

**TOWN OF ACTON, MAINE**

**PLANNING BOARD PUBLIC HEARING**

**November 4, 2010**

**Aiken Automotive**

**1523 Acton Ridge Road – Tax Map 203-044**

Mr. Venell opened the Public Hearing by explaining how a Public Hearing works and continued by saying Mr. Aiken or a representative/agent should explain what it is he would like to do.

Mr. Aiken stated to the audience that he would like to open a small automotive repair facility in his garage on his property. He said he would repair any make or model that will fit inside his building.

Mr. Venell asked if there was anyone from the audience has any questions.

Mr. Lotz spoke up and said he would like to make a statement. Mr. Lotz continued by saying he has lived on Acton Ridge Road for 34 years and that Tim and Jennifer are assets to the community. He said he would like to see this facility open as it would be an asset to the community.

Mr. Moore asked Mr. Aiken if he was going to sell cars. Mr. Aiken replied no just strictly repair.

Mr. Venell asked if anyone else had anything to say and with no replies Mr. Venell closed the public portion of the Public Hearing. He continued by asking the Board if they had any questions for Mr. Aiken.

Mr. Davis asked if Mr. Aiken had contacted Clean Harbors about getting a letter as requested in the Planning Board Meeting of October 7, 2010. Mr. Aiken stated that he had been in touch with them but has not set up an account yet. Mrs. Aiken stated that she has started the process by calling the Massachusetts office of Clean Harbors and they were going to contact a Maine representative to get in touch with her to open an account. She continued by saying she has not heard back from them and would make another call.

Mr. Venell asked about the hazardous waste and disposal to Clean Harbors. Mr. Aiken provided a list of all that would be accepted by Clean Harbors which includes all hazardous waste except cores of batteries. They would be purchased through NAPA auto parts and old core batteries will be returned back to NAPA. Mr. Aiken explained all materials would be picked up by Clean Harbors, items such as gas, oil-water mixes and used absorbents even towels and cat-litter/speedy-dry used for spills. Mr. Venell asked if he would stock batteries. Mr. Aiken said he would just order as needed and that if he stocked items it would be a huge overhead. Mr. Aiken did say he would order oil a case at a time.

Mr. Davis said that used oil would be stored in 55 gallon drums and Mr. Aiken agreed and stated the drums would be stored inside the garage. Mr. Jones questioned about containment area that was discussed at the prior meeting and asked the Board if that was something to put in the conditions and Mr. Venell said they could. Mr. Venell stated to Mr. Aiken that the garage had a flat concrete floor with no drains and Mr. Aiken replied yes. Mr. Venell then asked if by chance what if the 55 gallon drum leaked or had a whole, the oil would leak on the floor and go out the door. Mr. Aiken agreed.

Mr. Venell continued by saying that if he needs some kind of containment area for such spills or leaks; maybe the bottom half of a septic tank or something along those lines would contain any oil or gas spills. Mr. Venell

said that it should have enough volume to contain the 55 gallons and half of that again and might need to be a condition the Board may want to make just to be safe.

Mr. Cashin asked Mr. Aiken if he could devise something in metal that Mr. Paul could sign off on because he doesn't have room for a half of a septic tank inside the garage. Mr. Aiken said that metal container would be better as with concrete the oil could eventually seep through. Mr. Venell said that with concrete it would take a while to do that.

Mr. Jones asked about double-lined storage tanks and if Clean Harbors sells anything to contain spills and leaks. Mr. Aiken states that everywhere he has ever worked, Clean Harbors would just come in and suck out the 55 gallon drums and most just sit on the concrete floors but some do have metal containment areas.

Mr. Cashin confirmed that Mr. Aiken would not have fuel sales and that this would fit the definition as an auto repair garage and not an auto service station and a conditional use in the rural area. Mr. Davis said that a lot of the concerns were addressed when the Aiken's first came in front of the Board.

Mr. Venell questioned how many vehicles at one time Mr. Aiken would have on his property and he responded not more than ten at one time. Mr. Venell stated back beyond the fence and Mr. Aiken said yes and that he puts up to three inside the garage.

Mr. Aiken said he would like to put a sign up and Mr. Venell said that he needs to go through Mr. Paul, Code Enforcement.

Ms. Donnell states that the Board will now go thru **6.6.3.7 Standards Application to Conditional Uses (Page 97 of Acton's current Zoning Ordinance)**.

- a) Use will have no adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat. N/A
- b) Use will conserve shore cover and visual, as well as actual, access to water bodies. N/A
- c) Use is consistent with Comprehensive Plan. YES
- d) Traffic access meets standards contained in Ordinance traffic congestion addressed in accordance with Ordinance performance standards. YES
- e) Site design conforms with all municipal flood hazard regulations. N/A
- f) Adequate provision for disposal of wastewater/solid waste. YES
- g) Adequate provisions for transportation/storage/disposal of hazardous materials are made. YES
- h) Storm water drainage for 25 year storm without adverse impact on adjacent properties are designed. N/A
- i) Adequate provisions to control soil erosions/sedimentation. N/A
- j) There is adequate water supply for demands of proposed use and fire protection. YES
- k) Provisions for buffer strips/on-site landscaping adequately protect abutting properties from detrimental features of development (such as noise/glare/fumes/dust/odor/etc.). YES
- l) All Ordinance performance standards applicable to proposed use will be met. YES
- m) Archeological/historic resources designated in the Comprehensive Plan will be protected. N/A

Mr. Venell asked the Board and CEO what the conditions for use would be. Mr. Paul states maximum number of cars on the lot is 10, two non-registered (8 and 2) total 10. Mr. Paul continued by saying the hours of operation and Mr. Venell directs the question to Mr. Aiken who replied after March he is looking 7am – 9pm, six days a week and by appointment only Saturdays. Mr. Venell states that before you get the permit, you have a contract with Clean Harbors and through Mr. Paul with his consent there needs to be some way to contain the

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oil or hazardous waste. Mr. Venell also said whatever the requirement is by the State for the number of fire extinguishers to Mr. Paul's satisfaction.

Mr. Paul states that he has as a condition prior to opening the Fire Chief and he would do an inspection with regard to containment. He continued by saying he has never received a complaint from anyone with regard to lights, noise etc. and continued by saying no larger than 5-gallon gas containers. **Mr. Cashin** motioned to accept Mr. and Mrs. Aiken's Garage in the Rural District with the above conditions with the Fire Chief and CEO's inspection prior to opening. **Mr. Davis** seconded. – **Unanimous**

**Adjourned: 7:24 p.m.**

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**Town of Acton, Maine**

**Planning Board Meeting**

**November 4, 2010**

- 1. Approval of Minutes of Last Meeting: October 21, 2010 Davis/Donnell**
- 2. Old Business: None**
- 3. New Business Landscape Depot**

- 1) **TASBAK, LLC – Landscape Depot  
1400 H Road – Tax Map 119-002**

Thomas Greer, Owner/Member  
George Chobanian, Civil Consultants

Mr. Chobanian from Civil Consultants passed out a Plot Plan for 1400 H Road. Mr. Tom Greer, Member of TASBAK, LLC purchased 150 acres on July 15, 2010 from Ms. Virginia DeBoer. Mr. Chobanian said when she sold the land she split it off of Lakeside Drive. Mr. Chobanian said that Mr. Greer has been screening sand and has sold some to Lebanon. The amount he has taken out of there is way less than 10,000 yards. He said he believed the limit is 10,000 yards. Mr. Venell agreed and said 10,000 per year. He said he and Mr. Greer would be back with a serious plan if they take more than that per year out.

Mr. Chobanian states the Civil Consultant's plan shows 170 acres 150 acres. He then pointed to a found pool on property and that the plan indicates a vernal pool but it has not been determined and won't be until the spring of 2011. Mr. Chobanian continues by saying Woodlot Alternatives now Stantec will determine whether or not it is actually a vernal pool. Mr. Chobanian said if it is a vernal pool then there will be setbacks to abide by and they are aware of that. This will effect where Mr. Greer excavates. He shows on the plan where exactly he is excavating now off of the H Road. Mr. Chobanian states that Mr. Greer also has a line agreement with Mr. Joe Ruma, an abutting property owner and in the audience. He continued by saying that they do not have the 100 foot setback on Mr. Ruma's side. There will be a set back line running along Lakeside Drive somewhere. Mr. Chobanian said he was not aware of the sale of the two lots on that side. He will devise a new plan and survey.

Mr. Chobanian states that Mr. Greer (TAZBAK, LLC) does plan to expand in the future and when they do they will come back before the Planning Board with a more formal proposal to go through the process. He then asked if the Board had any questions. Mr. Davis asked how many yards have gone out this year. Mr. Chobanian said this year a little over 3,400 yards have gone out. Most has gone to the Town of Lebanon and then some small guys have taken some loads. Mr. Chobanian said he believes Mr. Greer is negotiating with the Town of Acton for their winter sand. Mr. Venell said to Mr. Greer that at 10,000 cubic yards per year is not a calendar year but a year from the date you start. Mr. Greer stated that he believes they started hauling October, 1<sup>st</sup>. Mr. Venell questioned the rocks that were removed if they were rock walls you came across. Mr. Greer replied they were non-boundary walls and very, very nice stone.

Mr. Venell asked what the concrete bunker is near the H Road. Mr. Greer replied it is storage area to keep processed materials and to keep any consumer away from equipment etc. It will

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hold sand, rock and the idea is to keep a safe environment. It was a suggestion from the Bureau of Mines. Only trucking companies would be allowed outback as they would have the hardhat, have the backup alarms etc.

Mr. Davis asked if there was a crusher on site and Mr. Greer replied no but may sometime in the future. Mr. Venell asked what types of products he would be selling. Mr. Greer said that currently they are processing five types of stone or five sizes of stone. He continued by saying he would have processed sand, gravel and may bring in some top soil as they go hand in hand. Mr. Venell asked about garden supplies, Mr. Greer said maybe but it would be nothing like the Kingston, New Hampshire. Mr. Venell asked if Kingston a full service garden supply store. Mr. Greer responded yes and said that they have everything from trees, shrubs, mulch, loom, equipment rental etc. He said to please check out the website at landscapersdepot.com. Mr. Venell asked if there would be a retail building and Mr. Greer said no. He continued by stating the extent of a building would be an office trailer but no retail building. Mr. Venell stated there is electricity to the property.

Mr. Cashin asked if Mr. Chobanian to explain a little bit about the data or test pits that were done. Mr. Chobanian said that the test pits were done in 1989 a gentlemen name Foley. Mr. Greer explained that Mr. Foley had an extraction agreement with Ms. DeBoer. They don't believe that Mr. Foley ever owned the property. Mr. Chobanian provided Mr. Cashin a copy of the data. Mr. Paul looked at the map again along with the buffer zone. Mr. Chobanian explained that the property line is now somewhere along Lakeside Drive. Mr. Venell asked if they took some trees out and Mr. Greer responded that it was Ms. DeBoer. Ms. Gallagher asked when Mr. Greer purchased the property and he responded somewhere between June and July. It was purchased July 15, 2010. Mr. Paul said there was notification of Timber Harvest there.

Ms. Gallagher asked if it was the plan to keep continuing back from the road and how far does it go. Mr. Greer responded that it all depends on the determination of the vernal pool and will dictate what they can do. There is a 250 foot setback from that vernal pool if it is a vernal pool. If it is a vernal pool they would have to access the materials from Lakeside Drive. He continued by saying that the D.E.P. suggested they flag that area as if it is a vernal pool they would have some major restoration issues. Ms. Gallagher asked if they knew how far back materials go if you were to go behind it. Mr. Greer responded that the test pits show there is a lot of good material back there and it does go way further encroaching the former Crawford property. Mr. Cashin asked Mr. Greer what he would do on the steep slopes out there. Mr. Greer said it would have to come out in levels or tiers. Mr. Cashin asked if there was ledge and Mr. Greer said there are large boulders and to be determined if it is ledge or not. Or it could be outcroppings or boulders. Mr. Cashin states there some odd markings on the map. Mr. Ruma said that the glaciers came through and carried a lot of the gravel at one time. It sheared off along Ms. DeBoer's and Ame's property. He said you can tell because of the beach trees in that area. The beach trees like to grow in that type of soil. The glacier came across Lavalley's property then across his property. Mr. Ruma continued to say it is limited to where the material actually is. It appears and is a beautiful terrain and it's rugged. Mr. Venell said Mr. Greer would be working back into the site and if you have to go around the vernal pool you then access through Lakeside still working back. Mr. Greer replied yes.

Mr. Venell asked if anyone else had questions. Mr. Cashin asked what would be the status of this. Mr. Paul asked Mr. Greer if he planned on taking more than 10,000 out and Mr. Greer

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replied eventually yes but not until next year for sure. Mr. Paul asked if Mr. Greer would be back for a full application and Mr. Greer replied yes, that is the plan. Mr. Paul then asked if he got the bid for the Town sand. Mr. Greer asked Ms. Yeaton if they got the bid for the Town sand and she replied no. Mr. Paul replied that's 2,000 yards they don't have to worry about. Mr. Greer did state that two other towns requested bids so that puts a different light on things. Mr. Venell questions if they plan on working it through the winter and Mr. Greer replied probably not.

Mr. Venell asked Mr. Paul about the concrete blocks used for the containment area. Mr. Paul said they have to move them. Mr. Greer stated it already had been done and they have it where it should be.

Mr. Venell said until you get close to the 10,000 yard a year threshold, or when you think you need to come to meet with the Planning Board. Mr. Greer said he hoped to move forward. Mr. Paul said they started today.

Mr. Cashin asked about any other bores and Mr. Greer replied no. Mr. Venell stated to keep Mr. Paul abreast of how things are going and if you get any of the sand bids. Mr. Cashin asked about if he had to use Lakeside Drive and as it is a private road with commercial entity. Mr. Venell said that he abuts it and has access off of his lot. Mr. Greer said there are a number of gravel operators that work off of Lakeside Drive. Mr. Paul said not much this year.

Mr. Venell told Mr. Greer to follow up with Mr. Paul and schedule 2-3 months before you plan to come to the Planning Board again. He continued by saying don't wait until you have 9,999 yards gone, give yourself some time and to remember the clock started when the first load went out, you have one year from that date.

Mr. Cashin states that a contractual agreement between to abutters does not void Acton's Zoning Ordinance. Mr. Jones questioned Mr. Cashin that if two owners want it clear to the boundary line, they shouldn't be allowed to. Mr. Cashin replied that if the Zoning Ordinance says one thing and the two owners want to another then the answer is no. The Zoning Ordinance would prevail.

Mr. Paul suggested Mr. Greer obtain the Zoning Ordinance off our website.

- 4) **Other Business: None**
- 5) **CEO Business: None**
- 6) **Announcements:** Mr. Venell informed the Board of the continued effort to setup a joint Planning Board rep meeting with Acton and Wakefield to create a Stormwater Ordinance. Acton representatives are Ms. Donnell and Mr. Cashin.
- 7) **Adjournment:** 8:22 p.m.
- 8) **Members Present:** Chip Venell- Chairman  
Thomas Cashin – Vice Chairman  
Keith Davis

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David Jones

Yoli Gallagher

Jessica Donnell – 1st Alternate

Arthur Kelly – 2nd Alternate

- 9) **Others Present:** Bill Lotz, Sandra Burr, Joseph Ruma, Sophia Aiken, Jennifer Aiken, Timothy Aiken, John Moore, Ken Paul-CEO and Linda Capristo-Recording Secretary

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