

Town of Acton, Maine

Planning Board Meeting

MEETING MINUTES

Date: August 16, 2018

Members present: Joyce Bakshi, Chairman
Tom Cashin, Vice Chairman
Leslie Berlan
Yoli Gallagher
Gavin Maloney
Donovan Lajoie (Alternate)
Dennis Long (Alternate)

Also present: Ken Paul, CEO; Brenda Charland, Land Use Secretary; Virginia Deboer, Video Recorder; Jen Roux, Town Administrator; Arnie Martel; Brad Jones; Dan Archambault; Jane Archambault; Fagan; Richard Levesque; David Levesque

Call to Order: The Chairman called the meeting to order at 7:05 p.m.

Jen Roux, Town Administrator, spoke with Board Members regarding setting up and using a Planning Board dedicated email account. She asked that Members sign into their account and email her so that she knows that they were successful and that they never share their email password with anyone else. Ms. Roux reminded the Board that it's not a good idea to use their personal email accounts.

Approval of Minutes: Moved by Leslie Berlan to approve the minutes of August 2, 2018 as written; Donovan Lajoie seconded. The motion passed 5-0.

Old Business:

Arnie Martel, Proposed Buzzell Road Seven Lot Subdivision: Brad Jones presented updated plans to the Board which show the actual boundaries after transferring a portion of the site on map 216, lot 003 to map 217, lot 029 and the conditions voted by Board Members at the August 2, 2018:

1. Submission of stamped plans showing:
 - Deed restrictions;
 - Back lot boundary change transferring the property outside of the seven lots to 217-029
 - Underground power from the poles to structures;
 - The removal of the original easement;
2. No loam will be removed from the site

Regarding discussions at previous Board meetings about transferring a portion of the land along Buzzell Road to the town, Leslie Berlan stated that she wanted the following statement read into the record:

“Actions or legal instruments that convey fee title or a long-term interest in real estate, a “real interest” or an “interest in land” as those terms are used by the real estate

attorneys – require town meeting approval. Most town deeds (with some possible esoteric exceptions such as a deed releasing a future contingent interest or reciprocal release deeds to resolve a boundary in dispute should be approved by the town meeting in one of the manners discussed above.”

Dennis Long stated that granting an easement to that property instead of transferring through a deed would solve the problem. Brad Jones noted that if at any time the Town does not want the easement it can easily be rescinded.

Board Members reviewed Section 7.1 Final Plan Application Procedure and Section 7.2 Mandatory Submissions as outlined in the Town of Acton Subdivision Regulations and determined the following:

Section 7.1 Final Plan Application Procedure

A. Application for approval of the final plan with all supporting materials: Nine copies submitted as required

B. A non-refundable application fee as per the fee schedule: the applicant stated that the fee will be submitted to Land Use Department as required

C. Approvals:

1. Maine Department of Environmental Protection, under the Site Location of Development Act: N/A
2. Maine Department of Environmental Protection, under the Natural Resources Protection Act or Stormwater Law, or if an MEPDES wastewater discharge license is needed: N/A
3. Maine Department of Human Services: N/A, no public water system is planned;
4. Maine Department of Human Services, engineered subsurface waste water disposal system(s): test pits have been done
5. U. S. Army Corps of Engineers, if a permit under Section 404 of the Clean Water Act is required: N/A
6. Maine Department of Transportation Traffic Movement Permit, and/or Highway Entrance/Driveway Access Management Permit: N/A

D. National Register of Historic Places: N/A

E. Proposed street names: N/A

- F. **Reschedule review of the application:** The applicant and representative attended all meetings;
- G. **Receipt of the Final Plan application:** Receipt of the Plans was acknowledged;
- H. **Completion of Application:** all requests have been received;
- I. **Public Hearing:** a Public Hearing was scheduled and held on Thursday, July 19, 2018;
- J. **Public Hearing Notices:** all notices were made by the Land Use Secretary in accordance with the Subdivision Regulations
- K. **Performance guarantee:** not required
- L. **Findings of fact, and conclusions:** Board Members carefully reviewed all materials submitted at the regular meetings on November 16, 2017, June 21, 2018, July 19, 2018, August 2, 2018 and the present meeting.

7.2 Mandatory Submissions.

- A. Completed Final Plan Application Form and Final Plan Application Submissions Checklist. - completed
- B. Proposed name of the subdivision and the name of the municipality in which it is located, plus the assessor's map and lot numbers – shown on plan
- C. The number of acres within the proposed subdivision, location of property lines, existing buildings, watercourses, and other essential existing physical features. – shown on plan
- D. An indication of the type of sewage disposal to be used in the subdivision. Approved HHE-200 form submitted.
- E. An indication of the type of water supply system(s) to be used in the subdivision – included on the plan
 - 1. When water is to be supplied by an existing public water supply, a written statement from the servicing water district shall be submitted indicating the district has reviewed and approved the water system design – N/A
 - 2. A written statement shall be submitted from the fire chief approving all hydrant locations or other fire protection measures deemed necessary – sprinkler systems are planned for each residence

3. When water is to be supplied by private wells, evidence of adequate ground water supply and quality shall be submitted by a well driller or a hydrogeologist familiar with the area – a hydrogeologic report was submitted.

- F. The date the plan was prepared, north point, graphic map scale – included on the plan

- G. The names and addresses of the record owner, applicant, and individual or company who prepared the plan – located on the plan

- H. The location of any zoning boundaries affecting the subdivision – included on the plan

- I. If different than those submitted with the preliminary plan, a copy of any proposed deed restrictions intended to cover all or part of the lots or dwellings in the subdivision - N/A

- J. The location and size of existing and proposed sewers, water mains, culverts, and drainage ways on or adjacent to the property to be subdivided. – included on the plan

- K. The location, names, and present widths of existing and proposed streets, highways, easements, buildings, parks and other open spaces on or adjacent to the subdivision. The plan shall contain sufficient data to allow the location, bearing and length of every street line, lot line, and boundary line to be readily determined and be reproduced upon the ground. These lines shall be tied to reference points previously established. The location, bearing and length of street lines, lot lines and parcel boundary lines shall be certified by a professional land surveyor. The original reproducible plan shall be embossed with the seal of the professional land surveyor and be signed by that individual – all included on the plan

- L. Street plans, meeting the requirements of Section 10.15 – N/A

- M. Width and location of any proposed new streets or public improvements or open space within the subject property that are shown upon the official map, in the Comprehensive Plan, or Capital Improvements Program, if any - N/A

- N. Parcels of land proposed to be dedicated to public use and the conditions of such dedication. Written offers to convey title to the municipality of all public ways and open spaces shown on the Plan, and copies of agreements or other documents showing the manner in which open spaces to be retained by the developer or lot owners are to be managed and maintained shall be submitted. These may include homeowners' association by laws and condominium declarations. If proposed streets and/or open spaces or other land is to be offered to the municipality, written evidence that the Municipal Officers are satisfied with the legal sufficiency of the written offer to convey title shall be included – N/A

O. The boundaries of any flood hazard areas and the 100-year flood elevation as depicted on the municipality's Flood Insurance Rate Map, shall be delineated on the plan - N/A

P. The location and method of disposal for land clearing and construction debris - N/A

Planning Board Members reviewed the Subdivision Standards based on Title 30-A M.R.S.A. §4404 and determined the following:

1. **Air Pollution:** will not result in undue water or air pollution. True
2. **Sufficient water:** has sufficient water available for the reasonably foreseeable needs of the subdivision; *(the applicant provided records regarding existing neighborhood wells)* True
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; *(there are no internal roads and the site is internally drained)* True
5. **Traffic:** will not cause unreasonable highway or public road congestion or unsafe conditions on public roads; True
6. **Sewage disposal:** will provide for adequate sewage waste disposal and will not cause an unreasonable burden on municipal services; *(the Subdivision Plan is for individual private septic systems as shown on plan #1-4)* True
7. **Municipal solid waste disposal:** will not cause an unreasonable burden on the municipality's ability to dispose of solid waste; True
8. **Aesthetic, cultural and natural values:** will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat, or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline; *(Planning Board Members conducted site visits on)* True
9. **Conformity with local ordinances and plans:** conforms with a duly adopted subdivision regulation or ordinance, comprehensive plan, development plan or land use plans; True
10. **Financial and technical capacity.** The subdivider has adequate financial and technical capacity; True

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| 11. Surface waters; outstanding river segments: If situated entirely or partially within the watershed of any pond or lake or within 250 feet of any wetland, great pond or river, will not adversely affect the quality of that body of water or unreasonably affect the shoreline of that body of water; | <u>True</u> |
| 12. Ground water: will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water; | <u>True</u> |
| 13. Flood areas. principal structures will be constructed with their lowest floor, including the basement, at least one foot above the 100-year flood elevation; | <u>N/A</u> |
| 14. Freshwater wetlands: All freshwater wetlands have been identified; | <u>True</u> |
| 15. River, stream or brook: Any river, stream or brook within or abutting has been identified on any maps submitted as part of the application; | <u>N/A</u> |
| 16. Storm water: will provide for adequate storm water management; | <u>True</u> |
| 17. Spaghetti-lots prohibited: If any lots have shore frontage, none have a lot depth to shore frontage ratio greater than 5 to 1; | <u>N/A</u> |
| 18. Lake phosphorus concentration: will not unreasonably increase a great pond's phosphorus concentration; | <u>True</u> |

XXXX??? made a motion to approve the Buzzell Road Seven Lot Subdivision, XXXX??? seconded. Motion passed 5-0.

Joyce Bakshi asked that the easement be put in writing and included on the plan.

- **Jane and Dan Archambault, Pine Ridge Campground Conditional Use Application:** Dan Archambault, along with Austin Fagan, were in attendance and available to answer Planning Board questions in regards to the Pine Ridge Campground Use Applications. Joyce Bakshi stated that based on review of the plans, all was in order, however there were a few questions:

Mrs. Joyce Bakshi stated that review of initial plans submitted indicated three wells and she asked why the last set of plans submitted show only one well. Mr. Fagan responded that there will certainly be more than one well but at this point it's unsure where they will be drilled;

Mr. Ken Paul asked what the time line for submission of storm water plan to DEP will be. Mr. Archambault indicated that the submission was to be on Monday. He related that he already met with them and addressed their initial comments. A newspaper article will be submitted the following day and DEP submission will follow after that.

XXXX??? moved to accept the Pine Ridge Campground Conditional Use application; XXXX??? seconded. The motion passed 4 – 0 -1. A Public hearing was set for Thursday, September 6, 2018 at 7:00 p.m.

- **Levesque: Conditional Use Application to Conduct Extraction, Hebo Hybo Road, Map 244, Lot 014:** Richard Levesque and David Levesque were in attendance to discuss their Conditional Use Application to Conduct Extraction on Hebo Hybo Road.

Conditions discussed by Planning Board Members:

1. Noise level will not exceed 60dB at the property lines;
2. Stumps will be ground onsite, all unmarketable material will be used for revegetation purposes;
3. Applicant will notify CEO for approval to truck materials onto the site;
4. No loam will leave the site;
5. Truck trips will not exceed forty per day;
6. Crushing will be limited to 200 hours per year, Monday through Friday, 8:00 a.m. to 4:00 p.m.;
7. DEP approval will be acquired and copies submitted to the Building Department Office;
8. No fuel will be stored on site; an impermeable pad will be used during equipment refueling;
9. A “trucks entering” signage will be posted on Milton Mills Road;
10. No trucks will pass in front of the school during the period that “20 miles per hour” flashing lights are used;
11. Hebo Hybo Road will be upgraded along the 250-foot road frontage with stormwater mitigation and dust control practices integrated;
12. Monitoring wells will be installed;
13. A gated entrance with a knock box will be installed;
14. An insurance binder and a pre-determined escrow deposit will be submitted;
15. An excavation annual report will be submitted to the Building Department as required;
16. All approved plans will be kept on site.

A Public hearing was set for Thursday, September 6, 2018 at 7:00 p.m.

New Business:

- **Paul Muse: Pre- Application to establish a property maintenance and excavation facility, 15 Muse Lane, Map 229, Lot 025:** Paul Muse and Bob Muse approached the Planning Board to discuss their application to establish a property maintenance facility. Their goal is to assist home owners with debris cleanup, downed trees, grading, driveways, snow plowing, sanding, etc. They currently have a 6-wheeler in use and will be purchasing a 10-wheeler.

A Public hearing was set for Thursday, September 6, 2018 at 7:00 p.m.

Because the meeting was running later than usual, the Chairman decided to table the housekeeping portion of the agenda but asked that Board members take time to become familiar with the Planning Board Bylaws and the Comprehensive Plan so that they will be ready to discuss these items at a future meeting.

The meeting adjourned at 9:30 p.m.