

Town of Acton Planning Board Meeting

Thursday December 16th, 2021 6:00pm

MEETING MINUTES

(Approved on 1/13/2022)

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

Alternate Member Present: Bevin Corbin

Also Present: Jason Sevigny, CEO, Ashley Flynn, Land Use Secretary, Seth McCoy, Nancy Kenney, Cliff Kenney, Charles Crespi, Mark Needle, Sue Purkis, Denise Bowden, Scott Guerrette, Marie Skelly, Pete and Christine Aufiero

Call to Order: The Chairman opened the Planning Board Meeting at 6:02 pm.

Pledge of Allegiance

Public Hearing

Seth McCoy's Trucking & Excavating; 2491 H Road 207-001

Application for Conditional Use for Stump and Brush Disposal, Recycle, and Resale of Erosion Control Mulch

The business would handle the disposal, intake and processing of stumps to be stored on a 6 inch gravel pad, 2 feet above the water table, in an area of 3 acres in a 37 acre pit. There would be no increase in traffic as the previous permit allowed for 50 trucks each day. The trucks would haul stumps in and haul sand out of the pit. In case of a potential for fire exposure a pile of sand is designated to put out the fires. The stumps would be turned over twice weekly to decrease heat and inspected weekly. Any fire would be extinguished with dirt. The stumps would be ground for one week, once a year. The DEP would inspect the pit per State requirements. The wood would be organic wood products,

Public Comments:

Cliff Kenney from 538 Anderson Cove Road asked to see the map rendition of the area. Noted that the pit was 4000 feet off H Road.

Questioned if the pit was outside wetland zoning? They were assured that the Planning Board would follow guidelines.

The Code Officer noted that there was some impropriety on Mr. McCoy's land bordering Moose Lake concerning the cutting of trees.

Mr. McCoy reported that the State of Maine took his money on February 26, 2021 for the Permit -by-Rule.

An Email was introduced by Joe Keller and Allison Davis who have an abutting property across Moose Lake, at 65 Moose Pond. Stated that Exhibit A was a statement regarding On July 21, 2021, there were pines cut and a skidder that was used caused erosion. Fifty feet was cleared in a buffer

zone. Question was asked if there would be remediation of the land damage and reforestation. Exhibit B was a question regarding environmental testing of the pit site. Exhibit C was a question of whether the quarry would entail removal of vegetation. Would there be fire danger with the large depot of combustible fuel at the site?

Pete Aufiero, 115 Moose Pond Road

Stated for reference, that there are three pits located within 125 yards from his home and a 25 acre pond and he has concerns. Would the level of noise increase?

Would there be leaching from the stumps washing into the pond?

Mr. McCoy stated that he owns property on Moose Pond. There has to be a place for stumps.

Mr. Aufiero complained that Mr. McCoy cut three large pines on the water's edge, 75 feet in the buffer zone. There has serious damage to this area. The Planning Board stated that he was fined and complied with the remediation mandated.

Mr. McCoy replied that he had a septic design and a buffer zone was allowed for and that it was well in the lawn area.

Mr. Aufiero replied that there was to be no septic design within 75 feet of the water, there was to be a buffer zone, and that Mr. McCoy cut down 120 year old live pine trees. The residents of Moose Pond are upset and request that he replant the trees.

Mr. Broder interjected that the cutting of trees was inspected and that the Town had imposed penalties and remediation. BUT, this is a separate issue from the use permit being discussed. There also would be no discussion of the mining issue and only the stump and brush conditional use permit would be discussed.

Christine Aufiero, (sp), Questioned whether all three acres would be used for the stump dump. Also what are the hours of operation? Jason stated that the hours of operation would remain the same:

- Monday to Friday : 6am to 5pm, 6 am to 7 am are for maintenance and loading, and starting at 7 am excavation and trucking could begin
- Saturday: 7 am to 12 noon

There is a three acre site, but only one acre will be used for the pad

Sue Perkins wanted to know how many other pits in Acton were used for stump and brush disposal.

Jason Sevigny stated that this is the only pit with solid waste disposal and grinding if the conditional use passed.

Mark Needle, 353 Anderson Cove Road wanted to know if the pad site would be moved to any other area of the 3 acres and was assured that the dump is restricted to a specific pad.

He also remarked that the tree issue on Mr. McCoy's land was of concern to him and wanted the conditions corrected and full restoration of the violation and enforcement of the law in full.

The Chairman closed all public comments.

Mr. Broder wanted to ask Mr. McCoy if there was storage area for water and supplies for fire suppression. Mr. McCoy stated that fire suppression was done using dirt.

Also, Mr. Broder wanted to know where storm water would drain. Mr. McCoy stated that the pad was made of stone and dirt and that there would be no drainage into Moose Pond, and the pad would be rated for a 25 year storm. He stated that water cannot leave the mine. He could place an erosion mulch berm and there would be no leaching into Moose Pond.

The Chairman closed the Public hearing.

NEW BUSINESS:

- David Hebert, 55 Red Gate Lane, lot 115 005, is asking for a permit to have an RV/Boat Storage at the back of his property that would have a business access from Lakeside Drive. There would be total access on public roads. The business would be outdoor storage, no maintenance of boats or RV's, no oil changing, but may include detailing of boats and RVs at a later time. The property is flat land with a brush cover. There are no trees over 2 to 3 inches in diameter to be cut. No large mature trees will be cut.

The Board read the Acton definition of a Boat Yard which includes sales, service, and maintenance of watercraft. Mr. Hebert would not do any maintenance, sales, or service.

The zone of the property is in a rural zone and borders a critical shore zone. It is also located in the aquaphore protection district. This would be an outdoor storage facility and may add detailing.

There would be standing gravel of ¾ inch crushed stone used as the pad under the storage area and this would provide aquaphore protection. The storage will be on a sandpit site with a swamp area on the back side of the site so there would be no mud and would maintain the buffer zone. Would the Department of Environmental Protection oversee the site in case of a fuel spill? Would there be any tank leaks? Mr. Hebert stated that there would be no drainage of fuel, the vehicles would be winterized before coming to the lot. He might like to provide shrink wrapping and detailing in the future,

Mr. Hebert stated that the business would not start until next summer, so the Board delayed walking the site until January 8th 2022.

- Fire Chief Smith addressed the rental business concerns held by the Board. He expressed concern that rentals are to be done with safety in mind. Basic safety measures that should be addressed are:
 1. Safety features as good building egress
 2. Phone numbers of local agencies posted in rental home
 3. Address posted and number signs posted on property
 4. Fire extinguishers in home and available
 5. Working Smoke and CO detectors with backup in home

Hopefully this would enable escape from the dwelling and calling 911 with positive results.

The State Fire Marshall has a list of stipulations, including accepted egress in each bedroom.

Long term rentals are also included in the recommendations.

Chief Smith would like to inspect rental properties to provide education, and implement corrections. The Fire Department would provide an information sheet and would promote the availability of number signs, available through the town.

The Board Chairman stated safety supersedes cost, the aim is to keep people safe, and adopt a practical approach to safety. The fire codes are enforceable.

OLD BUSINESS:

- Seth McCoy's Trucking and Excavation, 2491 H Road , 207-001

Stump and Brush Recycle Conditional Use Permit

A site walk was done on December 11th, 2021, in the rain.

4.3 Shoreline District

The Conditional Use Permit Checklist was reviewed. The Use of the land

1. Does not unreasonably interfere with navigational uses
2. Does not unreasonably alter scenic or aesthetic qualities
3. Does not unreasonably interfere with or harm environs of the lake, pond or tributary system or fish or wildlife habitat
4. Does not unreasonably interfere or cause soil erosion or lower the quality of waters
5. Does not unreasonably interfere with the natural flow or capacity of any water bodies
6. Does not create unreasonable noise or traffic of any kind
7. If the proposed use existed before request and alters the original use, does not expand the original use defined as an increase of 25% or more or new materials or processes associated with the existing use

The application procedure:

1. The assigned application has been submitted
2. Plans are drawn for the proposal on a scale not smaller than 1 inch equals 50 feet

The following information has been provided unless waived by the Planning Board:

1. Name and address of applicant
2. Name of proposed development
3. A copy of the deed or record of ownership
4. The assessors map and lot number
5. Total area of proposed development, ground cover, and location of each building
6. Dated perimeter survey of parcel showing reference points, showing true North point, graphic scale
7. The required fees have been collected

8. Independent consultants have been engaged if necessary to insure compliance with all aspects of this ordinance

The Board discussed these issues of the application and the following were requested:

1. A new application was needed that stated the property was in the shoreline district
2. The site of the pad needs to be updated, perhaps by a surveyor or Civil Consultants
3. The mining aspect needed to be taken off the application
4. Proposed non vegetated area of the lot needs to be measured; perhaps to include 10 acres of open land
5. Approximate value of the project including the cost of the pad, fuel, labor, mechanical labor, and use a market value cost

Returning to the Conditional Use Review...

9. The use will not have an adverse impact on spawning grounds, fish, aquatic life, bird, or other wildlife habitat.
10. Use will conserve shore cover and visual and actual access to water bodies
11. Use is consistent with comprehensive plan
12. Traffic access to site meets the standards contained in the ordinance and traffic congestion meets standards.
13. Site design is in conformance with all municipal flood hazard protections.
14. Adequate provision for disposal of all waste water and solid waste disposal has been made.
15. Adequate provision for transportation and storage and disposal of any hazardous materials

In relation to this Gavin Maloney brought up the question of disposal of a pile of asphalt that is on the site. Mr. McCoy stated that the DEP allowed 1000 yards of non hazardous material storage was allowed for reuse. Mr. McCoy stated that he would crush the asphalt on site and reuse and /or reclaim the material. Mr. Maloney stated that the asphalt would degrade into hydrocarbons that would be emitted into the air, and petroleum would leach into the ground.

Bernard Broder made a motion to adjourn the meeting. Bevin Corbin seconded, All in favor- Motion carried.