

Town of Acton
Planning Board Meeting Minutes
March 6, 2008

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

Members Absent:

Guests: Shelly Blaisdell (secretary), Ken Paul (CEO), Larissa Crockett, Bruce Read
(representing resident Cheryl Donahue), Cheryl Donahue, Maureen Casey, John Steffens, Jeff
Worel, Paul Spahn, Paul Poyant, Debi Rix, Mike Rix, Ella Wilchert, Bob Wilchert, David
Turcotte (Turk's Sand & Gravel), Tom Harmon (Civil Consultants), Deborah Baker, Harvey
Winchell, Patrick Donahue, David Winchell

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

1. Chip opens the meeting with a Public Hearing for CAT Revocable Trust, commonly known as Turk's Sand & Gravel. Mr. Tom Harmon of Civil Consultants gave a presentation stating that they are here having a public hearing on their request for the modification of the board's previous approval of the operation of a sand/gravel pit on Route 109 that was approved less than a year ago. They are now requesting to increase the number of trips allowed daily, to be able to operate a crusher for a couple of weeks per year on the site and also to increase the hours

of operation. They would also like to install a truck scale on site to be able to weigh trucks themselves. Mr. Harmon points out that the board previously asked for decibel level readings and he gives that information pertaining to noise from the crusher. Also, noise on Route 109 from traffic was discussed. A study was done that shows that the road currently operates on a level of service D. Truck traffic would lower the level of service a little bit, but it would still be at an acceptable level of D, according to Mr. Harmon.

Chip asks for any public comments. Several residents in the audience asked questions related to the decibel levels, and what that means in terms of noise they can relate to.

Cheryl Donahue asked if they still planned on having the crusher operate for two weeks per year,

and if so, what two weeks are they planning on using it? Mr. Harmon said they do not have two specific weeks picked out yet, but they don't want to use it in the winter because of problems with freezing. Cheryl also asked about who would monitor the decibel levels? Mr. Harmon said that if someone had a problem, they would have to go out there during the two specified weeks and measure it.

Mr. Bruce Read, representing resident Cheryl Donahue, had several comments and concerns regarding the modification of this application, and asked the board to please consider this carefully. He felt that there were several grounds for concern and asked the board to please verify the four things that are being asked for before granting this application.

John Steffens comments that he has a number of concerns because he feels this is now a very different operation with the changes being requested, specifically the number of trucks that will be in and out of there daily. He also comments on the site distance being an issue, as well as noise. He asks the board to please consider the affect this will have on the area and said that if this passes, he plans on asking for a reduction in his property taxes due to the nuisance this will cause.

Dave Winchell comments that he operates a small excavation business and hauls from Turk's gravel pit. He said he goes up there often and he doesn't have any problem seeing up the road and has no problem with traffic when he takes his large trucks up there. He also said that he can

carry on a conversation outside with people with no problem hearing each other. He said the pit

has been there for many years and feels that Mr. Turcotte is abiding by all of the stringent laws and rules. He also said that the Town of Acton is currently using that pit to haul sand and gravel out of there for Town use.

Bob Wilchert said that he agrees with Mr. Read because he can hear the sounds of traffic on Route 109 regardless of the tree barrier that is between his property and the road and feels that this will affect the quality of life in that area due to the noise it will cause.

Debra Baker also comments that if the stone crusher is allowed, is he going to be limited? Chip said that if they limit the use of a crusher to two weeks per year, then he would be limited to that specific period. Several board members point out that if he asks for two weeks, then he will be limited to that specific time period. Chip said that if he is caught by code enforcement using it more than requested, then there would be problems.

Bruce Read asks if there are specifications on the rock crusher as far as how old it is, the size and

decibel levels, and can he get those specs? Mr. Harmon said he would have to look back through the file to get that. David Turcotte said it is a new crusher and in very good condition. Mr. Bruce Read said he would like to caution the board about making a decision before checking

on the site distance that DOT requires, and even though the crusher issue is important, he doesn't want the board to lose sight of the fact that the site distance issue is equally important. Mr. John Steffens presents the board with a document on Highway, Driveway and Entrance Rules that he wants the board to review for their reference.

Chip asks for any additional comments from the public or board. Keith said that it seems there are other operations using this type of equipment and wants to know if there have been any complaints presented to the Town on similar businesses? Dave Winchell said he is familiar with the Pepin operation and said they have never had a complaint, and Ken said that there are others and there have not been any complaints on those operations either.

Patrick Donahue comments that he feels we can go back and forth but until you check with what DOT requires on the road, it doesn't matter what the planning board says because the town of Acton doesn't own that road, it is a State road. Chip explains that the board is not at that point yet. He said they are here tonight for a public hearing, and this is just the beginning

of the process.

Tom Harmon said there are no trip limits on their permit. The gravel pit regulation says if they create more than 100 passenger vehicle equivalent at peak hour, then they have to meet the requirements. Mr. Harmon said he will go back to DOT and check, but he said he believes that the entrance permit that they currently have does not have any requirements on it other than they are operating under a permit by rule. DOT says you don't have to have a full permit. That permit by rule process says that up to that limited trips, they don't have to have an entrance permit for gravel pits. The limited trips is 100 passenger vehicle trips per hour which is cut down to 60 or 70 trips per hour. Chip asks for if that number is only what they are generating or is that number what can travel over the road? Mr. Harmon said that is just what they are generating.

Tom Cashin asks Tom Harmon if they would be willing to do a decibel level test on the site if a portable rock crusher comes in, and also wants to know if Civil Consultants sent a letter to Southern Maine Regional Planning? Mr. Harmon said the crusher is only going to be there for two weeks, so he recommends that you have someone come and take a decibel level reading at

the beginning when it gets set up. Mr. Harmon said he didn't think he was supposed to contact Southern Maine Regional, but could if the board wanted him to.

Randy comments that he can't see approving this during the period of Memorial Day and Labor Day due to the already high level of traffic during those times. Mr. Harmon will check to see if the DOT traffic study included this high level of traffic times throughout the year.

Tom Cashin makes a motion that Civil Consultants make an inquiry to DOT on Mr. Turcotte's behalf for 264 trips per day being added to Route 109 five days per week, and also wants him to confirm if the site distance that he has now works for that number of trips for what is being proposed for the entrance. Also, Tom requests Civil Consultants to find out if the proposed trips fall within the level of service. Yoli seconds. All in favor. Approved 5-0

Ms. Baker asks if it is the Town's responsibility to get the information from DOT themselves instead of asking the applicant to get it himself and present it back to the town? Chip explains that the applicant will pay for it and it will come from a legitimate source so they deem it to be trustworthy and there will be documentation.

Bob Wilchert asks the board to look at more than just how this will affect Route 109 like the quality of life for the residents in that area.

Chip asks Mr. Harmon for clarification on site distance. Does this change from a driveway to an entry way, and what does this do to the current traffic on the road. Mr. Harmon explains that when you are talking about the increased site distance for trucks, which is in place now. He said they meet the site distance for passenger vehicles and you have to increase that site distance when 30% of that traffic is trucks.

Keith makes a motion that the board accept the February 7, 2008 meeting minutes as written. Jim seconds. All in favor. Passed 5-0

Randy makes a motion that the board accept the February 21, 2008 meeting minutes as written. Keith seconds. All in favor. Passed 5-0

The board discusses the letter dated March 4, 2008 from Pat Hannon's lawyer, Curtis, Baxter, Stevens & Britter.

The board requested a letter be sent to Pat Hannon and his attorney in response to his attorneys

letter. The board requested that Pat Hannon is notified that as soon as the escrow account is set up they will schedule a workshop to move forward.

Randy makes a motion to adjourn the meeting. Jim seconds. All in favor.

Meeting adjourned at 9:45 p.m.