

PLANNING BOARD MEETING

December 2, 2021

6:00pm

(Approved 1/13/2022)

CALL MEETING TO ORDER / PLEDGE OF ALLEGIANCE

Members Present: Christopher Whitman, Chairman; Gavin Maloney, Vice-Chair; John Qua, Patricia Pearson, Bernard Broder

Alternate Member Present: Bevin Corbin

Also Present: Ashley Flynn, Jason Sevigny, Seth McCoy, Ben Smith of NorthStar Planning

Call to Order: The Chairman opened the Planning Board Meeting at 6:06pm

Approval of Minutes: Gavin Maloney made a motion to approve the minutes of November 18, 2021, John Qua seconded the motion with one abstaining. (Bernard Broder abstained due to not attending the last meeting).

Old Business:

None

Discussion

Jason introduced Ben Smith from North Star Planning, who has helped the Planning Board with site plan and subdivision reviews for the last year and a half.

Ben has been brought in to help with Ordinances and help with time management and the organization to help prepare for the Town Meeting. A Public hearing is to be set with the town staff and this should be accomplished in February to set the stage for Ordinances to be presented to the Select Board.

Ben stated that he would like to know the priorities and follow up with work that the Planning Board is concerned with, such as:

- Short term rentals
- Solar Arrays
- Storage Units
- Tiny Houses
- Definitions that the Board is working on
- Leasing
- Escrow accounts
- Mixed use zones including work from home and changes to zoning and/or adding new zoning and commercial zones
- Contractor yards and Equipment storage on residential sites
- Camp Safety including check off lists, addresses, and insurance

Ben felt that the Board should work with 2 or 3 of the most important ordinances and have clean and complete presentations to the Board of Selectmen and the voters to be able to enact upon them with successful outcomes. Much discussion ensued regarding the time to accomplish the “to do” lists satisfactorily.

The Board’s discussion revolved around the importance of the list and Commercial zones and mixed uses seemed to be a topic that could be accomplished in a speedy approach to accomplish the goals, or a Comprehensive Plan could be used for public processing for a targeted change.

The long- and short-term rental ordinance is in progress and the Board felt Ben’s input could add value to formal conversation. There was a question among the consensus of the Board whether Ben’s input on the ongoing process was necessary. Jason stated that he knew his budget and he felt that using Ben would expedite the plan and he would provide great insight, and the Board needed structure to present the plan to the Town to have the procedure go smoothly. Discussion resumed regarding the safeguards that could be in place so that the plan could be presented cohesively. Ben felt he could organize a plan to present to the Town.

The issue of Solar panels should be presented as to the size limits, environment, retail areas, and vegetative buffers surrounding the solar arrays. This is becoming a big issue for towns and Ben has worked with other towns to amend their ordinances to accommodate solar arrays.

Bernard felt that the Board should have a general consensus as to what is being worked on. Jason felt that the best use of time and money would be to include Ben in discussions to assist the Director of Planning. Bernard said the Board should use time and the taxpayer’s money wisely. John Qua stated that the Board needed to plan ahead. Chairman Whitman stated that there was plenty of discussion, but nothing has been done on paper, and with Jason’s and Ben’s guidance, there should be work accomplished. There are 6 meetings left until Town Meeting. Bernard wanted to know if having Ben was a general consensus with the Board. General discussion ensued.

In relation to the short/long term rentals, Fire Chief Smith spoke about the ramifications of the rental requirements. Bernard had researched the long- and short-term rentals situation in Portland, Rockland, (or Rockport), and the Air BNB requirements. Chief Smith was quite frank regarding rental agreements and stated that if you build a derelict home for yourself, that’s one thing but if you build a home that could be dangerous to the constructors or renters, the lack of safety could bring huge consequences.

Rentals are an important issue for the Town due to the number of camps that are rented in the Town each year. The Fire Department needs to have a correct address; the renter needs to have important information such as correct address, where fire extinguishers are located, emergency information and insurance information. Bernard felt he could craft a definition in 45 minutes to present to the Board.

Bevin Corbin. Wanted to know what verbiage that was being used to define rentals, long term vs. short term, involve the Land Use Office, and the Fire Department.

Ben wants to know if his company could work independently on a few issues, and present to the Board in January. Bernard will commit to provide to the Board a definition of rentals next week.

Mixed uses and commercial zoning needs to be addressed and updated. Commercial zones segregate and don't allow for mixed use zoning.

Tiny houses would be simple; a definition could be crafted and adopted. The State's definition of Tiny Houses could be used to define a structure and could be amended to include rental of a room and the need for septic systems.

The storage standards definition problem is administration work.

Escrow can be dealt with by the Board, changing language of the accounts to be accepted.

Bernard proposed that Ben Smith and his organization do preliminary work on Solar Standards and mixed uses language, and suggests that the Board work on remaining issues and return together to exchange work to see if proposals are acceptable.

Jason stated that Mr. Smith has expertise we don't have and this could help expedite both sets of work.

Mr. Smith stated he made a list and felt that his North Star team should work on Solar Standards, Contractor Yards, and mixed use in Commercial Zones. The Planning Board would work on Rentals, Escrow and definitions of Rental Structures. The work for the future would be docks and the Marijuana Moratorium.

A motion was made by Bernard that North Star Planning would do the initial and substantive work of the proposed ordinances for solar standards, mixed use in commercial zones, and contractor yards. The Planning Board would work on Rentals, Escrow, and Define Rentals and Structures, and the work on Docks and the Marijuana Moratorium would be put on hold for now.

The motion was seconded by Patricia Pearson; All in favor-motion carried.

The Board then discussed the concept of the Marijuana Moratorium and potential ramifications. The consensus was to push it to next year because the State changes the regulations. The plan is to put forward extending the moratorium and give the Board the time to prepare the verbiage relating to the Moratorium. Bernie stated that there was a lack of commercial enterprise in Acton. There is a concern about road safety. With a 3year Moratorium in place, Marijuana is not allowed in Town. The plan must be explicit and pro- active.

Jason concluded this portion of the meeting by stating that it is important to get the work done and on paper. There needs to be set times for North Star Planning to check in on the

Board and as needed he would be willing to work with the difficult site line reviews. Everyone should work together. Ben stated that there is a long list of and together they could accomplish a doable work plan.

New Business:

Seth McCoy's Trucking & Excavating: 2491 H Road; 207-001. Application for Conditional Use for stump and brush disposal, recycle, and resale of mulch. Expansion of mining depth per DEP

Mr. McCoy is presenting an application for conditional use of a stump and brush recycle facility and the resale of erosion control mulch.

The plan includes stipulation that it is for:

- stumps and brush
- a State permit DEP Permit-By-Rule
- distance from wells and the water table
- a pad is to be built

The operation includes:

- erosion mix
- grinding of stumps
- creation of useful by products

There will not be daily use of a grinder, but a grinder would be used approximately once a year for a week. The site would be approximately 10,000 square feet in size, and is situated in an existing gravel pit on H Road. The material to be made would be coarse mulch to be used in erosion mix. There are currently no permits in Acton for this operation. It is classified as a solid waste business and a State DEP Permit-By-Rule is required. The ground area is 22 inches to the high-water table, and ledge. There are two ponds on the site which may be natural or created from over excavation of the area previously. A soil scientist was consulted and stated that a six-inch pad is to be constructed to bring the ground 24 inches above the ledge. The Department of Environmental Protection stated that the plan met requirements as it is located 250 feet away from water.

The Board noted the exact location of the area on Google Maps. It was noted that there is an approved conditional use permit for a gravel pit on that site.

The question arose if any others could use the site, as the Town Transfer Station does not take large stumps. Mr. McCoy answered, "Yes, as long as it is stumps and not wood waste. It would have to be unprocessed wood and all organic wood waste. Everything that comes in would be inspected, and the area would be gated to trucking."

He stated that he was just telling the Board, and not asking permission.

Mr. McCoy stated that he has spoken to the Fire Department regarding safety of the Stump Dump and that there would be no water put on a fire there, should one occur, but that there would be a loose dirt pile designated for fire extinguishing that would be turned

over twice a week to aerate the soil. These are OSHA State rules. Also, there would be little, if any environmental contamination as the only chemicals there would be WD40 and his trucks do not leak oil. The question arose inquiring if the truck traffic would increase, and the answer was no, as his original permit allowed for 50 trucks a day on the road.

Another aspect of the land use would be that he wants to expand the mining operation on the site. As it was an expense, he wanted to follow the rules before he started. He wants to dig deeper, not expand the area. He would like to mine all 37 acres, deeper and make stone from ledge, and save the sand. He would blast approximately once a year, following the strict State laws.

The Board would like to review materials, review zoning ordinances, and review citations. To investigate further, read Chapter 4-1 of the Department of Environmental Protection Landfill Sites and Operations Code. There would be a hazardous waste discovery, to determine if there is arsenic in the soil. The area encompasses a Shore Land zone and a Resource Protection zone.

A Motion was made by Gavin Maloney to do a site walk for this application, John Qua seconded the motion; All in favor, motion carried. (5-0)

On another matter, Mr. McCoy wanted to clarify the hours of operation of his business. On the original permit the hours of operation are listed as:

- 6 am to 5 pm, Monday to Friday
- 7 am to 4 pm for excavation, Monday to Friday
- 7am to 12 pm for maintenance and loading on Saturday

He wanted clarification of when he could leave the pit with a filled truck. If the truck was loaded the day before, could he leave at 6:30 am? The Town Code Officer stated that he could not leave before 7 am, because of a Noise Ordinance. Mr. McCoy stated he does no excavating before 7 am. But the State Noise Ordinance allows loading and leaving by 6:30 am. He passed out a CDC noise reference and the State Law noise reference that states his 2015 loader is rated at 70 decibels and his trucks are rated at 80 decibels. He has no track machines; all his equipment is on rubber tires. He wanted the Board to clarify and/or interpret the laws and rules as to when he could begin his work day. Much discussion ensued. Mr. McCoy stated that since he has presented this to the Board, he will continue to leave the pit at 6:30 am.

Pending Projects:

- No Update

Adjournment:

A motion was made to adjourn the meeting by John Qua; seconded by Patricia Pearson – motion carried, meeting adjourned.

