

Town of Acton, Maine

Planning Board Meeting

MEETING MINUTES

DATE: June 15, 2017 (approved July 6, 2016)

ROLL CALL:

Members Present: Bob Smith – Chairman
Tom Cashin – Vice Chairman
Yoli Gallagher
Gavin Maloney
Leslie Berlan, Alternate

Members Absent: Skip Scott (excused)
Lincoln Marston, Alternate (excused)

Also present: Ken Paul, CEO; Brenda Charland, Recording Secretary; Virginia Deboer, Video Recorder; Mike Todd, Corner Post Surveyors, Rindy Stark, Craig Groshans

The Chairman convened the Public Hearing regarding **Van Hertel Four-Lot Subdivision Application, Route 109 / Milton Mills Road, Map 241, Lot 006** at 7:00 p.m. and requested questions or comments from anyone present.

Mike Todd, representing the property owner, outlined the application for a four-lot subdivision:

- the proposed subdivision, Willard Farm Estates, consists of 169.84 acres to be divided into four lots ranging from 2.24 acres to 85.75 acres;
- the property falls within the Commercial A District and the Rural District which require two-acre lots minimum, with road frontage of 250 feet; a small portion in the northwest corner of the lot falls within the Shoreland District;
- the lots will have individual wells and septic tanks and utilize overhead utility service to the individual lots.
- Lots #1, 3, and 4 will have curb cuts for driveway access, Lot 2 has a proposed driveway approximately in the center of the lot;
- the Applicant is requesting five waivers: High Intensity Soil Survey, Hydrogeologic Assessment, Stormwater Plan, Phosphorus Impact Analysis, and perimeter monuments as 5/8 inch iron rods

Craig Groshans explained to the Board Members that he owns property at 286 Apple Valley Lane, Map 240, Lot 003 and that a right of way to that property from Milton Mills Road exists on proposed lot #4 of the Hertel Subdivision. He stated that this right of way was a verbal understanding between Mr. Hertel and his father many years ago and without that access to his property, it is land locked.

Bob Smith inquired about the right of way from Sanborn Road as depicted on the Town's maps. Mr. Groshan responded that it isn't a right of way and it was never intended to be a right of way.

Gavin Maloney noted that the address for the property is 286 Apple Valley Lane, therefore, he should have access to the property across that road.

The Chairman stated that this issue cannot really be discussed until Ken Paul is present and he's not sure that it's a Planning Board consideration.

The Chairman asked if there were any further questions or comments, hearing none, he closed the Public Hearing at 7:30 p.m. and convened the regular meeting.

Approval of Minutes:

Moved by Gavin Maloney, seconded by Tom Cashin, to approve the Minutes of the Meeting of June 15, 2017 as written.

Gavin Maloney suggested that the conditions relative to the Best Practical Location requested by Roseanne Morin and Thomas Bailey at 155 Eagle Road should read "no bedrooms" instead of the "no additional bedrooms" as written in the Minutes.

The Minutes as amended passed 4-0-1

Old Business:

- **Moose Pond Sand And Gravel Conditional Use Permit Application for Mineral Extraction, Anderson Cove / H Road, Map 207, Lot 001:** The updated plans have not been received.

- **Van Hertel Four-Lot Subdivision Application, Route 109 / Milton Mills Road, Map 241, Lot 006:** Tom Cashin asked if the portion of Lot #2 that falls within the Commercial A district affects the residential building envelope. The Chairman referred to the Minutes of the April 6th meeting in which Ken Paul noted that Section 4.5.2. of the Zoning Ordinance stipulates that residential lots that are part of a subdivision are prohibited in that District, however that portion of the lot can be counted towards lot size but no part of the building envelope can fall within the district.

Tom Cashin also asked if the aquifer protection area on lot four is delineated on the plans. Mike Todd showed Board Members where it is delineated on the plans.

Board Members considered the waiver requests:

Moved by Yoli Gallagher, seconded by Leslie Berlan, to waive the High Intensity Soil Survey for Lots #2, 3 and 4. The motion passed 5-0.

Moved by Yoli Gallagher, seconded by Leslie Berlan, to waive the Hydrogeologic Assessment for Lots #2, 3 and 4. The motion passed 5-0.

Moved by Yoli Gallagher, seconded by Leslie Berlan, to waive the Stormwater Plan for Lots #2, 3 and 4 at this time. The motion passed 5-0.

Moved by Yoli Gallagher, seconded by Leslie Berlan, to waive the Phosphorus Impact Analysis for Lots #2, 3 and 4. The motion passed 5-0.

Moved by Yoli Gallagher, seconded by Leslie Berlan, to accept the 5/8 inch irons rods set in 2004 in lieu of the required perimeter monuments. The motion passed 5-0.

Moved by Yoli Gallagher, seconded by Leslie Berlan, to waive the test pit requirement for Lots #2, 3 and 4 with the condition that at the time of development, the test pits will be done. The motion passed 5-0.

Gavin Maloney suggested that Van Hertel provide a statement regarding Craig Groshans' right of way claim to be reviewed at the next meeting.

New Business: No new items were considered

Adjournment: The Chairman adjourned the meeting at 7:50 p.m.