

Town of Acton Planning Board

Meeting

October 20th, 2022 6:00pm

MEETING AGENDA

Call to Order

Member's present:

Chairman Chris Whitman, Vice Chairman Gavin Maloney, Patricia Pearson, John Qua, Bevin Corbin

Also Present: Ben Smith of NorthStar Planning

Designate Alternates as Necessary

Approval of Minutes: Minutes tabled for review

Old Business

- **West Shore Acres:** - West Shore Dr; Map 128, Lot 007-001. Application for Subdivision – Revision to Final Approval

Joe Stanley presented the same plan that was approved two weeks ago to have the contradictory tree buffer plan removed before recording in the Registry of Deeds.

A Motion was made by Gavin Maloney to reconsider the proposal and sign the corrected plan. Patricia Pearson seconded the motion, All in Favor, motion passed 5-0.

- **Michael and Tammy Murray:** 60 Livingston-Goodwin Rd; Map 117, Lot 054
Application for Greatest Practical Extent

John Hutchins presented a site plan to reconstruct a camp on the existing footprint including a full foundation. The new plan would include a 30% expansion. There will not be a new septic system installed as the current septic will be used. A new site plan would need to be submitted to include distances, resource protection, including setback of 100 feet from Lake, new house location, septic system location, a topography map. A site walk would be conducted to verify the new plan. It will be determined if the site is in wetlands or the 100-year flood plain area. There is a retaining wall in the water. The signatures must be corrected.

A motion was made by John Qua to conduct a site-walk for Greatest Practical Extent at 60 Livingston-Goodwin Rd. Map 117, Lot 054 on November 3 at 5:00 pm. The motion was seconded by Gavin Maloney. All in favor motion carried, 5-0.

• **David Pepin- Mineral Extraction:** H Road; 220-007 and West Shore Drive 221-003. Application for Mineral Extraction.

A discussion was presented by Kyle Jacobson and Matt Pepin regarding the application. Matt Pepin asked the Board if it would be required to have an archeological study done on the property. The applicant stated that if during excavation and relics or artifacts are found, excavation would immediately stop.

The Traffic Engineer, Diane Morabedo is working on the details of the safety of the area including verifying the sight distance, safety issues, turning lane construction, the grade of the road and signage required. The scope of her investigation would be revised to also include the impact of traffic on H Road versus West Shore Drive from a safety stand point, including the West Shore

Drive culvert. The Traffic Study will need to be completed before the Board would find the application complete.

Danna Libby of Corner Post Surveying will be trimming tree limbs on H Road this week in order to obtain the correct sight distance.

Kyle Jacobson discussed the Vernal pools and the buffer impacts and whether the vernal pools were significant pools or man-made. There will be no infringement on the vernal pools from the wash area.

The possibility of environmental impact occurs in two places; the roadway and the vernal pool buffer in extraction area Number 1.

The Permit by Rule Permit cost is \$2000. Page 54 #1 states the conditional use excavation permit must be accompanied by all state permits or licenses. The PBR permits do not need to be submitted until after 5 acres have been disturbed and each DEP permit is viewed differently. A PBR is needed for the vernal pools and the storm water management plan.

The Board reviewed the Operation Manual. On page 2 it references the performance guarantee provided by the applicant. The reclamation performance guarantee that the Town is going to be holding needs to be determined. The average charge is about \$6000 per acre. The DEP charges \$4000 an acre. The written ordinance states the amount of the reclamation guarantee will be set by the Planning Board. The applicant questioned if the guarantee could be satisfied by a letter of credit or a bond as has been done by this company in the past and not set aside in an escrow account for twenty to forty years. The Town would need clarity on the actual number of acres being used at any one time and if each area would be reclaimed at the end of its use or if the whole area would be reclaimed at one time. Loam removed from the area will be stockpiled and saved onsite for the reclamation. The sound level will be less than the allowed fifty decibels. The

crusher would only operate after 8:00 am but screening could happen after 7:00 am. The operating hours would need to be solidified.

A fire department lock box for access to the area would be provided. There are two access rights of way including the donation parcel to Three Rivers land Trust. There will be no trespassing signs posted along the trail separating Three Rivers Land Trust and the area.

Page 3, # 1.6 allows for a right of way for noncommercial vehicles and is only to be used by Three Rivers Land Trust. The entrance to the right of way will not change, but the actual right of way may.

Section 1.8 should be struck from the plan.

The Three Rivers Land Trust will connect to Goat Hill to the Hanson's Pond trails system. Page 4, line 4 states that there is to be no truck traffic on the trails. Page 6, last paragraph refers to the environmental studies regarding the vernal pool. The pool along the road has been embellished by man but there is wildlife that inhabits it. Tom Tetreau, the technician states that it is not a significant vernal pool. The original analysis showed the pool as an SVP. The board asked to see the revised submission showing why the determination changed.

Page 5, section 4D states the zoning ordinance regarding a 100-foot buffer along the street boundary.

The hours of operation are of concern. The Saturday hours will begin at 7:00 am and end at noon. No outside trucks will be allowed before 7:00 am. Maintenance will be performed from 6 to 7:00 am, no loading until 7 am, no hauling of loaded trucks until 7 am. The applicant felt that aggregate could be loaded before 7 am, and Pepin owned trucks could be loaded at 6:30 am. They would not be on the road before 7 am. Screen would begin at 7 am, crushing at 8 am. In winter, plowing would begin at 6 am to open the yard up. From Memorial Day until

Labor Day, there would not be any trucking on Saturday because of the high use of H Road for Transfer Station Traffic. There would not be any crushing done from Memorial Day to Labor Day and the area would not be used on July 4th week at all.

Stakes and flags would be posted 50 feet apart around the limits of the excavation area to be opened and the processing area.

Absolutely no blasting will take place in the area as a condition of approval.

Section 2.3 states a condition of use is no more than five trips each day between July 4 and Labor Day.

Page 54, # 7 states no equipment and/or debris would be on site. Only active extraction materials are allowed.

For erosion control mix, stumps will be chipped or ground for sale. Concrete would be crushed and sold for reuse. This material will not be in the extraction area but in the crushing area.

The permit requested is conditional use for extraction. Would the asphalt be coming only from Acton? The Board has decided that only concrete could be recycled here, but no asphalt.

The Board questioned if loam, compost, silt, clay, sand, gravel would be sold on a retail basis. On what scale?

Crushed gravel would be made from ground cement from Pepin operations. Silt and clay would be reclaimed from other Pepin job sites.

Section 2.5 refers to on site stumps. A one-acre area would be used to dispose of stumps. Would they be ground buried or burned? The DEP states a stump pile can sit for 2 years. A PBR should be sent to State before the stumps are ground. The stumps will not be buried, they will be ground or burned.

Section 2.6 regards top soil. The top soil removed from the site will be stored in a berm on the West Shore Drive border. The soil from extraction area #1 will be stockpiled on the H Road side of the area. All top soil will be stockpiled.

Section 2.7 addresses fuel tanks and they will be above ground with spill containment measures. A one-thousand-gallon fuel tank will be on a concrete pad for truck refueling. Fifty-five-gallon gas drums will be located at all refueling areas. Jersey barriers will surround these areas.

Section 2.8 refers to noise containment. The “good neighbor” policy will apply. Section 2.10 addresses the use of well water for the water truck filling. There are plans for two wells, one at the maintenance building and a second well at the wash plant with a retention pond located in the vicinity.

Section 2.11 states a ten-foot berm would be created, the Board would like a 15-foot berm, with a minimum of 10 feet. The topsoil should be kept within the working pit area.

No processed wood waste is allowed in Resource Protection Area.

The maintenance garage will be 80 feet by 60 feet at the most. A concrete pad will be under the dumpster and fuel tank area.

Section 2.14 states a berm around the ponds of the wash plant. The ordinance states a chain link fence should be used. There will not be a berm as the storm water would not run into the retention ponds. The ponds will be ten feet above the highest recorded water level. The DEP recommends 5 feet above the water level which would work better for storm water runoff. The liner would be silt and clay. PVC monitoring pipes will be installed to monitor the water depth around the wash ponds.

Section 2.16 is a Tree Growth Plan. A new plan would be required for the remaining acreage.

Within the reclamation plan the removal of the sentence prohibiting the use of stumps for reclamation and the area would be returned to a natural state.

Section 3.1 regards planting recommended native species is required. The acreage would be changed from 35 to 40 acres. Native species will be planted and the forest habitat will be returned to the area.

Section 3.3 provides for a guarantee of \$6000 per acre. The applicant questioned if a bond could be posted as proof versus cash in an escrow account. The fee is set by the Planning Board and the form of payment is set by the Select Board. If the applicant can produce evidence of the past bond, perhaps consideration could be given.

Section 4.1 is the Site inspection requirement.

Section 4.2 is the water quality requirement of well monitoring.

If the area is sold, a new operator would come before the CEO and evidence of escrow or bond, insurance, a performance guarantee, and an agreement to adhere to the operations manual would be required. Permits would be obtained before approval.

New Business

Pending Projects

Bevin Corbin made a motion to adjourn, Gavin Maloney seconded the motion.

All in favor, motion carried, 5-0.