

# ACTON PLANNING BOARD

## Meeting Minutes

**DATE:** November 5, 2015 (**approved November 15, 2015**)

**ROLL CALL:**

Members Present: Bob Smith - Chairman  
Jessica Donnell  
Yoli Gallagher  
Skip Walter

Members Absent: Art Kelly (excused)  
Tom Cashin – Vice Chairman (excused)  
Gavin Maloney – Alternate

Also present: Ken Paul, CEO; Brenda Charland, Recording Secretary; Virginia DeBoer, Video Recorder; Robert Duncan; Cheryl Donahue; Patrick Donahue; Marlene Record; Elise Miller; Donna Bambury, Glen Bambury, Alan Ivey; Vince Sadowski, Monarch Mountain Minerals; Tom Harmon, Civil Consultants; Joe Stanley, Line Pro Surveying; Bill Plante, C.A. Plante and Sons.

The Chairman convened the meeting at 7:41 p.m.

Approval of Minutes of October 15, 2015: Motion by Yoli Gallagher, seconded by Jess Donnell, to approve the minutes as written.

**Old Business:**

- Conditional Use Application submitted by Mountain Minerals and Aggregates to Expand the Mineral Extraction Activity, Route 109, Map 140, Lot 01 and 02: Board Members reviewed the application and the Chairman requested questions or comments:
  - The Knox box has been installed;
  - “Trucks Entering” signs on Route 109: the sign on Route 109 heading northwest will be replaced;
  - Refueling equipment: the applicant will return with a hazardous materials containment plan. Mr. Paul reminded Mr. Sadowski that the truck must be registered for compliance purposes;
  - Daily Limitation of trucks entering the site will be eighty trucks: the applicant felt this would not be a concern because the materials extracted from the site will be used exclusively for Quikrete operations – no materials will be sold on a retail basis;
  - No off-site materials will be processed on the site; again, the applicant stated that this would not be an issue based on Quikrete’s need for specific material. The site will not be used for retail sale of material;
  - Crushing materials: this operation will be limited to fifteen days per year between October 1 and May 1, only on weekdays between the hours of 8:00 a.m. and 4:00 p.m.;
  - Top soil: One of the conditions will be that no top soil shall leave the site; Mr. Sadowski noted that the required reclamation of excavated areas will most likely use what top soil exists;

The applicant will return with maps listing the conditions discussed.

- Nason Farm Subdivision, C. A. Plante and Sons, Nason Road, Map 230, Lot 006: Board Members reviewed the Applicant’s responses to Southern Maine Development and Development Commission’s comments on the application:
  - Stamped copies of the revised test pit logs with stamps were provided;

- Updated proposed SOA documents were provided; Mr. Stanley noted that the document states that the Homeowners' Association is in control maintenance and preservation of all common spaces including the open space;
- Buffer encroachment: no-cut areas are addressed by the addition of Note #16 to the plan which states that no buildings may be constructed within ten feet of side lot lines.
- All lots are subject to the Homeowners' Agreement but Lots 1 and 10 will not pay fees for road maintenance;
- Joe Stanley reported that the plans have been updated to include proposed utility poles, well locations areas, primary building locations and Note #16 addressing the no-cut areas;
- Utility lines for Lots #1 and 10 will be overhead and Lots #2 – 9 will be underground from the poles to the structure;
- The applicant will submit a letter from the site evaluator, Ken Gardiner, that the system disposal area meets Disposal Rules.
- Stormwater Management: Plans will be worked out during the building process for each lot;
- Sight distances at proposed driveways and road entrances have been added to the Plans;

Waivers requested by the Applicant:

- High Intensity Soils Survey: Motion by Jess Donnell, seconded by Yoli Gallagher, to waive the High Intensity Soil Survey requirement. The motion passed 4-0.
- Hydrogeologic Assessment: The Applicant will get a copy of the Water Quality Report for a well drilled recently on a neighboring lot. Motion by Jess Donnell, seconded by Skip Walter, to grant a waiver for the Hydrogeologic Assessment provided that the applicant is able to secure a favorable water quality report. The motion passes 4-0.
- Motion by Skip Walter, seconded by Jess Donnell, to allow access for the driveways for both Lot #1 and Lot #10 from Nason Road. The motion passed 4-0.
- Trip Generation Estimate:

Conditions discussed:

- Note #17 will be added to the plans stating that no Certificate of Occupancy will be issued for lots #2 – 9 until the road is paved;
- Note #18 will be added to the plans addressing the driveways for Lots #1 and 10 from Nason Road.

Motion by Jess Donnell , seconded by Skip Walter, to accept the preliminary application subject to the changes discussed. The motion passed 4-0.

The Public Hearing will be held on Thursday, November 19<sup>th</sup>, at 7:00 p.m.

**New Business:**

● **Best Practical Location Consideration:**

- Paul Pelletier, 1038 West Shore Drive, Map 125, Lot 026: the property owner is applying to demolish the existing structure and rebuild a year-round home with garage. The structure will be rebuilt 88' from the water; its current location is 42' from the shoreline. Motion by Skip Walter, seconded by Jess Donnell, to approve the application with the condition that a Stormwater Mitigation Plan is submitted and followed. The motion passed 4-0.
- Linda Murphy, 122 11th Street, Acton, Map 146, Lot 57: the property owner is applying to demolish the existing structure and rebuild within the 30% allowance. The structure will be rebuilt 36.5 feet from the shoreline; the current location is 48.5 feet from the high water mark. Motion by Skip Walter, seconded by Jess Donnell, to approve the application with the condition that a Stormwater Mitigation Plan is submitted and followed. The motion passed 4-0.

- **SMPDC Invoice for Boardsmanship Workshop:** tabled to the next meeting.

**Code Enforcement:** Mr. Paul reported that the Maine Stormwater Conference will be held November 16 – 18<sup>th</sup>. The UNH Stormwater fieldtrip is scheduled for Wednesday, 11/18.

**Other:** Board Resignation – The Chairman reported that with the resignation of Art Kelly, Gavin Maloney will become a full member. Anyone interested in serving on the Board can submit an application to the Town Clerk by November 19<sup>th</sup>, 4:00 p.m.

**Adjournment:** The meeting adjourned at 9:55 p.m.