

# Town of Acton, Maine

## Planning Board Meeting

### MEETING MINUTES

**DATE:** March 2, 2017 (amended and approved March 16, 2017)

**ROLL CALL:**

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

Members Absent: Bob Smith – Chairman (excused)

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

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

**Approval of Minutes:** Moved by Gavin Maloney, seconded by Skip Scott, to approve the Minutes of the Meeting of February 16, 2017 as written. The motion passed 5-0.

**Old Business:**

- **Moose Pond Sand and Gravel Conditional Use Permit Application for Mineral Extraction, Anderson Cove / H Road, Map 207, Lot 001:** Tom Harmon, representing Charlie Goodstein, Goodstein and Diamond Enterprises, who owns the property on H Road, Map 207, Lot 001, noted that the Planning Board approved a Conditional Use Permit on July 2, 2015 allowing Spectrum Enterprises, who was leasing the property from Goodstein, to excavate materials from that site. Mr. Harmon stated that Spectrum no longer has an interest in the property, therefore, Mr. Goodstein is applying for a Conditional Use Permit for mineral extraction. Mr. Harmon explained that no change has been made from the original permit, only the name from Spectrum LLC to Moose Pond Sand and Gravel.

Tom Cashin observed that the Planning Board, in the original review of the Spectrum application, stressed that all top soil should remain on the site to be used for reclaiming efforts. Gavin Maloney stated that #4 of the Reclamation Notes on the Proposed Mineral Extraction Plan dated December 22, 2016 should read “all top soil should be stockpiled on site”.

Tom Cashin noted that #5B of that plan should allow a maximum of 3 to 1 elevation. Mr. Harmon agreed.

In response to Mr. Cashin’s question regarding refueling equipment, Ken Paul pointed that refueling and spill control are addressed under the SPCC notes on the Plan.

Yoli Gallagher inquired about the expected trips per day. Mr. Harmon will research that information and provide it before the Public Hearing.

Consensus of Board Members was to schedule a site walk in order to observe reclamation that has occurred to be held on Saturday, March 18, 2016 at 10:30 a.m.

A Public Hearing is scheduled for April 6, 2017.

- **12<sup>th</sup> Street Acres Subdivision Modification – Proposed Plan Revision:** Mr. Paul stated that the developer and the engineers are scheduled to be at the Planning Board Meeting on March 16<sup>th</sup> to discuss the relocation of the driveway on Lot #4.

- **Pepin, Conditional Use Permit to Expand Mineral Extraction Operations at Map #207, Lot #005, H Road:** Matt Pepin reminded the Board that he is submitting a new application to extract outside of all resource protection areas.

He spoke with the Board regarding the Ecological Study that was done on the northern portion of the property and noted that no endangered species were identified in the study within those areas.

Mr. Pepin explained that because two different ten-acre areas cannot be open at one time, he hopes that the Board will allow opening a new area while reclaiming an area that was mined.

He outlined the Scheduled of Hours of Operations that he included in the application to excavate on a total workable area of 90 acres requesting:

- **Operations:**

**originally approved:** 5:30 a.m. to 4:00 p.m. weekdays and 6:00 a.m. to 11:00 p.m. on Saturdays

**requesting:** 5:30 a.m. to 5:00 p.m. weekdays and 6:30 a.m. to 2:00 p.m. on Saturdays

- **Screening:**

**originally approved:** 5:30 a.m. to 4:00 p.m. weekdays and 6:00 a.m. to 11:00 p.m. on Saturdays

**requesting:** 6:30 a.m. to 5:00 p.m. weekdays and 7:00 a.m. to 2:00 p.m. on Saturdays

- **Rock Crushing:**

**originally approved:** October 1 through May 1 for an eight week period;

**requesting:** 8:00 a.m. to 5:00 p.m. weekdays and 8:00 a.m. to 2:00 p. on Saturdays, year round;

- **Truck Traffic:**

**originally approved:** no more than a total of 25 round trip trucks per day;

**requesting:** Maximum of 48 total round trips per day - 3 tri-axle trucks making 8 trips per day and 4 trailer dumps making 6 trips per day.

Yoli Gallagher asked about the noise level of the rock crushing. Mr. Pepin noted that all operations will be limited to no closer than 250 of any property line. He also stated that typically, crushing only occurs about two months out of the year but they would like year-round flexibility. Gavin Maloney read from the Zoning Ordinance that sound pressure levels are limited to 60 during the day and 50 at night at the property lines. He felt that this type of dialogue would probably take place at the Public Hearing.

Mr. Pepin also noted that the state of Maine did not approve funds to transfer the property around the Little Hanson Pond to the Three Rivers Land Trust primarily because, it being a designated resource protection area, it is already protected and the State generally funds only land that needs protection. The Pepins and the Land Trust are still negotiating with the State on this issue and will probably re-apply in another year.

**Proposed Amendments to the Zoning Ordinance:** Board Members discussed the date as stated in Section 1.4.11.2b. Mr. Cashin expressed the opinion that the date is confusing with the date stated in the heading. Moved by Yoli Gallagher, seconded by Skip Scott, to remove the date in Section 1.4.11.2b so that it reads:

**1.4.11.2 b) After September 29, 2011, if any portion of a structure in the Resource Protection District outside of the Shoreland Zone is less than the required setback from a tributary stream or upland edge of a wetland, that portion of the structure shall not be expanded, as measured in floor area or volume, by more than thirty percent (30%) during the lifetime of the structure.**

The motion passed 5-0.

An Informational Meeting was scheduled for April 6, 2017.

**New Business:**

- **Van Hertel Four-Lot Subdivision Application, Route 109 / Milton Mills Road, Map 241, Lot 241:** Mr. Paul Distributed an Application for Subdivision to be considered at the meeting scheduled for April 6, 2017.

**Adjournment:** The Vice Chairman adjourned the meeting at 9:05 p.m.