

**ACTON PLANNING BOARD MEETING**  
**SEPTEMBER 4, 2008**

A. **ROLL CALL** – 7:00

Members present were:           Chip Vennell – Chairman  
  Thomas Cashin – Vice Chairman  
  Randy Goodwin  
  Keith Davis

Others present were John Moore and Kenneth Paul, Code Enforcement Officer.

B. **MINUTES**

There were no Minutes approved.

C. **UNFINISHED BUSINESS**

1. **David Pepin – Extractive Use Permit** – James Lawry of Sebago Technics advised he would be representing the applicant in this matter. He said he had some items from the previous Meeting that he had to do. He stated the items were a Certificate of Liability Insurance and creating an escrow account. He pointed out that the Certificate is included in the information submitted this evening along with a letter confirming that an escrow account has been open at the Kennebunk Savings Bank in the amount of \$40,000. He mentioned that the plan has been revised to reflect the applicant's desire to include a septic tank and a slab foundation because he intends to construct a building in the future. He indicated the revisions on Sheet 5 of the plans submitted this evening.

To Mr. Vennell's comment that the Board thought there would be no fuel on the site, David Pepin, the applicant, confirmed that there won't be. He explained that at the beginning of the site, there will be a 2,000 gallon septic tank that will be serviced by Labbe.

To Mr. Pepin's question whether there would be the need for another review when he constructs the garage that will be placed on the slab foundation, Mr. Vennell advised not if it is part of this review. He stated the Board will have to review the plan that includes the slab foundation.

Mr. Lawry advised that the slab foundation will be pitched toward the back rather than to the front as a normal garage is. He stated that everything on the plan concerning the fuel area will remain. He said with regard to the hours of operation and crushing, the Board said that they had no problem with 7:00 AM to 5:00 PM Monday through Friday and 8:00 AM to 12:00 PM on Saturday with no work being done on Sunday, but they would like to propose 5:30 AM to 4:30 PM weekdays and 6:00 AM to 1:00 PM on Saturday again with no work on Sunday.

Mr. Pepin stated that the proposed times are the hours of operation currently and it works well because the trucks leaving the site are able to avoid the school bus traffic in the morning and again when they return in the afternoon.

To Mr. Davis' question whether beginning at 5:45 AM rather than 5:30 AM would have an adverse impact on his operations, Mr. Pepin said he had no problem with changing the time by 15 minutes. Regarding Mr. Davis' concern about the noise factor so early in the day, Mr. Pepin advised that he has been working those early hours for quite sometime and has had no complaints. He mentioned that he has spoken with the school as he would prefer to have his trucks not have to park behind or in front of a school bus [when they are discharging passengers]. Mr. Vennell mentioned that there is a Board Member who lives across from the Town Hall and she would be one of the people affected by any excessive noise, but she has stated that she hasn't had any problem with whatever noise is generated by this operation.

The final hours of operation were agreed to as 5:30 AM to 4:00 PM weekdays, 6:00 AM to 11:00 AM on Saturday and no operations on Sunday.

Regarding the sight distances, Mr. Lawry explained that there is no problem in one direction and they have spoken with Scott Mooney, the Road Commissioner for that area, about the other side with Mr. Vennell mentioning that he also spoke with Mr. Mooney who confirmed that the applicant can go to the culvert and as far back as the property line.

Mr. Lawry advised that there is no problem going to the culvert or slightly beyond as the culvert is approximately 450' with Mr. Vennell stating that he had no problem with the applicant going beyond the culvert an additional 20' to 30'.

With regard to the days of the crushing operation, Mr. Lawry advised they would like to work the site from October 1 to February 28 as Mr. Pepin would like to do that work while the roads are posted so he can remove the material from the site. He stated they are aware of the Board's concern about the wildlife in that area so he spoke with DEP and the individual he spoke to said there is very little impact on wildlife with this type of operation.

To Mr. Vennell's comment that the primary concern was for baby animals in the area, Mr. Cashin said there was more than adequate room on the site.

After a brief discussion with Mr. Pepin advising that he would like to work during the months of April, May and June so that he won't have to do the work in the summer and then again in the fall, the Board approved operations from October 1 to May 1 of each year and a limit of eight weeks for the crushing operation.

A Motion was made and seconded to approve the application, except for the foundation pad for a future structure, of David Pepin for an Extractive Use Permit with the following conditions:

- a) The hours of operation will be 5:30 AM to 4:00 PM Monday through Friday, 6:00 AM to 11:00 AM on Saturday and no work to be done on Sunday.
  - b) The rock crushing operation is restricted to October 1 to May 1 for an eight week period during that period of time.
  - c) Clearing will take place to the culvert at the Acton Town Hall to the south side of H Road.
  - d) Paving will take place from the edge of H Road back to the gate and from the gate into the site with a 50' construction type of tread mat.
  - e) No more than a total of 25 round trip truck trips a day. Should the applicant require more trips, he is to coordinate that activity with the Code Enforcement Office prior to doing so.
  - f) The applicant is required to establish an escrow account and provide evidence of liability insurance.
  - g) Plans for the foundation pad must be submitted for the Board's review.
  - h) The applicant is to finalize any vegetation removal for sight distance purposes with the Road Commissioner, Scott Mooney.
  - i) Adherence to all the Ordinance performance standards for this type of activity is required.
- Cashin/Goodwin – Unanimous.

2. **Leo Menard – Application for Granite Homes, Inc.** – Mr. Menard was not in attendance at the meeting tonight.

D. **NEW BUSINESS**

1. **Bluesky – Revisions to an Approved Subdivision Plan** – David Bartholomew advised he is responsible for developing a subdivision entitled "Liberty Lane" in the Eagles Trace development. He stated they would like to eliminate the need for advanced water treatment systems on Lots #1 and #3. He advised that they have reduced the number of bedrooms for the proposed residences from four to three and has moved the lots out of the wetlands so they are now closer to the road. He mentioned that John Rand felt it was a good plan. He referenced the

Subsurface Waste Water Disposal System application that was submitted to the Board this evening. He mentioned that the purchasers of the property are Fay and David Davis.

Mr. Vennell pointed out that the Board had voted at the last review to accept John Rand's recommendation and to allow the revision.

Mr. Bartholomew stated he received a letter from the secretary for the Code Enforcement Officer advising that Note 16 on the plan should conform to John Rand's letter. The letter also mentioned the need for the submission of a \$200 fee as well as payment of the expense for Mr. Rand's review. He advised that the Rand fee is \$344.

The Board suggested that Mr. Bartholomew submit the Rand fee to the Town and discuss the need for the \$200 application fee with the Code Enforcement Officer or his secretary.

Mr. Vennell mentioned that an amended plan will have to be recorded at the Registry of Deeds in Alfred. He summed up the application by stating that the amended plan will be the same as the current subdivision plan with the exception of Note 16 which will be removed and Lots #1 and #3 will have redesigned septic systems. He suggested that Mr. Bartholomew come in with two mylar copies of the revised plan one of which will remain with the Town and the other recorded at the Registry of Deeds. He said signing the plans will only take a few minutes, therefore, Mr. Bartholomew can bring in the mylars when they are ready and the Board will sign them during the Meeting in which they are submitted.

2. **Patrick Fraser – Danis Subdivision** - Patrick Fraser identified himself as the applicant and submitted plans for the Board's review. He explained that currently there is a 50' right-of-way to the site because some of the field land has been sold. The property is located in the Rural District and John Ford's property is on the other side of the school. There may be two lots on 153 acres. He stated he said two lots because the owners may give their child a lot in the future, but at this time, there will only be one dwelling. He mentioned that the road doesn't extend to the existing path that is on the site. He stated a topographical survey has been done. He asked the Board whether a site walk was necessary and if they would like to see anything more than what he has submitted.

Mr. Vennell stated he felt this is a major subdivision since there will be a new road, therefore, it is at the sketch plan stage and a site walk should be scheduled. He pointed out that currently the site only has a driveway and not a road, therefore, as a road, it must be constructed to the necessary standards.

To Mr. Fraser's question of why the driveway would have to be constructed to the road standards, Mr. Vennell explained that the previous review was done under the old subdivision regulations and that may have changed in the new regulations.

Mr. Fraser pointed out that there is gravel on the road at this time, therefore, it might be able to pass [the applicable standards]. He mentioned there is a slight hill at the beginning of the site which will be reduced and the road is currently 12' wide.

At this time, the Board reviewed the applicable regulations to determine the width and paving that is required. They mentioned that there were some standards they could waive if certain conditions exist. That information, as well as various road construction criteria, are contained on pages 51 to 55 of the Subdivision Regulations.

Mr. Paul, the Code Enforcement Officer, explained that a 50' wide right-of-way is required, but only 20' have to be upgraded to the road standards. He felt that would be necessary if any further activity is planned for the future.

To a question about the sight distances toward the school, Mr. Fraser stated there are about 1,000' with 400' in the other direction. He advised he has applied for a DEP Permit and it will be coming soon.

The following items were determined to be required:

- a) The delineation of the lot lines;
- b) The name of the applicant;
- c) The lot overlay;
  
- d) The establishment of an escrow account;
- e) A 50' right-of-way with a 24' travel way;
- f) The road construction must have a 15" base and 3" of top gravel;
- g) All criteria on pages 12 and 130 of the Subdivision Regulations are required;
- h) The payment of \$1,000 to be deposited with the Town for the payment of consultant fees to SMRPC; and
- i) The application fee must be paid.

To Mr. Fraser's question of how long will the process take, Mr. Vennell explained it basically depends on how quickly the required information is submitted. He felt that without any problems, a winter approval is possible.

E. **OTHER BUSINESS**

**Patrick Hannon – Conditional Use Permit for a Transfer Station** – At this

time, the Board held a brief discussion about the status of the Patrick Hannon application for a Conditional Use Permit for a transfer station. It was their opinion that they have waited a sufficient amount of time for the applicant to submit the revisions to the plan that he promised on May 14, 2008 and that a letter advising him that he has 30 days to do so or the Board will prepare their Findings of Fact. It was also felt that any plan submitted at this time would be subject to the newly adopted Zoning Ordinance.

Mr. Vennell advised he would prepare the letter with the Code Enforcement Officer secretary.

F. **ADJOURNMENT**

A Motion was made and seconded to adjourn the Meeting at 8:45 PM.

Respectfully submitted,

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ANNA M. WILLIAMS,

Substitute Recording Secretary