

# Town of Acton, Maine

## Planning Board Meeting

### MEETING MINUTES

**DATE:** May 17, 2018

**ROLL CALL:**

Members Present: Bob Smith, Chairman  
Leslie Berlan  
Yoli Gallagher  
Gavin Maloney  
Joyce Bakshi, (Alternate)  
Donovan Lajoie (Alternate)

Members Absent: Tom Cashin

Also present: Ken Paul, CEO; Brenda Charland, Recording Secretary; Virginia Deboer, Video Recorder, Richard Bleakney, Carla Bleakney, Adele Scritchfield, Susan Meehan

**Public Hearings:**

- **Richard Bleakney, 971 Hopper Road, Map 235, Lot 011, applying for a Conditional Use Permit to establish an automotive repair facility in the Rural Zone:** The Chairman opened the Public Hearing at 7:00 p.m. and asked Mr. Bleakney if he would speak regarding his application. Mr. Bleakney stated that he is proposing to open an automotive repair facility at 971 Hopper Road. He is planning to operate this business nights and weekends. The type of business would include repair of cars, light trucks, small engines and he would also perform State inspections. He added that there would be some vehicle storage, and at some point, include some vehicles for resale. Mr. Bleakney stated that waste that is generated would be disposed of according to regulation, as stated in his business proposal. Oil and Coolant will be stored inside of fifty-five gallon drums and that he has contracts with three waste disposal companies to dispose of the various materials.

Yoli Gallagher said that she would like to discuss the Aquifers Protection District on the site. The CEO suggested posting signage notifying customers of the Aquifer protection. The Chairman added that the Board may want to impose condition that moves the cars over to the space next to the building and away from the Aquifer protection area.

The Chairman noted that the water test provided by Mr. Bleakney shows nothing out of the ordinary, all within EPA guidelines.

Vickie Morrill, as an abutter to the property, stated that she was concerned that the property could develop into a junkyard but that she feels this has been addressed. She also asked what hours Mr. Bleakney intends to operate his business. He responded that he is requesting to operate until 8:00 p.m. on weekdays, all day on Saturdays, any by appointment on Sundays.

The Chairman asked if there were any more questions or comments either from those people attending or Board Members; hearing none, he closed the Public Hearing at 7:09 p.m.

**Approval of Minutes, May 3, 2018:** Moved by Gavin Maloney, seconded by Joyce Bakshi, to approve the minutes as written.

Gavin Maloney noted that on page two regarding Tom Cashin's had stated that a hydrology report should be required, but he had also expressed the opinion that the installation of a monitoring well would ensure that water quality is maintained.

Donovan Lajoie pointed out that the Minutes states that five Board Members signed the Monarch Mountain revised plans but only four actually signed the document.

The motion, as amended, passed 5-0.

**New Business:** No new business was discussed

**Old Business:**

- **Richard Bleakney, 971 Hopper Road, Map 235, Lot 011, applying for a Conditional Use Permit to establish an automotive repair facility in the Rural Zone:** The Chairman then asked the Board if there were any questions.

Conditions agreed upon by Board Members were:

1. no employees will be hired;
2. all hazardous materials will be stored in spill-proof containers and removed by contracted waste management companies based on the contracts;
3. a maximum of 8 unregistered vehicles will be stored on site with 5 of those for sale and only 1 at the road;
4. a maximum of 24 tires, stored under a cover, would be allowed at the facility;
5. noise will be maintained at a maximum level of 60 decibels at the property line;
6. hours will be 8:00 a.m. to 8:00 p.m. on weekdays and Saturdays and 9:00 a.m. to 3:00 p.m. on Sundays;
7. no vehicles will be stored within 30 feet of the Aquifer Protection area;
8. "no parking" signs will be posted to prevent parking within the Aquifer Protection area;
9. the approved Conditional Use Permit is non-transferable in the event of the property being sold;
10. the Fire Chief will inspect the facility prior to the issuance of 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; N/A
- 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; Yes

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| e. The site design is in conformance with all municipal flood hazard protection regulations;  | <u>Yes</u> |
| f. Adequate provision for the disposal of all wastewater and solid waste has been made;   | <u>Yes</u> |
| g. Adequate provision for the transportation, storage, and disposal of any hazardous materials has been made; ( <i>with maintaining the Waste Management contracts</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 - <i>the site is internally drained;</i>  | <u>N/A</u> |
| i. Adequate provisions to control soil erosion and sedimentation have been made- ( <i>with maintaining a 30' buffer around the Aquifer Protection Area</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 sound level will not exceed 60 decibels at the property lines</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>N/A</u> |

Yoli Gallagher moved to approve the Conditional Use Permit for Richard Bleakney to operate an automotive/ small engine repair facility with the conditions that the Planning Board approved, seconded by Joyce Bakshi. The motion passed 5-0.

- **Proposed Amendments to the Zoning Ordinance Public Informational Session:**

The CEO outlined the Planning Board's proposed changes to the Zoning Ordinance:

- **Mineral Exploration and Extraction.** this is a change to the Land Use Chart correcting the interpretation so that 1000 yards of material per year can be extracted without a permit;
- **Timber Harvesting.** Changes to bring the Town's timber harvesting criteria into compliance with the Statewide Timber Harvesting Regulations;
- **Accessible Dwelling Units:** allowing the construction of accessory living space in single family residence in which the property owner resides;  
Adele Stewart asked about constructing a rental unit in an existing storage garage. The CEO explained that this would not be allowed since the property owner does not live in the structure.
- **Non-Conforming Lots:** Language is being deleted to simplify.

**Code Enforcement:** The CEO announced that the Deputy CEO attended the Southern Maine Regional Boot Camp and found it to be very informative. He noted that many upcoming changes may be taking place as a result of the information she brought back.

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