

Town of Acton, Maine
Planning Board Meeting Minutes
December 1, 2022

Members Present:

Chris Whitman (Board Chairman), Gavin Maloney (Vice-Chairman), Bevin Corbin, John Qua, Patricia Pearson.

Also Present:

Jason Sevigny (Code Enforcement Officer), David Riley (Land Use Assistant) Ben Smith (NorthStar Planning)

Pledge of Allegiance

Approval of Minutes:

Board member John Qua reviewed the meeting minutes from October 20th, 2022 and outlined revisions that are needed. The Code Enforcement Officer and Land Use Assistant will make the necessary revisions and return the meeting minutes to the planning board for their review.

Gavin Maloney: Motion to table the previous minutes from October 20th, 2022 until the next meeting. John Qua: Seconds the motion. Motion passed 5-0.

New Business:

Camp East Shore Drive LLC: 14 East Shore Drive, 147-048 Application for Conditional Use for Camp Kita (Final Approval):

Craig Burgess approached the planning board to address the conditions pertaining to the conditional use application for the Camp Kita project from the previous planning board meeting. The planning board discussed with Craig that they would like to see documentation addressing the lighting plan and illumination levels, the revised 50' buffer to the west side of the property, signage and details of operational hours. Craig also informed the planning board that a copy of the site plan with his original signature on it would be provided for the board to review and signed. With consideration to the removal of large trees on the property, Craig Burgess informed the planning board that he did reference the National Registry and Maine Registry of large trees and there were none of mention in the registries on the proposed site map.

Craig continued with presenting changes that had been made to the project plans. Craig informed the planning board of the addition of two 120-gallon propane tanks behind the community building and the widening of the sidewalk to 10' with a turnaround area for maintenance vehicles and emergency service vehicles. Craig also stated that the walkway from the community building to the recreational space in the north western portion of the site map in previous plans was removed in order to remain below 1 acre of impervious surface.

The planning board moved on to further discussion with Craig about things they would like to see occur. Patricia Pearson would like Craig to determine if there are any trees on the property that may be considered potential candidates for the National or Maine Registry. Craig confirmed he would conform with Patricia's request and report back to the Code Enforcement Officer with his findings.

Following the discussions, the Planning Board conducted a final review of conditions set for Camp East Shore Drive and concluded that the conditions had been satisfied.

Gavin Maloney: Motion we approve the final application Camp East Shore Drive, Camp Kita, 14 East Shore Drive with the changes.

Patricia Pearson: Second

Motion Passed: 5-0

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

Matt Pepin approached the planning board looking to render the application for mineral extraction complete. Matt began by covering some of the items that have been addressed since the previous meetings. He stated that they have received a site distance verification letter from Corner Post Land Surveying after the trees along H road had been trimmed to provide appropriate distance from the entrance to the proposed site. Matt also has received a traffic impact and safety analysis from professional traffic engineer Diane Morabito. Based on the traffic engineers' recommendations, Matt has added more signage to the proposed plans. Matt Pepin continued and informed the Planning Board that he has a revised operations manual, revised site plan, revised reclamation plans, evidence of business insurance that has been submitted and that he has submitted a Permit by Rule application for the vernal pool development in "extraction area 1".

Matt and the Planning board at this time entered into a discussion around the conflicting reports about the vernal pools on the site map. Planning board member John Qua would like to see some form of correspondence from the State of Maine as to why the State expert determined particular bodies of water on the proposed lot map were not considered significant vernal pools; which conflicts with the findings of Environmental Scientist, Tom Tetreau from Stantec Consulting. Matt Pepin agreed to John Qua's request and will attempt to reach out to the State of Maine about their findings.

Ben Smith of NorthStar Planning entered the conversation to remind the Planning Board and Matt Pepin that the goal during this particular meeting is to attempt to reach a point where the application for Conditional Use can be considered complete based upon the information provided.

Matt Pepin and the Planning Board discussed changes that had been made to the operations manual and site plans (For a more detailed account, please reference Planning Board meeting video dated December 1st, 2022, Acton Public Access Television). The board determined there needs some clarifying verbiage around stump grindings, vegetative debris and site preparation. Code Enforcement Officer Jason Sevigny informed Matt that he would like to be notified when dredging occurs at the site in order to make sure the dredging is carried out accordingly and within appropriate depths. The Planning Board requested there be a revision to the Operations Manual section 2.1 to state that there would be no digging or excavation before 7am. The Planning Board would also like to see the concluded traffic assessment between using West Shore Drive for access in comparison to using H Road. The final requests from the planning board were alterations to the operating hours, a request to see a storm water plan, as well as there will be no importing of waste asphalt to the site for regrinding. The alteration to operating hours was to state there would be no commercial truck traffic to the extraction site on Saturdays between Memorial Day and Labor Day.

Following the Planning Boards review of the operations manual and site plan, they proceeded to review the standards required for conditional use in section 6.6.3.7 of the Acton Zoning Ordinances. This review was as follows:

6.6.3.7:

- 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; **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; **YES**
- E. The site design is in conformance with all municipal flood hazard protection regulations; **YES**
- F. Adequate provision for the disposal of all wastewater and solid waste has been made; **YES**
- G. Adequate provision for the transportation, storage, and disposal of any hazardous materials has been made; **YES**
- H. A storm water drainage system capable of handling a twenty-five (25) year storm without adverse impact on adjacent properties, has been designed; **YES**
(There is a Permit by Rule application currently being filed for the maintenance building and processing area.)
- I. Adequate provisions to control soil erosion and sedimentation have been made; **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; **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. **YES**

The planning board determined after reviewing the requirements for conditional use, that the information provided was enough to render the application complete.

Gavin Maloney- Made the motion to find the mineral extraction application for H Road; 220-007 and West Shore Drive; 221-003 complete and the board move to schedule a public hearing on January 5th, at 6:00pm.

John Qua- Second. Motion Passed – 5-0

Old Business:

Pending Projects:

David Herbert- 55 Red gate Lane, Public Hearing on December, 15th.

John Qua – Motion to adjourn the planning board meeting.

Bevin Corbin- Second.

Meeting Adjourned at 8:15pm