

# Town of Acton, Maine

## Planning Board Meeting

### MEETING MINUTES

**DATE:** May 4, 2017 (**approved May 18, 2017 with Addendum**)

**ROLL CALL:**

Members Present: Bob Smith – Chairman  
Tom Cashin – Vice Chairman  
Yoli Gallagher  
Skip Scott  
Leslie Berlan, Alternate  
Lincoln Marston, Alternate

Members Absent: Gavin Maloney (excused)

Also present: Ken Paul, CEO; Brenda Charland, Recording Secretary; Virginia Deboer, Video Recorder; Matt Pepin; Vicki Erickson; Gary Broniarczyk; Kathleen Stephens; Matthew Pepin; Charles Adams; Nancy Ruma; Joseph Ruma, Carl Davis

**Public Hearing:**

- **Goat Hill Subdivision Redivision, Map 220, Lot 002:** Carl Davis explained that Three Rivers Land Trust is applying to divide Lot #3 of the subdivision approved by the Planning Board on February 16, 2017 into two lots with the same easement that exists for Lot #3 also applying to the second lot. Bob Smith noted that the new lot will be accessed from Garvin Road.  
  
In response to Mr. Adams' question regarding the easement, Mr. Davis explained that two of the Three Rivers Board Members will meet with the property owner twice a year to review land use plans and to maintain an ongoing relationship. He also stated that other restrictions would include requiring tree harvesting planning for any land clearing as well as a conservation plan; also, no top soil can be removed.  
  
Mr. Carl noted that the uses for the two lots are planned to be a pick-your-own apples operation on one lot and a hard cider processing operation on the other. Hearing no further comments or questions, the Chairman moved to the next Public Hearing subject.
- **Proposed Amendments to the Zoning Ordinance:** Mr. Paul reviewed the five articles that will be on the Annual Town Meeting Warrant. The Chairman asked if there were any questions or comments regarding the proposed amendments, hearing none, he closed the Public Hearing portion of the meeting and convened the regular meeting at 7:36 p.m.

**Approval of Minutes:**

Moved by Skip Scott, seconded by Linc Marston, to approve the Minutes of the Meeting of April 20, 2017 as written. The motion passed 5-0.

**Old Business:**

- **Carl Davis, Goat Hill Subdivision Redivision, Map 220, Lot 002:** Ken Paul stated that because all the conditions set for the original Lot #3 will be transferred to the new lot and because the lots are so large, he has no issue with the division.

Moved by Skip Scott, seconded by Yoli Gallagher, to approve Three Rivers Land Trust's application to modify the Goat Hill subdivision noting that the following standards that were reviewed for the original approval on February 16<sup>th</sup>, in accordance with Title 30-A MRSA §4221 also applies to the new lot:

1. **Pollution:** will not result in undue water or air pollution. Yes
2. **Sufficient water** has sufficient water available for the reasonably foreseeable needs of the subdivision; Yes
3. **Municipal water supply:** will not cause an unreasonable burden on an existing water supply; N/A
4. **Erosion:** will not cause unreasonable soil erosion or a reduction in the land's capacity to hold water; (Carl Davis confirmed that the Three Rivers Trust will monitor the management of both the recreational and agricultural portions of the property annually); Yes
5. **Traffic:** will not cause unreasonable highway or public road congestion or unsafe conditions with respect to the use of the highways or public roads; (it was determined that this will be addressed by the Board of Selectmen) Yes
6. **Sewage disposal:** will provide for adequate sewage waste disposal and will not cause an unreasonable burden on municipal services; (it was determined that this will be addressed by the Board of Selectmen) Yes
7. **Municipal solid waste disposal:** will not cause an unreasonable burden on the municipality's ability to dispose of solid waste; (it was determined that this will be addressed by the Board of Selectmen) Yes
8. **Aesthetic, cultural and natural values:** will not have an undue adverse effect on the scenic or natural beauty of the area; Yes
9. **Conformity with local ordinances and plans:** conforms with a duly adopted subdivision regulation or ordinance, comprehensive plan; Yes
10. **Financial and technical capacity:** The subdivider has adequate financial and technical capacity to meet the standards of this section; Yes
11. **Surface waters:** outstanding river segments. Whenever situated entirely or partially within the watershed of any pond or lake or within 250 feet of any wetland, great pond or river N/A
12. **Ground water:** will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water; Yes
13. **Flood areas** principal structures in the subdivision will be constructed with their lowest floor, including the basement, at least one foot above the 100-year flood elevation; N/A
14. **Freshwater wetlands.** All freshwater wetlands within the proposed subdivision have been identified Yes
15. **River, stream or brook.** Any river, stream or brook within or has been identified on any maps submitted Yes
16. **Storm water:** will provide for adequate storm water management; Yes
17. **Spaghetti-lots prohibited:** If any lots in the proposed subdivision have shore frontage on a river, stream, brook, great pond or coastal, none of the lots created within the subdivision have a lot depth to shore frontage ratio greater than 5 to 1; N/A

**18. Lake phosphorus concentration:** The long-term cumulative effects of the proposed subdivision will not unreasonably increase a great pond's phosphorus concentration during the construction phase and life of the proposed subdivision;

Yes

The motion passed 5-0.

- **Matt Pepin, Conditional Use Permit to Expand Mineral Extraction Operations, Map #207, Lot #005, H Road:** Matt Pepin noted that in response to the Planning Board's request, the Operations Plan references the Operations Manual regarding general operations and reclamation.

The Board reviewed the changes to the Operations Manual and the Extraction Plans as discussed at the previous meetings and found them to be complete. The Plans were signed by Board Members.

**Addendum:** The actual vote for this Conditional Use Permit was taken by the Board on May 18, 2017.

- **Moose Pond Sand And Gravel Conditional Use Permit Application for Mineral Extraction, Anderson Cove / H Road, Map 207, Lot 001:** Scheduled for Public Hearing on May 18, 2017
- **Jim Crowley regarding a Conditional Use Permit for a Professional Building at 1076 Route 109, Map 233-020:** Scheduled for Public Hearing on May 18, 2017
- **Van Hertel Four-Lot Subdivision Application, Route 109 / Milton Mills Road, Map 241, Lot 241:** Scheduled for discussion at the Meeting of May 18, 2017

**New Business:** There was no new business to be discussed.

**Code Enforcement:** Allen Ottoson, Best Practical Location Application, 195 Hungry Point Road, Map 115, Lot 001: Mr. Paul explained that the property owner is applying to demolish the existing concrete structure and construct a three-season accessory building on the existing poured concrete foundation. Electricity and plumbing will be installed in the new building but it will be permitted as non-living space; the plan is for open concept with no bedrooms.

Mr. Paul noted that the property in front of the building is sloped and heavily vegetated; stormwater mitigation will be required.

Moved by Tom Cashin, seconded by Skip Scott, to approve the application with the condition that all stormwater mitigation practices are used.

**Adjournment:** The Chairman adjourned the meeting at 8:29 p.m.