

Town of Acton, Maine Planning Board Meeting

MEETING MINUTES

Date: June 20, 2019 (Approved 7/18/19)

Members Present: Joyce Bakshi, Chair
Gavin Maloney
Leslie Berlan
Yoli Gallagher
Donovan Lajoie, Executive Secretary (Alternate)
Dennis Long (Alternate)

Members Absent: Tom Cashin, Vice Chair (Excused)

Also present: Ken Paul, CEO; Brenda Charland, Land Use Secretary; Virginia DeBoer, Video Recorder; Bridgette Whitman, Christopher Whitman, Robin Ham, Mary Letourneau, Jonathan Morse, Jon Bowtell, Kerrie Bowtell, Jaqueline Antone, Lynn A. Morin, Susan Lajoie, Paula Martin, Jolene Klosowski, Jim Driscoll

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

Approval of Minutes

- **May 16, 2019:** Leslie Berlan moved to accept the minutes of May 16, 2019. Yoli Gallagher seconded, motion passed 5-0.
- **June 26, 2019:** Leslie Berlan moved to accept the minutes of June 26, 2019. Gavin Maloney seconded; motion passed 5-0.

Election of Interim Vice Chair: Yoli Gallaher moved to elect Gavin Maloney as Interim Vice Chair until the return of Tom Cashin. Leslie Berlan seconded; motion passed 5-0.

Old Business

- **Sawtell, 11th St., Map 147, Lot 003-001, Extractive Use Permit -Sign Plan:** No Action Taken.
- **Boise, Route 109, Map 241, Lot 006-02, Site Plan Review (Retail/ Storage Facility)-Sign Plan:** No Action Taken
- **Whitman, 3000 Milton Mills Road, Map 247, Lot 026; Conditional Use Permit (Daycare):** Dennis Long stated there were two concerns that abutters had brought up at the Public Hearing: the speed in the area of Milton Mills Road, as

well as the speed limit signs and the visibility of the signs. The Whitmans explained to members that they are working to cut back some of the bushes and branches along the property to create more visibility pulling out of the driveway. Members discussed possibly requesting the speed limit be reduced in that area as well as replacing the old signs.

The play area was another concern, an abutter asked for some fencing to keep the children from wandering onto his property. Mr. Whitman stated he is working to replace some old fencing to keep the children in the play area. The CEO asked how many children Ms. Whitman would be taking; she stated 4 children. When asked of the hours of operation, Ms. Whitman stated 6:30 a.m. – 5:30 p.m. Monday through Friday.

Board Members reviewed the Standards Applicable to Conditional Use as outlined in Section 6.6.3.7 of the Zoning Ordinance:

a	The use will not have an adverse impact on spawning grounds, fish, aquatic life, bird, or other wildlife habitat;	N/A
b	The use will conserve shore cover and visual, as well as actual, access to water bodies;	N/A
c	The use is consistent with the Comprehensive Plan; Use is allowed by zoning and is consistent with Comprehensive Plan	Yes
d	Traffic access to the site meets the standards contained in this Ordinance; and traffic congestion has been addressed in accordance with performance standards in this Ordinance; <i>Contact either the Road Commissioner or DOT to request speed limit change and new signage.</i>	Yes
e	The site design is in conformance with all municipal flood hazard protection regulations; <i>Site is not within a Flood Hazard Zone and will NOT create such hazard.</i>	Yes
f	Adequate provision for the disposal of all wastewater and solid waste has been made; Not applicable to this use.	Yes
g	Adequate provision for the transportation, storage, and disposal of any hazardous materials has been made; <i>Not applicable to this use.</i>	N/A
h	A storm water drainage system capable of handling a twenty-five (25) year storm, without adverse impact on adjacent properties, has been designed; <i>Not applicable to this use.</i>	N/A
i	Adequate provisions to control soil erosion and sedimentation have been made; <i>Not applicable to this use.</i>	N/A

j	There is adequate water supply to meet the demands of the proposed use, and for fire protection purposes;	Yes
k	The provisions for buffer strips and on-site landscaping provide adequate protection to neighboring properties from detrimental features of the development, such as noise, glare, fumes, dust, odor, and the like; <i>Install fencing, per state rules.</i>	Yes
l	All performance standards in this Ordinance applicable to the proposed use will be met;	Yes
m	Archeological and historic resources, as designated in the Comprehensive Plan, will be protected.	N/A

Moved by Yoli Gallagher, seconded by Leslie Berlan, to approve the Conditional Use Permit Application for an in-home child daycare with the following conditions:

1. Contact DOT or the Road Commissioner to request new speed limit change and signage;
2. Limit of 4 Children;
3. Install fencing in the play area;
4. Hours of operation will be Monday through Friday, 6:30 a.m. to 5:30 p.m.;
5. Submit a copy of the license from the State to the Building Department;
6. If the State determines that signage is not necessary, request a letter stating that fact.

- **Darlene Ham, Blueberry Hill Farm, Blueberry Hill Farm Road, Map 260, Lot 014; Conditional Use Modification:** No New Information.

New Business:

- **Dube, 73 Katy Lane, Map 110, Lot 051, Best Practical Location Application:** The CEO explained to members that the existing house is currently located 4 feet from the water. The owner is asking to demo the existing house, remove the retaining wall that currently runs behind the home and rebuild a single family structure no closer than 28 feet back from the water, within the 30% expansion allowance. A new septic is proposed for across the road and they would like to replace an existing stair case to the water.

Gavin Maloney motioned to approve the Best Practical Location for 73 Katy Lane, to rebuild a house no closer than 28 feet from the high-water mark as shown on plans submitted. Yoli Gallagher seconded, motion passed 5-0.

- **Desharnais, 1613 H Rd., Map 120, Lot 013, Best Practical Location:** The CEO explained the owners are applying to demo the existing camp and rebuild about 7 feet closer to the road on a full, walkout foundation. He explained the 30% had been used when they built the deck so it will be built at the same size.
Gavin Maloney motioned to approve the Best Practical Location Application for 1613 H Road to relocate the camp no closer than 35 feet from the high-water mark. Leslie Berlan seconded; motion passed 5-0.

Code Enforcement: The CEO stated he has a meeting scheduled for July 2 with York County Soil and Water to discuss vegetation; he would like to possibly have her come to a Planning Board Meeting.

The CEO also stated he would like to have Mike Morse come to discuss Best Practical Location and Shoreland Zoning.

Adjournment: The meeting was adjourned at 8:15 p.m.