

# Planning Board

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**February 01, 2007**

## Acton Planning Board

### Meeting Minutes

February 1, 2007

**Members Present:** Chip Venell, Tom Cashin, Yoli Gallagher, Jim Fiske, Keith Davis

**Members Absent:** Randy Goodwin, Brian Belanger

**Guest Present:** John Moore, Dave Billham, Jamie Lowrey, Pat Mulcahy, Keith Reynolds, Diane Reynolds, Ken Paul (CEO), Michelle Rumney (secretary)

Meeting called to order at 7:00pm by Chip Venell

The minutes from 01-18-07 were read and a motion by Tom and second by Jim were accepted as written.

Tom has questions regarding Durwood's letter in the Harrelson Property matter. This will be discussed at the end of the meeting.

#### **Diane Reynolds for Conditional Use Permit (85 Wren Rd)**

This is a home occupation in the Shoreland District which requires a C.U.

Diane would operate out of her office/living room one client per hour as a nutritional consultant. She performs a state licensed service called MSA (Medical Scan Analysis), then compiles a targeted nutrition and offers natural solutions to the condition of each client. Her driveway will hold 4 cars easily and the traffic in and out would be equal to a friend coming to visit the residence. She would also like to post a sign on her property.

A full abutters list of owners within 500 will be provided after the meeting. A public hearing is scheduled for February 15<sup>th</sup> at 7pm. Tom requests that a plot plan be provided.

#### **Jamie Lowrey for Moose Pond Subdivision**

Added access easements one off the H Road for potential road for next phase, and between lots 6 & 7 roughly where an existing trail currently exists. This will also allow for access in case of emergency. A request for erosion control and stormwater impact waiver is made as they are merely creating the lots and selling lots, they do not plan to do any disturbing of the soil or developing. The buyer of each lot would have to provide these types of documentation when applying for building permits.

Tom expresses concern about waiving the surface water drainage criteria. He refers to John Rand's peer review of the nitrate analysis.

Jamie comments that they are not proposing any building on these lots so the storm water run off will not change by the creation of these lots, until such time as someone purchases the lots and builds.

Tom asks the applicant to consider the delineation of a building envelope on lot lots where it is pertinent.

Chip explains that the Board has required these types of building envelopes on some of the cluster subdivisions and can require this on this non-cluster as well. Where the nitrate plumes overlap, this is a large concern of the Board.

Tom refers to Rand's review that suggests changing the rates used for the calculations of the dispersivity rate to be more conservative and see if this shows the nitrate plumes extending any further off property lines and making sure they are not leaving the subdivision.

Jamie acknowledges that he is not an expert to say whether this is a fair thing to do, he would like to have Sweet Associates respond to Rand's recommendations and comments.

Tom also points out that the groundwater contours on the nitrate analysis map have no relationship to the surface topography. These contours should be accurately shown if we are going to accept them in this process.

Chip asks if they had found any of the old monitoring wells and Jamie replies that they found 2 of them and marked them on the maps.

Tom suggests that Sweet addresses Rand's review before we go further and consider building envelopes on the lots of question (Lots 8-11)

Chip tells the applicant that the waiver requests should be formally put in writing. Sweet should respond to Rand's letter and the contour lines on the nitrate study should be more accurately shown. No motion was made to accept this final application as complete.

#### **Shawn Frank for Eagles Trace (Map 7-53)**

Shawn presents overall concept plan of the remainder of the parcel at Eagles Trace. All lots will be conventional, minimum of 90,000sq ft with 250ft road frontage. All would have individual wells and septic systems. The roads will be private and deeded so and maintained by an association. This plan would create 68 new lots.

Yoli asks if David will be building the houses, David replies yes.

Shawn notes that this would be a multi year project.

Jim asks if this will be an adult (over 55) community. David replies that he hasn't decided to do so yet, it will depend on the market. He explains that he was interested in putting in an assisted living facility but needs clarification on the ambiguity of the ordinances and definitions. The Board reads Article 5.10.2 which allows for up to 10 units, each unit would require 90,000 sq ft and 250 ft road frontage.

Chip explains that this is something the board can not waive. A variance would have to be granted from the ZBA which means all the requirements would have to be met for a variance. He explains that it may be easier to ask for a zoning change to allow for elderly housing at


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next Town Meeting. David will research other towns' ordinances that address these types of assisted living facilities and bring his findings to the next meeting.

Shawn explains that after they have a strong preliminary plan they will have to submit everything to the DEP also.

The board addresses that something will have to be done with the Hopper Road entrance as well to allow for all of these potential houses, turn something of the sort. Shawn explains that they haven't decided exactly what they were going to do with that yet, but it will be addressed.

The Board also questions how stormwater runoff will be addressed. Shawn explains that they will try to address it lot by lot and have a few setbacks well.

Tom suggests talking to SMRPC while in the preliminary phase.

**Board addresses Durwood's letter regarding Harrelson Property (old Rumrill property)**

Tom is concerned about Durwood's response (refers specifically to page 2, 2<sup>nd</sup> paragraph) and questions what materials were given to him for the secretary provided the letter from the applicant's attorney and copies of everything the board received as well as subdivision regulations. Durwood makes note that the applicant's attorney has provided him with additional documentation. He wants to be sure that though the board has acknowledged Durwood's finding is that this is already a legal subdivision of 3 lots by State Statutes, that the Board has not voted on this matter and will have to do so before doing so. Tom asks what Harrelson's intentions are, the Board secretary explains that as recommended by the CEO at the previous meeting realtor to have the owner/buyer draw up a plan for these "3 lots" before any further plans are made to be sure what they intend to do is permissible require any further review from the Board. Nothing further has been submitted for review by the CEO.

A Subdivision Regulation Revision Workshop is scheduled for the 22<sup>nd</sup> of February with the Road Committee.

Public notice should be posted for this workshop as well as the public hearing by Friday. Abutters notices will need to be sent on Friday as well as hearing for Reynolds.

Meeting adjourned @ 9:20pm