

Town of Acton, Maine

Planning Board Meeting

MEETING MINUTES

DATE: November 3, 2016 (approved November 20, 2016)

ROLL CALL:

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

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

The Chairman convened the meeting at 7:00 p.m. and declared a quorum.

Approval of Minutes: Moved by Skip Scott, seconded by Tom Cashin, to approve the Minutes of the Meeting of October 6, 2016 as written. The motion passed 5-0. There was no meeting on October 20, 2016.

Old Business:

- **Pepin, Conditional Use Permit to Expand Mineral Extraction Operations, Map #207, Lot #005, H Road:** Matt Pepin distributed copies of an updated plan, Notice of Complete Application and Conditional Approval dated September 16, 2008 relative to the original Extractive Use Permit, and a letter addressed to Robert Smith, Chair, dated November 3, 2016 from Attorney Leah Rachin.

He stated that the letter outlines the Attorney's opinion that the Ordinance permits the Pepin proposal to remove up to 10,000 cubic yards of materials annually from each of the Resource Protection and Little Ossipee River Districts in addition to materials from the previously permitted pit.

Because the letter was received the day of the meeting, Ken Paul suggested that discussion of the information outlined by the Attorney be tabled to another meeting giving the Board Members time to read and consider the information outlined.

David Pepin reminded the Board that the plan includes the possibility of transferring a portion of the property to the Two Rivers Land Trust, it is an excellent resource and that the Pepins intend to preserve the land in a responsible manner.

Regarding the Conditions of Approval imposed by the Board on the existing extraction operations at the meeting of September 4, 2008, Matt Pepin stated that they are requesting that the following amendments be approved:

- Hours of Operation: changed to 5:30 a.m. to 5:00 p.m. Monday through Friday; originally 5:30 a.m. to 4:00 p.m. and 6:30 a.m. to 12:00 noon, originally 6:00 a.m. to 11:00 a.m.;
- Rock Crushing: amended to allow year-round crushing, originally restricted to October 1 to May 1;
- Truck Traffic: increased to a maximum of 3 tri-axel trucks and 4 trailer dumps at 8 round trips each per day totaling 56 round trips, originally 25 total trips per day.

Mr. Pepin explained that he has included the stipulation in the Operations Manual that all operations occur no closer than 250 feet from all setbacks.

Skip Scott expressed concern that the increased truck traffic could become very expensive for the Town in road repair expenses. Ken Paul felt that the actual weight distribution across a tri-axel is less than a trailer dump. Matt Pepin offered to supply a breakdown of the weight calculation of the different trucks.

Ken Paul stated that a revegetation plan will be necessary because only 40% of the timber can be cut but Matt Pepin felt that with only 10,000 cubic yards mined annually, reclaiming would be ongoing in conjunction with the extraction.

Yoli Gallagher wondered if it would be more responsible to allow extraction of what material is available instead of restricting removal of gravel to 10,000 per year spreading the operation over a longer period of time.

Mr. Paul suggested that the applicant submit an application including a list of abutters etc.; he explained that the site visit was conducted a little prematurely to allow for the time and season change.

- **Acton Zoning Ordinance Section 1.4.11.2, Resource Protection Building Expansion Outside of Shoreland Zone:** The Chairman stated that Ken Paul will draft proposed verbiage relative to allowing expansion in the Resource Protection District outside of the Shoreland Zone at the next meeting.
- **Acton Zoning Ordinance Section 2.7 Relative to Timber Harvesting:** Ken Paul suggested that a workshop be scheduled with Planning Board members and Steve Bodkin to discuss timber harvesting options.
- **Acton Zoning Ordinance Relative to Alternative Energy:** The Chairman reminded Board Members that though Ordinance Amendments to be included on the warrant must be submitted to the Board of Selectmen by late in February with the holidays, the deadline really isn't that far out, so the Board should set workshop dates to discuss proposed amendments soon.

New Business:

- **Best Practical Location Application, Sergio Jaramillo Trust, 96 Chipmunk Run, Map 112, Lot 004:** Mr. Paul explained that the property owners are applying to demolish the existing structure and rebuild within the 30% expansion allowance. The structure is

currently 35 feet from the water; the proposed full-season structure will be located 44 feet from the water and 51 feet from the center of the road.

Moved by Skip Scott, seconded by Tom Cashin, to approve the application with the condition that the structure is no closer than 44 feet from the water and that all storm water mitigation practices are implemented. The motion passed 5-0.

Other: Yoli Gallagher reported that she, Leslie Berlan and Lincoln Marston attended the Board Member workshop sponsored by SMPDC on October 20th. She stated that the workshop stressed the importance of never talking or emailing about an application outside of a meeting, either to other Board members nor the public. Tom Cashin noted that in the last workshop, it was discussed that Members should not talk about an application with abutters when conducting a site visit.

Adjournment: The Chairman adjourned the meeting at 8:17 p.m.