keith asks if they will receive a copy of the deed showing the burden of the easement. Ken asks for a letter from Civil Consultants that says the road is up to standard before issuance of permits. Chip also tells Mr. Beal that the name will also need to be approved by the Road Naming Committee before it can be used officially. Chip asks Mr. Beal to update his maps before the board signs the Mylars, and asks him to do that and come back. Mr. Beal says that he will get that done. Chip asks for a motion. Tom makes a motion that the board approve the Saunders Lane subdivision with conditions as discussed. Keith seconds. All in favor Pass 3-0

3. Proposed review of the Pat Hannon application. Chip asks if there are any questions for Pete Maher? Tom says he feels someone should clarify what Randy Thome meant in his e mail dated December 12, 2007 when referring to taking the job as consultant, and says that he is basically talking about how he could provide the board with a peer review for Mr. Hannon's proposal. Tom continues to read from Mr. Thome's letter and comments that what impressed him about the letter was that he feels it shows a track record of his dealings with transfer stations because they design them and work closely with municipalities. Chip asks if anyone has any questions for Pete Maher since he is at the meeting tonight. No

questions from the board or audience members. Chip asks Mr. Maher, with regards to peer review, has his firm has had an opportunity to review other transfer stations for various entities? Mr. Maher said they generally design different waste disposal facilities and provide peer reviews in that regards. Chip asks Mr. Maher if the board decides to go with his firm, would he be able to meet with the board relatively soon to go over whatever the applicants proposal is and to point out things that the board may need to address? Mr. Maher answers that his schedule is fine.

Tom said that Mr. Maher indicated the first time he met with the board that his firm had never conducted a peer review on behalf of a municipality concerning a transfer station or waste facility

and he thinks it is a valid concern for the board. Mr. Maher agrees that he did say that and said that peer reviews that he has done in the past have traditionally been more subdivision, ground water and that type of thing. Tom said that after seeing what Woodard & Curran are proposing, he feels the specific areas of their experience speak for themselves. Keith asks if he spoke with Michelle regarding this issue, and did Mr. Thome say to Michelle he wasn't interested in taking the job of independent consultant? Tom said Randy Thome wasn't looking for a job but sent in his materials for consideration. Mr. Maher said that Woodard & Curran has probably dealt alot with waste disposal and are probably second to his firm in this area. He said that his firm probably does two out of every three facilities and the board may need to go with his firm due to the volume of work and his connection with the other firms he works for. The board asks Mr.

Maier if he foresees a conflict. He said there are basically four major landfills and his firm works for three of those four, therefore he needs to be sensitive to their current clients needs. Keith says that that could be a perceived conflict and Mr. Maier agrees because this land fill could be possible competition. Shelly Blaisdell spoke to Michelle Rumney by phone and shares with the board that Michelle said she talked with Randy Thome and he said he didn't want to chase the work. He was under the understanding after talking to people in town that he was going to be hired automatically and when he found out that wasn't the case, he recommended Sevee & Maier and said they were a good company. He said if he was going to be hired automatically he was open to that, but he wasn't willing to chase the job.

Pat Hannon said that he doesn't see the peer review as being this intensive peer review that would need a solid waste engineer giving advice on acceptable practices, what the State would allow, etc. That is what he thought the application for solid waste facility would bring. Chip says that his impression was that the peer review is an engineer going over the plans and saying

this will work and this won't. Chip asks Tom what he thinks a peer review will do other than that. Tom said he thought that he wanted everyone to contribute to the discussion and have a workshop with Mr. Hannon and also have him contribute to this peer review. He said that the board will be numerating areas where they need substantive information as to the means by which to achieve A, B, C, D, E, F, G, H, I & J. There will be some work generated by those things and this firm would be looking at those documents and basically holding them up and seeing if the applicant's plans in this particular aspect of the project will meet State and Federal guidelines. Chip asks Mr. Maier what his opinion is as to how the board should proceed, either with a peer review or not, and is this something that his firm could help the town with? Mr. Maier said that Acton doesn't have any real specific standards, unfortunately, so he feels that the town will have difficulty there. Mr. Maier said he feels that you don't have a lot leverage holding anyone's feet to the fire on a lot of things because your performance standards are pretty

general. The board needs to do the best they can based on the peer reviewers experience in all of

the areas that are spoken of in your performance specs, so you want to find someone that has all

those levels of experience. For instance, his firm doesn't have wetlands scientists on staff, so they subcontract that out. Chip asks Mr. Maier if he has seen the Towns performance standards and if he thinks that his firm would be able to address the performance standards they

have with the proposal that Mr. Hannon has presented to the board? Is there anything in the performance standards that his firm would not be able to review? Mr. Maier says that there may be a few such as wetland issues since they don't have people on staff. They would subcontract that out. Mr. Maier says that his experience has been with a set of regulations that are very thick and the State regulations are so specific and give details about these facilities.

This is where his mindset is and ultimately anything that is designed or permitted has to go to a State review or a State permit so it is going to have to meet all of those criteria, and eventually the project will have to follow the State regulations and they are pretty detailed. Mr. Hannon comments that he will again say that maybe the planning board wants to consider additional approval of this project pending review of the States regs. He said he doesn't see the board putting any more restrictions on than what the State requires. Keith says he is always looking for more information and more knowledge on how things work and would like to know prior to it going to the State. Pete Maier said that it has been his experience that all town permits are contingent upon State approval of all permits that they require.

Pete reiterates his reservations about taking on this project due to a possible conflict of interest and working with other commercial landfills that may be competition for this project. Chip asks Pete Maher if he would rather not have the town of Acton hire him. Peter Maher says that it could become a little complicated and probably best to go with another independent consultant firm.

Tom makes a motion that the planning board retain the firm of Woodard and Curran for its help with the solid waste services on the Hannon application. Keith seconds. All in favor Pass 3-0

Mr. Hannon asks what Woodard & Curran's rates are, and if the board could find out what their multiplier is before hiring them. Chip explains that it is up to the Selectmen to enter into a contract with them and if Woodard & Curran accepts, then the details of price will be worked out then. He tells Pat Hannon that they will have more proposals on rates at the next meeting.

4. Steve Bodkin presents his plan to harvest land at Map 260; Lot 10, and explains the process in detail. Chip asks how well is this controlled and about street crossings? Mr. Bodkin explains that there are not street crossings and limited wetland areas. He explains that doing the work in winter is the best time because this is when the least amount of soil erosion occurs, and feels that this is the best management practices for the job. Chip requests that they address a few things that are listed in the ordinance, and asks him about the abutters list.

Tom asks where the property lines are in connection to the cutting? Mr. Bodkin explains that the lot lines are clearly marked and his desire is to begin the paperwork, have the public hearing and a site walk right away because of the season we are in.

Chip makes comments and points out page 74 and 75 and says that the board is under a microscope and needs to be careful on how they do things with this application. Chip says he is not sure if they have the option to waive the perimeter survey requirements. Tom points out that on page 74 6.3.3 it says that the board may waive a survey with a vote.

Keith makes a motion to waive the perimeter survey needing to be done with the timber harvesting done by Steve Bodkin at Map 260, Lot 10. Jim Seconds

Steve Bodkin comments, and Chip asks if there is anything else the board feels they should waive while they are at it. Keith points out that there is nothing else that is applicable to this application. All in favor Passed 3-0

A site walk is set up for Saturday, January 26, 2008 at 9:00 a.m. and a public hearing is scheduled for February 7, 2008 at 7:30 p.m.

Keith makes a motion to accept the meeting minutes of November 15, 2007.

Jim seconds. All in favor Passed 3-0

Tom makes a motion to accept the meeting minutes of December 6, 2007.

Keith seconds. All in favor. Passed 3-0

Motion made by Tom to adjourn the meeting. Second by Keith. All in favor.

Meeting adjourned at 9:30 p.m.