

# Town of Acton, Maine

## Planning Board Meeting

### MEETING MINUTES

**DATE:** September 15, 2016 (approved October 6, 2016)

**ROLL CALL:**

Members Present: Bob Smith - Chairman  
Tom Cashin – Vice Chairman  
Gavin Maloney  
Skip Scott  
Leslie Berlan, Alternate  
Lincoln Marston, Alternate

Members Absent: Yoli Gallagher (excused)

Also present: Ken Paul, CEO, Brenda Charland, Recording Secretary; Virginia Deboer, Video Recorder; Matt Pepin; Carl Davis

The Chairman convened the meeting at 7:00 p.m., declared a quorum and stated that Lincoln Marston would be the voting alternate member.

**Approval of Minutes:** Moved by Gavin Maloney, seconded by Skip Scott, to approve the Minutes of the Meeting of September 1, 2016 with a correction to #2 of the Acton Zoning Ordinance Section 2.7 discussion in which he intended to include Resource Protection District. Therefore #2 would read: *“any timber harvesting that occurs in the Resource Protection District, Shoreland Zone or Little Ossipee District requires retaining a forester.”*

The motion passed 5-0.

**Old Business:**

**Matt Pepin, Conditional Use Permit to Expand Mineral Extractions Operations at Map #207, Lot #005, H Road:** Mr. Pepin presented a proposed plan seeking approval to extend extraction outside of the original thirty-five acres and to increase the extraction area in the permitted 35 acres from 10 acres to 19 acres. He stated that there are several reasons for the application but the two primary reasons is to have the approval in place in case criteria changes going forward and if the transfer of a portion of the property to Three Rivers Land Trust moves forward, that group in seeking funding which would require a clear idea on how much the property is worth and exactly how it would be used.

He noted that the parcel is comprised of approximately 350 acres that fall within some sensitive areas which have many restrictions imposed on them which have been identified by engineers who helped draft the plan.

The application is to extract 10,000 yards of material per year from each of two areas in addition to the existing 35 acres that was previously approved (quadrants #7, 8 and 9 on the maps provided): the Resource Protections Districts and the Little Ossipee River Districts. Mr. Pepin noted that to extract all the material from the sites at that rate would take as many as 60 years.

Mr. Pepin reminded the Board that the Resource Protection areas that exist today were not designated as such when his family purchased the property.

He explained that extracting from the buffer of the Little Ossipee River district would require approval from Saco River Corridor Commission in addition to the Town of Acton's approval. The area designated as water fowl and wading bird habitat requires an additional setback. Mr. Pepin pointed out that engineers have studied that area and identified areas that could be mined and he stated that no endangered species have been found on the property.

About 10 acres of the original 35 acres that was approved for extraction is currently open. The application also seeks approval to open up as much as 19 acres of that extraction area, which requires bonding by the Maine Department of Environmental Protection. This requirement would serve to ensure the Town of Acton that if something happened that adversely affected the property, there would be money set aside to reclaim the area.

Mr. Pepin reminded the Board that his company has been discussing transferring property to the Three Rivers Land Trust which is contingent upon approval to extract the additional 20,000 yards per year.

Carl Davis explained that Three Rivers Land Trust is seeking funding from the Land and Water Conservation Fund to purchase the property from the Pepins which funds conservation projects from monies derived from wetland reclamation.

Mr. Davis stated that the plan submitted by the Matt Pepin allows a working gravel pit to continue operation and sets aside land to be used as conservation that will benefit wildlife, plants, birds, water fowl and provide recreational use. Walking trails could be established from the H Road to access Hanson Pond.

Gavin Maloney stated that based on criteria outlined in the Land Use Chart of the Acton Zoning Ordinance, additional extraction from the additional sites is not allowed. Mr. Maloney stated that in his opinion the 10,000 yards of material per year allowance is not meant to be industrial and that it is meant to be per lot not per district. He also stated that his interpretation is that only one conditional use is allowed per lot.

Ken Paul agreed with Mr. Maloney's interpretation and noted that the lot would have to be divided into three different lots to achieve the three uses.

Mr. Pepin stated that he will continue with seeking approval to extract 10,000 per year and work towards dividing the property in the future.

Tom Cashin stated that he couldn't recall any prohibition to conditional uses coexisting on the same lot so the permit to extract 10,000 yards of material per year is within the bounds of the Ordinance. Mr. Maloney expressed disagreement.

Board Members set Saturday, October 1, 2016 at 9:00 a.m. to conduct a site walk to review the scope of the project.

**New Business:** None

**Other:** The Chairman asked any members interested in attending the SMPDC Fall Workshop for Planning Board and Zoning Board of Appeals Members scheduled for Thursday, October 20<sup>th</sup> at the Sanford City Hall, to notify the secretary. The fee will be paid from the Planning Board budget.

**Code Enforcement:**

**Adjournment:** The Chairman adjourned the meeting at 8:15 p.m.