

Town of Acton, Maine Planning Board Meeting MEETING MINUTES

DATE: January 5, 2017 (approved January 19, 2017)

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; Virginia Deboer, Video Recorder; Matt Pepin; Carl Davis, Joe Stanley

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

Approval of Minutes: Moved by Tom Cashin, seconded by Yoli Gallagher, to approve the Minutes of the Meeting of December 1, 2016 as written with the change in discussion about the Pepin Conditional Use Permit in which Mr. Cashin pointed out that the Planning Board is obligated to make decisions based on the map as voted by the Town's people in September, 2016, should be September, 2011. The amended Minutes were approved with a vote of 5-0.

Old Business:

- **Pepin, Conditional Use Permit to Expand Mineral Extraction Operations at Map #207, Lot #005, H Road:** Matt Pepin distributed an amended CRD map and a document outlining Legal Points Supporting Most Recent Revision (Revision #4) .

Mr. Pepin noted that while he is convinced that the Zoning Ordinance allows for extraction of 10,000 square yards of material from each of the Resource Protection areas, logging criteria prevents cutting trees to allow for the extraction, therefore, he is amending the application to extract materials from CRDs 7 and 9.

He read from the document outlining legal points that support the revision, stating that:

- 1) Mineral Extraction in the Town's 750' Little Ossipee River Districts: Mr. Pepin stressed that the Little Ossipee River District areas are not within any Town of Acton or State of Maine Resource Protection Districts or Shoreland Zoning Districts,
 - A. The Land Use Chart states that "filling, grading or other earth moving activity less than 10,000 cubic yards is allowable through a Conditional Use Permit in a 750' Little Ossipee River Districts;
 - B. Section 4.4 does not place limitations on mineral extraction in the 750' Little Ossipee District Areas. However, Section 4.4.2 stipulates that all applicable standards of the Shoreland and Resource Protection Districts shall be met in full but this is referring to residential construction not mineral extraction.

- C. Section 5.9 , which explicitly states that extraction of less than 10,000 cubic yards per year from a Little Ossipee River District does not require a Condition Use Permit, contradicts the Land Use Chart which implies otherwise.
- 2) Mineral Extraction in the Town's 750' Little Ossipee River Districts: Mr. Pepin stressed that the Little Ossipee River District areas are not within any Town of Acton or State of Maine Resource Protection Districts or Shoreland Zoning Districts,
- A. Land Use Chart Footnote #R4 does not outline rules governing logging operation in this District the same as rules governing those operation in other districts, but merely requires a precedence for notifying the Town about logging operations in certain circumstances.
 - B. Section 5.19 does not set limitation on logging in the 750' Little Ossipee River District; only in the Resource Protection and Shoreland Districts.

Gavin Maloney said that the Note in this Section states that a All other earth moving, processing, and storage shall require a Conditional Use Permit from the Planning Board therefore, a Conditional Use Permit would be required. Tom Cashin noted that the Ordinance states that in the case of a conflict, the more stringent language prevails.

Consensus of the Board was that the Pepin's application to extract less than 10,000 cubic yards of material per year from the areas that are not within the Resource Protections Districts in addition to the approved pit area would be allowed with an approved Conditional Use Permit.

Ken Paul expressed concern with CRD4 which might be a little aggressive because it appears to be too close to the property line.

He also noted that the application should be amended to allow extraction of up to 10,000 cubic yards of material from CRD 7 and 9 and expand the existing pit.

Tom Cash asked Mr. Pepin if a condition that only one of CRD 7 and 9 be mined at any on time would be feasible. He agreed that it would be acceptable.

Matt Pepin noted that he will provide an updated application as well as the Operations Manual and revised maps for the next meeting.

- **Three Rivers Land Trust / Town of Acton Subdivision Application, Portion of Map 220, Lot 002:** Joe Stanley distributed the most recent plans outlining the proposed subdivision which shows the agricultural building lot which is ten acres, the trails are laid out, the parking lot included, and the 20 foot contours were added . Mr. Stanley noted that because both properties will be placed under a conservation agreement, no development is planned, therefore waivers will be requested for many of the typical subdivision requirements.

Board members discussed the four parking spaces that are shown on the map. Ken Paul's recommended twelve parking spaces and that "no parking" signs be posted on H Road. Carl Davis agreed that he will bring measurements to the next meeting.

Tom Cashin expressed the opinion that stormwater management has been a problem in that area so it would be a good time to address those problems. Mr. Stanley stated that even if the stormwater waiver is approved, the Board could still make stormwater management a condition of the approval of the application.

Gavin Maloney read the list of waivers requested by the applicants:

- Soils Test Pits: no new septic disposal areas are proposed;
- High Intensity Soil Survey: not applicable to the proposed application;
- Hydrogeologic Survey: no wetlands exist on the site;
- Vehicular Traffic Estimate: no increase in traffic;
- Traffic Impact Analysis: no increase in traffic;
- Erosion and Sedimentation Control Plan: can be included as a stormwater management condition of approval;
- Stormwater Management Plan: can be included as a condition of approval;
- Phosphorus Impact Analysis: project does not meet criteria outlined in Section 10.12.d.

Moved by Tom Cashin, seconded by Gavin Maloney, to grant the waivers as outlined on the Plan.

Mr. Paul noted that the Subdivision Ordinance requires that any residence constructed within a subdivision must be equipped with a sprinkler system. Mr. Maloney stated that a residence that is built on the lot that was split from the property originally would require installing a sprinkler system. Mr. Paul disagreed stating that the lot was split from the original property which triggered the subdivision requirement so would not be subject to subdivision regulations.

Board Members set February 16th as the date of the Public Hearing.

Consensus of the Board Members was that conditions of approval will include no parking on H Road, reducing the speed limit on H Road and establishing a drainage ditch to control runoff from the site.

New Business: None

Acton Zoning Ordinance Proposed Amendments:

Mr. Paul outlined the proposed changes to the Ordinance, to be discussed at the next meeting.

Code Enforcement: None

Adjournment: The Chairman adjourned the meeting at 9:00 p.m.