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April 05, 2007

Acton Planning Board

Meeting Minutes

April 05, 2007

Members Present: Chip Venell, Yoli Gallagher, Keith Davis

Members Absent: Brian Belanger, Jim Fiske, Tom Cashin, Randy Goodwin

Guest Present: John Moore, Doris Jaworski, Jack Jaworski, Marie Skelly, Leann Moody, John Moody, Bob Knapp, Doug Venell, Sarah Pollack, Jamie Lowery, Dave Billham, Patrick Mulcahy, Laura Doggett Campbell, Ken Paul (CEO), Michelle Rumney (secretary)

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

The minutes from 03-15-07 were read and a motion by Yoli and second by Keith were accepted with changes.

Public Hearing for Moose Pond Village

James Lowery from Sebago Technics presented overall concept of the proposed 12 lot subdivision to be located off H Road and Anderson Cove Road. Jamie adds that lots 6 thru 11 have septic exclusion zones laid out to address the Board concern of questionable nitrate plumes. This subdivision would not require any new roads to be built, and each lot would have private wells and septic.

Bob Knapp on behalf of the Anderson Cove Road Association asks what will go in around Moose Pond. Jamie replies that nothing is planned in this phase. They may do a second phase which may include a few more house lots and possibly a campground that is why they have left access between the lots off H Road. Bob asks for reassurance that there will not be access from Anderson Cove Road to this. Jamie replies that they will have emergency access only where the existing access road/trail is now, but no access will be solely from the entrance off from the H Road. Bob also inquires about access to the lakes from these lots. Jamie replies that the only lot that will have access is the one lot that abuts Great East, and the access is to that lot owner only.

John Moody asks if the access road off from Anderson Cove Road will be gated? Jamie replies that they are not proposing anything in there in this phase, but if they do go ahead with phase 2 they would consider having gated access there.

Mrs. Jawarski asks how many phases they plan on. Jamie replies that they have a concept plan of a phase 2, but nothing further than that.

Marie Skelly asks if they intend on cutting the trees down on the inner lot around Moose Pond. Pat Mulcahy responds that legally they have to leave 100 foot buffer around the pond, but there intentions are to not cut any trees that aren't necessary.

Chip reminds the public that the only thing before the Board is this initial 12 lot subdivision and that the Board can not act on anything else other than what they are looking for approval of now.

Bob Knapp is concerned that the purchasers of the lots be notified that they will have to join the Road Association and pay fees. Another concern of his is that if phase 2 goes through that the campground does not have access through Anderson Cove Road.

Chip explains that if the board approves phase one, they could require that all lot purchasers be notified that they have to join the association and that can be done by a note on the plans or in the deed themselves.

John Moody inquires as to who will have ownership to the ROW. The ROW will be part of the mother lot and the developer/owner of the mother lot will retain ownership.

Public Hearing closed ...regular meeting proceeds.

Keith asks if new test pits have been put in, Jamie replies that yes they have done new borings and moved them around a bit.

Chip asks if John Rand was provided copies of the revisions, Jamie replies that he has.

Chip asks where the septic exclusion areas are; Jamie replies that the hatched areas are the exclusion zones.

Chip asks if there are pins on the lots; Jamie replies that there are pins set for the main parcel, but until the lots are accepted there are not any on individual lots but there will be.

Jamie explains that there are notes added to the plan in reference to stormwater runoff, erosion control, well drilling and footing drains.

Chip reads a letter submitted from Gloria Surette per request of Bob Knapp. Chip asks if the monitoring wells are going to be monitored over a period of time. Jamie replies that they were put in to assess the gradient through the property and were not put in in respect of monitoring water quality over time.

Yoli asks if the Board should be expecting a response from Rand in respect to these changes. Jamie explains that they have moved the septic locations and added his recommendations to the plans that further consultation from Rand should not be needed.

Keith explains that he has only been a part of this process over the past month and does not feel that he is knowledgeable enough on this project to be comfortable on voting for or against it so he will refrain from voting. This leaves the board without a quorum on this matter and will have to come back on May 3rd to discuss further when more members are in attendance.

Chip also makes note that none of these lots should be able to be further divided and that we should add this as a condition of approval.

Sarah Pollack for Conditional Use Application Review

Does this require a Conditional Use or will it fall under home occupation in General Purpose?

Operating a yarn hand spinning class and small retail of products produced on her farm in an existing building at her home. She raises

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angora rabbits and goats and intends to keep a spinners flock to produce the fibers needed for products.

After review of the owner's intentions and the criteria for conditional use, the Board feels as though this is a permitted use in the General Purpose and does not require a Conditional Use Permit.

Ken recommends that the owner contact the DOT before reopening the driveway and make sure a driveway permit does not need to be issued in order to use that as an abandoned driveway.

Best Possible Location- Map 55 Lot 12 44 Beechwood Park Road

Doug Venell, Contractor for E.Flemming (Greystone Trust), Chip refrains from a vote on this as it is a conflict of interest. Only two voting members are present, leaving the Board without a quorum.

Two existing outbuildings (accessory structures) on property, one is 7x20 the other is 4x10.

Would like to demo both and replace with one 10x12 shed 60' back from water, this would reduce total shed volume by 35 sq ft

By allowing it in the location requested, the benefit would be that no trees would have to be cut and by moving it back further would cause intrusion into the wetland.

Ken recommends the approval; board will revisit this at next meeting when more members are present to vote.

Ken Paul for determination on Lot Area for Carl Beal of Civil Consultants

Ken explains that in definition of lot area it reads: total horizontal area within the lot lines, minus land below the normal high water line of a wetland, edge of a wetland and areas beneath roads serving more than two lots.

Carl Beal is working for the landowner who wishes to split the motherlot into two separate lots. This lot is located on a ROW. Lot in question is 100x100; does this area get subtracted from total lot area for determining min. lot size?

The board interprets that the land below water level does not get included, but that wouldn't include these wet areas that may not always be water. The board is concerned about is the ROW will need to be brought before them for a major subdivision with a road for these to become legal buildable areas. Ken will forward the boards comments to Mr.Beal.

Chip remarks that the definitions in the zoning need to be changed at town meeting to match the definitions in the new subdivision regulations. She will bring up the changes when Chip gives her the list of the ones requiring change.

Meeting adjourned at 8:30pm