

Town of Acton, Maine Planning Board Meeting

January 7, 2021, 6:00 p.m.

(Approved February 4, 2021)

MEETING MINUTES

Members Present: Christopher Whitman, Chairman; Gavin Maloney, Vice-Chair; Dennis Long, John Qua, Jim Driscoll, Frank Kunkel (Alternate), Patricia Pearson (Alternate)

Also Present: Ken Paul, Director of Planning; Kristiina Robinson, Land Use Secretary; Virginia Deboer, Video Recorder; Seth McCoy; Tom Harmon; Tyler Matthews; Chris Leclerc; Joe Stanley; Jim Fiske; Troy Munford; Brian Dube

Call to Order: The Chairman opened the Planning Board Meeting at 6:05 p.m.

Approval of Minutes: Gavin Maloney moved to approve the minutes of November 19, 2020 as written. Seconded by John Qua, motion passed 5-0.

New Business:

- **Conditional Use Application submitted by Seth McCoy, H Road, Map 207, Lot 001:** Tom Harmon of Civil Consultants spoke on behalf of the Applicant, stating that his client is requesting approval for excavation at an existing 37-acre pit, allowing 10- acres open with storage and retail sales. Mr. Harmon stated that Mr. McCoy will perform rock crushing on site, with no crushing being done May through October. After some discussion regarding the wording in the Notes on the plan, the Applicant decided to amend the wording to state "No Crushing Memorial Day through Labor Day".

The Board discussed a site walk and Public Hearing and decided neither were necessary.

The CEO requested a cash bond in the amount of \$15,000 from Mr. McCoy to be held by the Town in escrow.

The CEO asked the Applicant if there would be any fuel kept onsite. Mr. McCoy stated he would like to keep 500 gallons of fuel onsite. He agreed with Board members that it would be stored in compliance with DEP standards. Mr. Paul asked that the fuel site be added to the plan.

Dennis Long expressed concern with the hours of operation on Saturdays, stating that there is a lot of traffic on H road in the summer and with the lines for the dump he was afraid this would make the traffic worse. Mr. Long said he would like to see a condition of no trucking on Saturdays. Mr. McCoy agreed to change the plan to reflect maintenance hours of 7:00 a.m. – 12:00 p.m. on Saturday and no trucking.

Dennis Long moved to approve the following changes to the Conditional Use for Seth McCoy:

- No Crushing Memorial Day through Labor Day

- No more than 500 gallons of fuel kept onsite and to be stored in compliance with DEP standards.
- No Trucking on Saturdays.

Seconded by John Qua, the motion passed 5-0.

- **Wilson Lake Trust, 93 Wren Road, Map 136, Lot 005, Best Practical Location Application:** Tyler Mathews of Lake Living Consultants represented the Applicant who is asking to demo and replace the existing foundation and structure within the 30% expansion allowance, keeping it in the same location. Mr. Mathews explained that the existing house is non-conforming on the road and water setbacks and would like to keep the same side setbacks, adding that the septic is located to the right of the structure and is functional.

Moved by Denis Long, seconded by John Qua, to approve the application based on the condition that the new structure is no closer than 38 feet from the high-water mark and meets setbacks on all sides.

The motion passed 5-0.

- **Lewis, 127 Eagle Road, Map 135, Lot 008, Best Practical Location Application:** The property owner is applying to lift the existing structure to install a full foundation and create an addition on the road side. The CEO explained that the current structure is 4 feet over the property line on the neighboring property, and that there is a tributary stream on the property side line on the opposite side, and that the current structure is 19 feet from that stream. He added that the septic is on the road side and with the proposed addition there would be 29 feet between the chambers and structure.

Dennis Long asked Tyler Mathews, representative for the applicant, if the impervious area was close to 20%. Mr. Mathews stated that he believes the impervious area is around 29% but he thinks that it can reduce it to 25%.

Dennis Long moved to approve the Best Practical Location application for David Lewis with the following conditions:

1. The Property Owner must submit a revegetation plan.
2. The impervious area of the property will be reduced to 25%.
3. The new structure will be 5 feet from the side line, no closer than 19 feet from the stream and 17.4 feet from the high-water mark.

Seconded by Gavin Maloney, the motion passed 5-0.

- **Leclerc, 53 Middle Road, Map 148, Lot 004, Best Practical Location Application:** Joe Stanley of Line Pro Land Surveying, representing the Applicant, explained that the property owner has been working with Line Pro to correct a lot line issue. Mr. Leclerc currently has a garage that is placed partially on the property line that is in question. Mr. Stanley explained that a lot of time and money has been spent on discussing the issue with lawyers and still has not been resolved, Mr. Leclerc is asking the Planning Board to demo the existing garage and rebuild on the part of the property that he knows is within the boundaries while they continue to settle the issue.

Moved by Dennis Long, seconded by Gavin Maloney, to approve the Best Practical Location application submitted by Chris Leclerc to demo the existing structure to be no closer than 35 feet from the center of the right of way and no closer than 5.9 feet from each property side. The motion passed 5-0.

- **Gauthier Family Trust, 49 Livingston- Goodwin Road, Map 117, Lot 053, Best Practical Location Application:** Jim Fiske, Contractor, discussed the application for the Gauthier Family Trust, applying to demo the existing structure and rebuild in the same location within the 30% expansion allowance. He explained the current location is where he believes is the best practical location for the new structure, stating that directly behind the structure are overhead wires, behind the wires is where the existing septic is located, and the slope of the rest of the property is too steep to place a structure.

Dennis Long moved to approved the Best Practical Location Application for the Gauthier Family Trust to demo the existing structure and rebuild no closer than 34 feet from the high-water mark.

Gavin Maloney seconded; motion passed 5-0.

- **Troy Munford, 220 34th Street, Map 153, Lot 028, Best Practical Location Application:** Mr. Munford explained he is applying to lift the existing structure to install a full foundation and will be placing a new septic in the driveway area to create a year-round residence.

The CEO stated that the current structure meets the side setbacks and is currently at the 50-foot setback to the center of the road.

Denis Long moved to approve the Best Practical Location Application for Troy Munford, to raise the building and set on a full foundation, no closer than 16.2 feet from the high-water mark.

John Qua seconded; motion passed 5-0.

Adjournment: Dennis Long moved adjourned the meeting at 8:35 p.m. John Qua seconded; motion passed 5-0.