

ACTON PLANNING BOARD

Meeting Minutes

DATE: July 2, 2015 (approved July 18, 2015)

ROLL CALL:

Members Present: Tom Cashin – Vice Chairman
Jessica Donnell
Yoli Gallagher
Art Kelly
Bob Smith
Gavin Maloney – Alternate
Walter Scott - Alternate

Also present: Ken Paul, CEO; Brenda Charland, Recording Secretary; Virginia DeBoer, Video Recorder; John Hutchins and Joe Stanley, Line Pro Surveying; Nicholas Ham; Darlene Ham; Andrew Beagen; Marie Sculley; Mike Warren; Charles Crespi; Bob Ryerson; Phil Kenney; Thelma Carlson; Thomas Harmon, Civil Consultants; Charles Pizzelli, Spectrum Resources, Int'l.

Public Hearing - Conditional Use Application for Mineral Extraction, Map 207, Lot 001, H Road, submitted by Spectrum Realty International LLC: Mr. Harmon explained that Spectrum Realty is applying for a Conditional Use Permit to excavate approximately 35 acres on H Road. DEP has permitted the project as a medium-sized gravel pit allowing 10 acres to be mined at a time.

Thelma Carlson asked how many trucks will be operating out of the pit per day. Mr. Pizzelli responded that while it is still unknown, it is expected that it will be minimal.

Patricia Machachio asked about the new entrance on the H Road. Mr. Pizzelli explained that it will be relocated at the top of the hill to allow for better visibility. He also stated that if the town allows, "Trucks Entering" signs will be posted.

Ms. Machachio also asked how close to the pond is the area to be excavated. Mr. Harmon responded that there is a 250 foot buffer. He also stated that one of the conditions of the DEP permit is that no water can run from the area of excavation into the pond.

In response to her question as to how many years Spectrum expects to excavate and what materials will be mined, Mr. Pizzelli stated that it depends on sales but it will probably be a few years. Sand and gravel will be excavated and 80% of the material is less than two inches so there will be minimal crushing.

Charles Crespi asked if it will be a four-season operation. Mr. Pizzelli responded that it will be as far as possible considering the weather.

Bob Ryerson asked about the level of sound. Mr. Pizzelli replied that it must be below 80 decibels by law. It is expected that crushing will occur no more than four weeks a year. Mr. Harmon explained that natural buffers exist and buffers that have been removed will be restored which will help to contain noise.

Phil Kenney asked if it's been determined how the property will be used when the excavation is finished. Mr. Pizzelli responded that many uses have been considered; such as donating the property for conservation, perhaps a canine training operation, but it will not be subdivided for house lots.

When asked about refueling equipment, Mr. Pizzelli explained that refueling will be done on a pad constructed to prevent any runoff.

Hearing no further questions or comments, the Vice Chairman closed the Public Hearing and convened the regular Planning Board Meeting.

Old Business:

Conditional Use Application for Mineral Extraction, Map 207, Lot 001, H Road, submitted by Spectrum Realty International LLC: Mr. Cashin asked Board Members if they had any questions or comments.

Mr. Scott asked if equipment generally runs less than 80 decibels on an average. Mr. Pizzelli responded that it would probably average about 60. When asked by Ms. Gallagher if he could offer a comparison to what 80 decibels would sound like, Mr. Pizzelli stated that a hair blow dryer is about 80 decibels.

Mr. Scott asked how much of the material will be transported out of state. Mr. Pizzelli expects that most of it will leave the state.

Ms. Gallagher asked if it is possible to limit the number of trucks entering the pit per day. Mr. Paul responded that the restriction has not worked in the past.

Mr. Maloney inquired about the top soil on the site; he would support the condition that no top soil would leave the site. Mr. Carlson stated that four inches of top soil would be used for reclaiming so there probably won't be much left after that takes placd.

Mr. Paul stated that conditions should include the signs on H Road in both directions, no crushing to occur May through October, keep a copy of permits and the approved plans on site, a letter of compliance signed by the engineer of record to be issued within 45 days, a letter of credit, bond, or cash in the amount equaling \$1,000 per acre plus stockpiling (\$15,000), a Knox box affixed to the gate, and that the Road Commissioner review the entrance.

After discussion, it was agreed that the following conditions be added to the plan:

- Hours of operation will be Monday- Friday, 6:00 a.m. until 5:00 p.m.; 6:00 – 7:00 a.m. for maintenance and loading; Saturday 7:00 – 12:00 p.m. maintenance and loading;
- Crushing is not allowed May though October;
- A cash bond in the amount of \$15,000 will be held by the town in escrow;
- No fuel stored on site, a refueling pad will be constructed for refueling. The plan will be reviewed by the CEO;
- A Knox Box will be secured from the Fire Department and affixed to the gate;
- Top soil will not be removed from the site;
- A letter of compliance signed by the engineer of record will be issued within 45 days;
- A copy of permits and the approved plan will be kept on site.

The standards outlined in the Zoning Ordinance were reviewed by Members:

- a) Use will have no adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat - Yes
- b) Use will conserve shore cover and visual, as well as actual, access to water bodies - Not Applicable
- c) Use is consistent with Comprehensive Plan – Yes
- d) Traffic access meets standards contained in Ordinance/traffic congestion addressed in accordance w/Ordinance performance standards – Yes with Conditions
- e) Site design conforms w/all municipal flood hazard regulations – Not Applicable
- f) Adequate provision for disposal of wastewater/solid waste - Yes
- g) Adequate provision for transportation/storage/disposal of hazardous materials are made - Yes
- h) Storm water drainage for 25 year storm w/o adverse impact on adjacent properties are designed – Not Applicable
- i) Adequate provisions to control soil erosion/sedimentation - Yes
- 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 – Not Applicable

Mr. Kelly made the motion to approve the application subject to the conditions outlined, seconded by Ms. Donnell. The motion passed unanimously.

Election of Officers: the Vice Chairman announced that because Chip Venell is relocating, Walter Scott has been appointed as an Alternate Member; Bob Smith will become a regular member. Mr. Cashin called for nominations for Chairman. He nominated Bob Smith as Chairman, seconded by Ms. Gallagher; the nomination passed unanimously. Mr. Kelly nominated Tom Cashin as Vice Chairman, seconded by Ms. Donnell, the nomination passed unanimously.

Mr. Smith stated that as Chairman he will be voting on motions. Also, at the beginning of each meeting, if there is a need, one of the Alternate Members will be designated as the voting alternate.

The Chairman also stated that agenda items that are not generated by the CEO Office should be cleared through him.

Mr. Smith has scheduled a meeting with the Board of Selectmen to discuss the lines of communication between the two Boards.

Approval of Minutes, June 18, 2015: the minutes, being unavailable, were tabled until the next meeting.

Old Business:

John Hutchins, Line Pro Surveyors, re C. A. Plante and Sons, Map 230, Lot 006, Nason Farm Subdivision: an application was submitted by Mr. Hutchins. Board Members agreed to conduct a site walk on Thursday, June 23rd at 7:00 p.m.

New Business:

Blueberry Hill Farm, possible Conditional Use Permit: Darlene Ham is requesting to host outside events on property at 231 Blueberry Hill Farm, Map 260, Lot 014. The CEO explained that the proposed use is low impact and seems to be a use that fits well in the Critical Rural Zone. Motion by Ms. Donnell, seconded by Ms. Gallagher to review the proposal as a Conditional Use Permit in order to move forward. The motion passed unanimously. Board Members agreed to conduct a site walk on Thursday, June 23rd at 6:15 p.m.

Adjournment: the meeting adjourned at 8:56 p.m.