

Town of Acton, Maine

Planning Board Meeting

MEETING MINUTES

DATE: May 18, 2017 (approved as revised June 7, 2017)

ROLL CALL:

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

Members Absent: Tom Cashin (excused)

Also present: Ken Paul, CEO; Brenda Charland, Recording Secretary; Virginia Deboer, Video Recorder; Charles Goodstein; Tom Harmon, Civil Consultants; Jim Crowley; Stephen Cabana; Ann Lapierre; Jim Lapierre; Rindy Stark; Mike Todd, Corner Post Surveying

Public Hearing:

- **Moose Pond Sand And Gravel Conditional Use Permit Application for Mineral Extraction, Anderson Cove / H Road, Map 207, Lot 001:** Tom Harmon of Civil Consultants explained that the existing gravel pit has been in operation since the 1980s with several owners / operators during that time. Currently the site is owned by Charlie Goodstein as owner of a construction supply company in Lee, New Hampshire has extensive experience in the construction industry and has the financial backing to operate the pit to the Town's requirements.

Mr. Harmon noted that the applicant has received all the required DEP permits which means that no more than ten acres of the site can be mined at any one time. The area in which excavation has been done to date will be reclaimed before a new area will be opened for excavation. No operations will take place within 250 feet of the abutting property lines.

The Chairman asked for questions or comments from those people attending the meeting; hearing none, he closed the Public Hearing.

- **Jim Crowley regarding a Conditional Use Permit for a Professional Building at 1076 Route 109, Map 233-020:** Mr. Crowley explained to the Board Members that the building was previously permitted for restaurant purposes. He is applying to convert the structure to a professional building housing three professional offices and a second-storey residential unit.

The Chairman asked for questions or comments from those people attending the meeting; hearing none, he closed the Public Hearing.

The Chairman convened the regular meeting at 7:14 p.m.

Approval of Minutes:

Moved by Skip Scott, seconded by Yoli Gallagher, to approve the Minutes of the Meeting of May 4, 2017 as written. The Chairman noted that though all the Findings of Fact and the conditions of approval were determined at the meeting of April 20th, an actual vote on the approval of the Pepin Conditional Use Permit was not taken. He requested that an addendum be added to the Minutes of May 4th noting that the vote would be taken at the May 18th meeting so that a smooth flow of information regarding the permit would be established. The motion to approve the Minutes of May 4th including the Addendum passed 5-0.

Old Business:

- **Goat Hill Subdivision Redivision, Map 220, Lot 002:** Members signed the plans for the four-lot subdivision based on the Findings of Fact and the conditions as voted at the meeting of May 4, 2017.

- **Matt Pepin, Conditional Use Permit to Expand Mineral Extraction Operations, Map #207, Lot #005, H Road:** Moved by Skip Scott, seconded by Lincoln Marston, to approve the Conditional Use Permit based on the Findings of Fact and the conditions of approval outlined at the meeting of April 20, 2017. The motion passed 5-0.

- **Moose Pond Sand And Gravel Conditional Use Permit Application for Mineral Extraction, Anderson Cove / H Road, Map 207, Lot 001:** Bob Smith asked Mr. Goodstein and Mr. Harmon about the visible wet area near the stockpiles; are those areas resulting from excavating into the water table or perhaps standing water from snow melt resting on frozen ground. Mr. Goodstein was unaware of the wet areas. Mr. Paul expressed the opinion that the wet areas are merely from Spring snow melt, noting that the soil in that area provides excellent drainage. Mr. Goodstein stated that the DEP requires a monitoring well every five acres and all excavation must not take place within five feet of the established water table. The CEO noted that one of the requirements is that a Letter of Compliance be submitted within forty-five days of the approval so if the wet areas become a problem, he would have the authority to work with the engineer to mitigate the problem or pull the Conditional Use Permit.

Board Members reviewed the Standards Applicable to Conditional Uses as outlined in Section 6.6.3.7 of the Zoning Ordinance:

- a. The use will not have an adverse impact on spawning grounds, fish, aquatic life, bird, or other wildlife habitat. Yes

- b. The use will conserve shore cover and visual, as well as actual, access to water bodies – *a 250 foot buffer will be maintained around water bodies and note #5 of the Operations Notes of the Plan* Yes

- c. The use is consistent with the Comprehensive Plan. Yes

- d. Traffic access to the site meets the standards contained in this Ordinance; and traffic congestion has been addressed in accordance with performance standards in this Ordinance – *the tarred site entrance was moved to achieve better visibility for oncoming traffic; also “trucks entering” signs will be posted;* Yes

- e. The site design is in conformance with all municipal flood hazard protection regulations. NA

- f. Adequate provision for the disposal of all wastewater and solid waste has been made – *as noted on the Spill Prevention Control and Countermeasures Note #1* Yes

- g. Adequate provision for the transportation, storage, and disposal of any hazardous materials has been made - *noted on the Spill Prevention Control and Countermeasures section of the Plan* Yes

- h. A storm water drainage management system capable of handling a twenty-five (25) year storm without adverse impact on adjacent properties has been designed - *the site is internally drained;* Yes

- i. Adequate provisions to control soil erosion and sedimentation have been made- *2.5/1 as noted in the Reclamation Notes #3 of the Plan;* Yes

- j. There is adequate water supply to meet the demands of the proposed use and for fire protection purposes; Yes

- k. The provisions for buffer strips and on-site landscaping provide adequate protection

to neighboring properties from detrimental features of the development, such as noise, glare, fumes, dust, odor, and the like - *the sound level will not exceed 60 decibels outside of a three hundred foot perimeter of the operations area;*

Yes

l. All performance standards in this Ordinance, applicable to the proposed use will be met;

Yes

m. Archeological and historic resources, as designated in the Comprehensive Plan, will be protected.

NA

After discussion, it was agreed that the following conditions be added to the plan:

- Hours of operation will be Monday- Friday, 6:00 a.m. until 5:00 p.m.; Saturday 7:00 – 12:00 p.m.;
- No more than fifty trips per day (Operational Notes #6);
- Crushing is not allowed May through October;
- Stumps will be ground and used for reclaiming purposes (revision to #5C of the Reclamation Notes);
- Red Pines, Red Maples and White Pines, 20' x 20' spacing, will be used for replanting the existing open area;
- A cash bond in the amount of \$10,000 will be held by the town in escrow (General Note #4);
- No fuel stored on site, a refueling pad will be constructed for refueling;
- A Knox Box will be secured from the Fire Department and affixed to the gate;
- Top soil will not be removed from the site;
- A letter of compliance signed by the engineer of record will be issued within 45 days;
- A copy of permits and the approved plan will be kept on site.

Moved by Skip Scott, seconded by Yoli Gallagher, to approve the Moose Pond Sand and Gravel Conditional Use Permit for mineral extraction based on the findings of fact and the conditions of approval. The motion passed 5-0.

- **Jim Crowley regarding a Conditional Use Permit for a Professional Building at 1076 Route 109, Map 233-020:** Mr. Crowley noted that he has been working with the State Fire Marshall to determine the criteria based on the proposed use, which is contingent upon the vote of the Planning Board.

Board Members reviewed the Standards Applicable to Conditional Uses as outlined in Section 6.6.3.7 of the Zoning Ordinance:

a. The use will not have an adverse impact on spawning grounds, fish, aquatic life, bird, or other wildlife habitat;

Yes

b. The use will conserve shore cover and visual, as well as actual, access to water bodies;

NA

c. The use is consistent with the Comprehensive Plan;

Yes

d. Traffic access to the site meets the standards contained in this Ordinance; and traffic congestion has been addressed in accordance with performance standards in this Ordinance – *the entrance has been changed in accordance with the DOT requirements;*

Yes

e. The site design is in conformance with all municipal flood hazard protection regulations;

NA

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| f. Adequate provision for the disposal of all wastewater and solid waste has been made - <i>The CEO noted that the existing septic system is more than adequate to serve the use as proposed;</i> | <u>Yes</u> |
| g. Adequate provision for the transportation, storage, and disposal of any hazardous materials has been made – <i>no hazardous materials will be used on site based on the proposed use; if this changes the CEO office will be involved;</i> | <u>Yes</u> |
| h. A storm water drainage management system capable of handling a twenty-five (25) year storm without adverse impact on adjacent properties has been designed - <u><i>internal drainage has been established;</i></u> | <u>Yes</u> |
| i. Adequate provisions to control soil erosion and sedimentation have been made; <i>The 30% impervious lot coverage in accordance with the Zoning Ordinance will be accomplished within one year.</i> | <u>Yes</u> |
| j. There is adequate water supply to meet the demands of the proposed use and for fire protection purposes; | <u>Yes</u> |
| k. The provisions for buffer strips and on-site landscaping provide adequate protection to neighboring properties from detrimental features of the development, such as noise, glare, fumes, dust, odor, and the like; - <i>the proposed use is an improvement;</i> | <u>Yes</u> |
| l. All performance standards in this Ordinance, applicable to the proposed use will be met. | <u>Yes</u> |
| m. Archeological and historic resources, as designated in the Comprehensive Plan, will be protected. | <u>NA</u> |

After discussion, the Board found this use to be a permitted use within the Commercial A District and added the following conditions:

- all existing Conditional Use Permits are void as of May 18, 2017;
- 30% impervious lot coverage is to be achieved within one year;
- the area previously used for site entrance and parking will be reseeded by 90% within one year;
- the second floor residence will meet all building / fire codes;
- hours of operation are 7:00 a.m. to 9:00 p.m. seven days per week.

Moved by Skip Scott, seconded by Lincoln Marston, to approve Jim Crowley’s application for a Conditional Use Permit converting the structure to a professional building with a residence on the second floor based on the findings of fact and the Conditions of Approval. The motion passed 5-0.

- **Van Hertel Four-Lot Subdivision Application, Route 109 / Milton Mills Road, Map 241, Lot 241:** Rindy Stark from Better Homes and Gardens, Wells, requested to allow an interested buyer to listen to the meeting over a phone connection. The Chairman allowed request.

Mike Todd, representing the applicant, explained that the driveway for Lot #1 has been relocated 900 feet southeasterly onto Lot #2 in accordance with the DOT permit dated May 10, 2017.

Consensus of Board Members was that a site walk is not necessary.

A Public Hearing was scheduled for Thursday, June 15th at 7:00 p.m. prior to the regular meeting.

New Business: No new business was considered.

Adjournment: The Chairman adjourned the meeting at 8:20 p.m.