

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

A. **ROLL CALL** – 7:00

Members present were:           Chip Venell – Chairman  
  Randy Goodwin  
  James Fiske  
  Yoli Gallagher  
  Keith Davis – 1<sup>st</sup> Alternate  
  Larissa Crockett – 2<sup>nd</sup> Alternate

Members absent were: Thomas Cashin – Vice Chairman  
Others present was Kenneth Paul, Code Enforcement Officer.

B. **MINUTES**

**November 20, 2008** - A Motion was made and seconded to approve the Minutes of the November 20, 2008 Meeting as corrected. Fiske/Goodwin – Unanimous.

C. **UNFINISHED BUSINESS**

**David Pepin – Approved Application for Extractive Industry** – Mr. Paul mentioned that he spoke with Mr. Pepin about the letter he had received from the abutters to Mr. Pepin’s extractive industry facility at which time, Mr. Pepin asked if he could meet with the Board to discuss what steps he could take to rectify the situation. To Mr. Venell’s question whether there has been any increase or decrease in the noise that was the subject of the abutters’ letter, Ms Gallagher responded that some of the neighbors have mentioned that the noise has abated to some extent. David Pepin advised that he is operating under the agreement he made with the Town. Presently, he said he is hauling out of another pit and when the roads are posted they abide by those limits. He mentioned that he was somewhat busier this fall than he has been in the past. He stated he is aware of the location of the bump in the road that is the subject of the complaints. Mr. Venell mentioned that there has been a concern that the sound was like that emitted when an engine brake is being used which are noisier now than they were in the past. Mr. Pepin explained that his trucks are able to get by the portion of the road with the bump without using their Jake Brakes and they have said they drive more slowly when they go over it. He stated he would ask the drivers not to use the Jake Brakes at any time. Mr. Fiske pointed out that there are towns that have posted signs prohibiting the use of Jake Brakes. Mr. Venell stated the Town could adopt an Ordinance [prohibiting the use of Jake Brakes]. He said he wasn’t sure how much more effective Jake Brakes are as opposed to slowing down. He speculated that the trucks are probably noisier when they are empty. Mr. Pepin mentioned that a driver has to be very good in order to use a Jake Brake which is why most drivers don’t use them. He explained that if a vehicle is traveling at 30 mph and the driver doesn’t want to use the brake, he will use the engine compression to slow down the vehicle. He reiterated that he will ask his drivers not to use the engine brakes, but rather to down shift which should make less noise. Ms Gallagher explained that one of her neighbors was concerned about the fumes from the trucks as well as the brake issue. She mentioned that same neighbor expressed a concern about the noise created by empty trucks going over the hill as well as concern about her ability to use her driveway.

To Ms Crockett's question of why can't the vehicles use Sam Page Road rather than H Road, Mr. Pepin advised he was told that Sam Page Road is not very good in the spring. He thought using that route may create other problems.

Mr. Venell stated that was something the Board may wish to discuss with the Road Commissioners because Sam Page Road is in bad shape and its use by trucks may make it worse. Mr. Pepin felt the solution would be to monitor the vehicles going by the complainants' properties and see if the situation isn't improved by the reduction of the vehicles' speed as well as not using the Jake Brakes. He thought the Town should probably repair the bump in that area. Mr. Venell pointed out that Mr. Pepin is the only person the Board can discuss reducing the noise with because they haven't issued any other permits for similar facilities. He felt that Mr. Pepin's suggestion was worth trying to see if it remedies the problem.

Mr. Paul suggested that possibly Mr. Pepin could meet with the complainants in the near future. Mr. Pepin stated he wanted to discuss the matter with this Board prior to doing that, but is willing to find a way to reduce the noise and fumes and explained how that could be done.

Ms Gallagher mentioned that there are three neighbors who would like to see the problem resolved. She stated she didn't think the vehicles are speeding.

Mr. Pepin said he would do a practice run the next day and thereafter, have Ms Gallagher set up a meeting with the neighbors so that he can explain how he has addressed the situation. He stated he will ask his drivers whether they have any idea of how to solve the problem. He thought that possibly the Town might consider installing a 10 mph speed limit sign in that area which also might rectify the situation. He mentioned that he will work on the problem, but it might take more than a few days to resolve it. He stated he will be in the area at 8:00 AM the next day and reiterated that he would still like to meet with the neighbors. He advised that he could also possibly use other routes because he does use other pits.

Mr. Venell thanked Mr. Pepin for meeting with the Board and suggested that he speak with Ms Gallagher about scheduling a meeting as discussed after he has spoken to his drivers.

D. **NEW BUSINESS** - There was no new business to come before the Board.

E. **OTHER BUSINESS**

**January, 2009 Meeting** – It was noted that the first Thursday in January, 2009 is New Year's Day so that Meeting will be rescheduled to Thursday, January 15, 2009.

F. **ADJOURNMENT**

A Motion was made and seconded to adjourn the Meeting at 7:50 PM.

Respectfully submitted,

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ANNA M. WILLIAMS,

Recording Secretary