

# Town of Acton, Maine

## Planning Board Meeting

### MEETING MINUTES

**Date:** September 20, 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; Jane Archambault; Bob Muse; Paul Muse

**Call to Order:** The Chairman called the meeting to order at 7:00 p.m. and declared a quorum.

#### **Approval of Minutes:**

- Approval of the Minutes of August 16, 2018 was tabled.
- Approval of the Minutes of September 6, 2018: Moved by Yoli Gallagher, seconded by Tom Cashin, to approve the Minutes as written. Gavan Maloney requested three changes to the list of the seventeen conditions:
  1. Condition #13 should state that the monitoring wells will be installed *one per acre*;
  2. Condition #15 should require an escrow deposit of \$1,000 per *five open acres*;
  3. Correct two typographical errors in Condition #10.

The motion approving the Minutes of September 6, 2018 as amended passed 5-0.

**Election of Planning Board Officers:** The Chairman stated that the position of Planning Board Executive Secretary must be elected according to the current Bylaws. She explained that this position does not serve as a recording secretary but reviews documents generated at meeting such as approved conditions, Standards Applicable to Conditional Use, etc. and sign them into the record, take notes at site visits, etc.

Leslie Berlan nominated Donovan Lajoie to serve as the Board's Executive Secretary; Yoli Gallagher seconded the nomination. Mr. Lajoie was elected to the position 4-0-1.

#### **Old Business:**

- **Jane and Dan Archambault, Pine Ridge Campground Conditional Use Application:** Jane Archambault came to the table to discuss the application. The Chairman noted that all of the questions that were raised at the Public Hearing were addressed.

Board Members reviewed Section 6.6.3.7, Standards Applicable to Conditional Use, of the Town of Acton Zoning Ordinance and determined the following:

- a) Use will have no adverse impact on spawning grounds, fish,

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| aquatic life, bird or other wildlife habitat <i>(The approved plans indicate no activity within the Resource Protection and buffers)</i>   | <u>True</u> |
| b) Use will conserve shore cover and visual, as well as actual, access to water bodies.  | <u>True</u> |
| c) Use is consistent with Comprehensive Plan. <i>(The Plan encourages new businesses)</i>  | <u>True</u> |
| d) Traffic access meets standards contained in Ordinance/traffic congestion addressed in accordance w/Ordinance performance standards.   | <u>True</u> |
| e) Site design conforms w/all municipal flood hazard regulations.  | <u>N/A</u>  |
| f) Adequate provision for disposal of wastewater/solid waste. <i>(The plan provides for two State approved septic systems)</i>   | <u>True</u> |
| g) Adequate provision for transportation/storage/disposal of hazardous materials are made.   | <u>N/A</u>  |
| h) Storm water drainage for 25-year storm w/o adverse impact on adjacent properties are designed.  | <u>True</u> |
| i) Adequate provisions to control soil erosion/sedimentation.  | <u>True</u> |
| j) There is adequate water supply for demands of proposed use and fire protection. <i>(The approved Plan calls for an annual inspection by the Fire Chief)</i>   | <u>True</u> |
| k) Provisions for buffer strips/on-site landscaping adequately protect abutting properties from detrimental features of development (such as noise/glare/fumes/dust/odor/etc.). <i>(noise will be kept to 60 decibels at property lines; facility rules that are in line with Section 5.11 of the Zoning Ordinance, Good Neighbor and Design Standards for Proposed Development, will be posted throughout the campground)</i> | <u>True</u> |
| l) All Ordinance performance standards applicable to proposed use will be met.   | <u>True</u> |
| m) Archeological/historic resources designated in the Comprehensive Plan will be protected.  | <u>N/A</u>  |

Board Members reviewed Section 5.11 of the Zoning Ordinance, Good Neighbor and Design Standards for Proposed Development, and found the following to be true:

**5.11.1 Exterior Lighting** – The approved Plan shows adequate interior lighting and lighting at the road entrance;

**5.11.2 Buffering of Adjacent Uses** – The approved Plan shows that no activity will take place within the Resource Protection and buffer areas;

**5.11.3 Noise** – 60 Db during the hours between 7:00 AM and 10:00 PM, Monday through Saturday, and the hours of 9:00 AM through 10:00 PM on Sundays and 50 dB during the hours between 10:00 PM and 7:00 AM, Sunday evening through Saturday morning,

**5.11.4 Storage of Materials** – Trash receptacles and dumpsters will be established throughout the site; removal of trash will be contracted;

**5.11.5 Landscaping** – the approved Plan shows eye appealing landscaping throughout the site;

**5.11.6 Building Placement** – The office building, camps and bathrooms will be placed according to allowed setbacks as shown on the approved Plan;

**5.11.7 Building Illumination** – Adequate downward lighting will be established throughout the site;

**5.11.8 Building Entrances** – N/A

**5.11.9 Setback and Alignment of Buildings** – N/A

**5.11.10 Sidewalks** – There will be established paths throughout the site;

**5.11.11 Location of Off-Street Parking** – N/A

**5.11.12 Landscaped Roadside Buffers** – N/A

**5.11.13 Landscaping of Parking Lots** – N/A

**5.11.14 Building Orientation** – N/A

**5.11.15 Building Scale** – N/A

**5.11.16 Design of Drive-Through Facilities** – N/A

**5.11.17 View Protection** – The project does not inhibit the view of any of the abutters;

**5.11.18 Ridgeline Protection** – N/A

**5.11.19 Hillside Development** – N/A

**5.11.20 Shoreland Development** – N/A

**5.11.21 Odor** – N/A

Moved by Tom Cashin, seconded by Leslie Berlan, to approve the Conditional Use Applications with the following conditions:

1. A sign reporting the daily fire risk level will be posted near the entrance;
2. All ADA requirements will be met;
3. An annual inspection will be conducted by the Fire Chief;

4. A twenty-four hour attendant will be onsite when the facility is open;
5. An adequate water supply will be maintained
6. If a change in ownership occurs, conditions will be reviewed by the Planning Board;
7. "No Hunting" signs will be posted and trails will be clearly marked to prevent guests from roaming onto abutting property.

The motion passed 5-0.

- **Paul Muse: Conditional Use Application to establish a property maintenance and excavation facility, 15 Muse Lane, Map 229, Lot 025:** The Chairman noted that no concerns came from the site visit.

Board Members reviewed Section 6.6.3.7, Standards Applicable to Conditional Use, of the Town of Acton Zoning Ordinance and determined the following:

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|---|---------------------------------|
| a) Use will have no adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat  | <u>          N/A          </u>  |
| b) Use will conserve shore cover and visual, as well as actual, access to water bodies.   | <u>          N/A          </u>  |
| c) Use is consistent with Comprehensive Plan. ( <i>The Plan encourages new businesses</i> )   | <u>          True          </u> |
| d) Traffic access meets standards contained in Ordinance/traffic congestion addressed in accordance w/Ordinance performance standards. ( <i>Access to the site is from a private road, increased traffic will be negligible</i> ) | <u>          True          </u> |
| e) Site design conforms w/all municipal flood hazard regulations.   | <u>          N/A          </u>  |
| f) Adequate provision for disposal of wastewater/solid waste. ( <i>No excessive impact to the existing septic system will be generated</i> )  | <u>          True          </u> |
| g) Adequate provision for transportation/storage/disposal of hazardous materials are made. ( <i>waste oil is picked up by a contractor in Newfield that uses it for garage heat</i> )   | <u>          True          </u> |
| h) Storm water drainage for 25-year storm w/o adverse impact on adjacent properties are designed.   | <u>          N/A          </u>  |
| i) Adequate provisions to control soil erosion/sedimentation. ( <i>There is a vegetated swale along Route 109</i> )   | <u>          True          </u> |
| j) There is adequate water supply for demands of proposed use and fire protection.  | <u>          True          </u> |
| k) Provisions for buffer strips/on-site landscaping adequately protect abutting properties from detrimental features of development such as noise/glare/  |                                 |

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| fumes/dust/odor/etc.  | <u>True</u> |
| l) All Ordinance performance standards applicable to proposed use will be met.              | <u>True</u> |
| m) Archeological/historic resources designated in the Comprehensive Plan will be protected. | <u>N/A</u>  |

Moved by Tom Cashin, seconded by Gavin Maloney, to approve the Conditional Use Permit with the following conditions:

1. No retail sales of materials;
2. No chemicals / hazardous waste storage on site;
3. Commercial vehicle sales limited to four on display in the front of the business at any one time;
4. Hours of Operations, 6:00 a.m. to 10:00 p.m.;
5. No additional lighting;
6. Change of ownership of the business will require Planning Board review of the conditions.

**New Business:**

**Best Practical Location Applications:**

- **David Lane, 19 Mountain View Drive, Map 131, Lot 011**, applying to demo existing structure and rebuild within the 30% expansion allowance.

Moved by Tom Cashin, seconded by Yoli Gallagher, to approve the application with the condition that the structure is built no closer than 54' from the high-water mark and that all disturbed areas are revegetated. Motion passed 5-0.

- **Linda and Paul Levesque, 664 West Shore, Map 125, Lot 023**, applying to do renovations which exceed 50% of the appraised value.

Moved by Tom Cashin, seconded by Yoli Gallagher, to approve the application to do renovations to the existing structure in place. Motion passed 5-0.

**Housekeeping:**

- **Bylaws review:** The Chairman reported that Lee Jay Feldman will attend the next meeting at 6:00 p.m. to advise how to proceed with updating the bylaws. She also reported that the Bylaw Subcommittee will meet initially on Wednesday, September 12<sup>th</sup> at 10:00 p.m.
- **Comprehensive Plan familiarity**

**Adjournment:** The Chairman adjourned the meeting at 9:29 p.m.