

Town of Acton Planning Board Meeting

Thursday, August 5, 2021 6:00pm

MEETING MINUTES

(Approved on 8/19/2021)

Members Present: Christopher Whitman, Chairman; Gavin Maloney, Vice-Chair; Patricia Pearson, John Qua, Bernard Broder

Also Present: Ashley Flynn, Jason Sevigny, Jennifer Roux; Town Administer, Ed Walsh; Selectmen, William Plante, Joe Stanley, Mathew Winchell

Call to Order: The Chairman opened the Planning Board Meeting at 6:00 pm.

Approval of Minutes: John Qua made a motion to approve the minutes of July 15, 2021. Bernard Broder seconded the motion; All in favor- motion carried.

Round Table Discussion

The Chairman started the meeting with introducing Town Administrator, Jennifer Roux. Jennifer stated that she was here on the behalf of the Board of Selectmen and Code Enforcement to have a discussion with the Planning Board on the vote that took place at the July 15th meeting about NorthStar Planning. With all the major staffing changes, there is a lot to the job and a lot to learn. There are not enough resources to get the information that the Planning Board needs. The services of NorthStar are funded through the Code Enforcement Office which is overseen by the Board of Selectmen. It is up to the Code Enforcement Officer to determine with the approval of the Board of Selectmen how those funds are spent. NorthStar helps the Planning Board get the administration piece done and trains the Land Use Secretary what to look for in the paperwork to bring to the Planning Board.

Bernard Broder made a Motion for the Planning Board to vote to reconsider the vote of NorthStar from August 5 2021. John Qua seconded. 4-0 (Vote) (1 member, Gavin Maloney chose not to vote) Motion passed.

Bernard Broder then made an additional Motion to rescind the vote of NorthStar from August 5 2021. Patricia Pearson seconded. 4-0 (Vote) (1 member, Gavin Maloney chose not to vote) Motion passed.

Old Business

- **Whitetail Ridge Properties LLC;** Proposed 2 House Subdivision; Map 251 Lot 008 Sub 001: Joe Stanley with Pro Land Surveying representing Whitetail Ridge Properties passed out maps to the Planning Board members. Joe pointed out that the last map was more of a sketch style plan, new map is more finalized, showing the driveway and the

same exact two lots that are shown before. The two driveway entrances have been approved by Maine Department of Transportation (DOT) via entrance permits on a state aid road. Both lots are be two acres with approximately 250 feet of frontage, the 2nd lot is slightly more with 350 feet of frontage. The backlot has been merged with the abutting property making it no longer apart of this application. Bernard asked Gavin to clarify from the last meeting that conveyance of the property in the back and would it trigger another subdivision review. Gavin replied referencing the deed within the five-year period, Lot 8 was twenty (20) acres and was broken up in 2018 making it one division of land. The remaining 4 acres were broken into two lots; another division of land making three lots. Gavin was concerned this division would trigger a subdivision review. Joe explained that modifying the boundaries between 2 lots is still 2 lots; not creating any more lots. The proposition is only a boundary line adjustment between the piece being worked on and the piece next door between Whitetail and Waterhouse. The number of lots did not increase, only boundary lines changed. The Planning Board and Joe Stanley went over the deeds and discussed the conveyance of the back lot. Joe asked the Planning Board to schedule a public hearing. Public Hearing for Whitetail Ridge will be August 19th 2021 6:00PM.

New Business

- **Conditional Use Amendment / C.A Plante:** Proposal to build a structure in the pit location. Map 223, Lot 004: William Plante introduced himself to the Planning Board and his plans for building on the land he owns. The original conditional use permit did not include a building structure and he would like to add one. William stated that he has a 100' buffer on the land that he can't mine, but wants to know if the building can sit in the normal road set back range. Gavin asked William what the use of the garage will be. William explained that he wants to use it to store heavy equipment to keep undercover in the winter. Also, if there is a break down to have a shop to work on his own stuff, rather have to bring it back the main shop. Gavin asked if a condition that William would be okay with is not to take in other people's equipment. William answered absolutely. The Planning Board had a discussion with William on the old conditions from previous conditional of use permit to ensure all conditions are still being met. The Planning Board asked William if he is keeping his parking lot. William explained that ok it helped bring the building closer, he doesn't want the parking lot. Gavin points to page 45 in the Zoning Ordinance 4.13.4 The Board read over the page quietly. John asks if the CEO made that determination? That there'll be no greater adverse

impact to the aquifer? The Planning Board feels that they don't have to make that determination during this meeting, this is a proposal. Pat asks William if he knows what they are talking about and then reads out **4.13.4. Change of Use of a Structure of Land:** The use of a structure may not be changed to another use unless the code enforcement officer, after reviewing a written application, determines that the new one will have no greater adverse impact on the sand and gravel aquifer than the existing use. In determining whether greater adverse impact will occur, the code enforcement officer may require written documentation from the applicant the probable effects on the public health and safety, which may include, but not be limited to, a hydro geological survey demonstrating that the sand and gravel aquifer will not be more adversely impacted by the proposed use than by the existing use. William stated that because of the building going in, it's going to be less material that he will be taking out. The Planning Board moves on to page 14 and 15 to look at the Land Use Chart. William told the Board that the use will be company personal use. To store and work on their own equipment for the gravel pit. So that if a truck breaks down, they can store and work on it without having to ship it back to the main facility. Gavin asked for William to write out a full proposal for the next meeting. The Planning Board discussed the site and a site walk was suggested. Joe Stanley spoke up saying that he will put out stakes to have a better visual of where the proposed building will go. **Bernard Broder made a Motion to have a site walk on August 19th at 5PM for the C.A Plante: Proposed building structure. John Qua Seconded. All in favor. Motion carried.** The Planning Board and William talked more about the different sets back for the building. The Board will look into it and will have an answer by the next meeting. William thanked the Board for their time and The Planning Board invited William to come to the next meeting after the site walk to talk more of his proposal.

Pending Business: No actions were taken at this meeting.

Planning Board Discussion:

The Planning Board discussed and drafted some question to ask NorthStar on and about Whitetail Ridge.

Whitetail Ridge Properties Transfers:

- Owner of a large parcel of land transfer a portion of the land to an LLC held by them, creating 2 additional lots (3 total).
 - LLC then transfers a portion of the 2 lots back to the original owner in a separate deed: Land is not merged by deed with the original parcel. (Then we now have 3 deeds involved)
1. Which of these transfers constitutes a subdivision?
 2. Which transfers require subdivision review? (5-year time frame for review)

3. Does the land transferred back to the original owners require road frontage?

Please present questions to Ben Smith, NorthStar. If he cannot answer with certainty then to the Land Use Attorney.

The Planning Board handed the questions over to Jason Sevigny, Code Enforcement Officer (CEO).

The Board moved on with a new topic of Iron Tails. Gavin mentioned that Iron Tails' Map was never signed by the Board and that he would like to see the conditions written out on a map for them to sign. The Board asked Jason to give the owner of Iron Tails a call to ask him how it's coming along. The Board voted to grant his change of conditional use, but it's not official until the Board signs off on it.

Gavin asked John if he had heard any news on the Boy Scouts Camp. John replied that there was a pond association meeting with the Boy Scout Board, a descendant of Camp Nutter and a Boy Scout Leader are forming a non-profit to try and raise money. The Boy Scouts have an Offer in hand from a local contactor PATCO. The Scouts are waiting on a Judge's decision before moving on. The Planning Board had a small discussion about the pond and lot of Camp Nutter and zoning.

Board of Selectmen: Ed Walsh: Ed approached The Planning Board to thank them for being on the Board. With the Board being relatively new, he has noticed the Board is asking good questions and not jumping into things and wanting everything spelled out. This is the best possible way for the Board to be operating. Ed continued to tell the Board that he is impressed on how they work. Ed wanted to add that he also thanked the Board for reconsidering the NorthStar vote. It being a very important part of everything that the Planning Board and CEO do. Ed thanked the Board again for their reconsideration.

John Qua made a Motion to Adjourn at 8PM. Bernard Broder seconded. All in Favor. Motion Carried.