

**Town of Acton, Maine**  
**Planning Board Meeting Minutes**  
**Date: February 2, 2023**

**Members Present:**

Chris Whitman (Chairman), Gavin Maloney (Vice-Chairman), John Qua, Adam Brock and Chelsea Kenyon (Designated Voting Alternates for the Planning Board Meeting)

**Also Present:**

Jason Sevigny (Acton Code Enforcement Officer), David Riley (Land Use Assistant)

**Absent:**

Patricia Pearson & Ryan Gleason

**Pledge of Allegiance**

**Introductions:**

Planning Board Chairman Chris Whitman introduced new alternate Planning Board member Adam Brock.

### **Approval of Minutes:**

John Qua: Motion to approve the Minutes from January 5, 2023.

Gavin Maloney: Second the motion. Motion Passed – 3-0. Chelsea Kenyon and Adam Brock abstaining.

John Qua: Motion to approve the Minutes from January 19, 2023.

Gavin Maloney: Second the motion. Motion Passed – 4-0. Adam Brock abstaining.

### **New Business:**

#### **Sasha Smith: 660 Hopper Road. Map 235; Lot 036. Application for Conditional Use for In Home Day Care.**

Sasha Smith, along with her colleague Amy addressed the Planning Board looking for direction on starting an in-home day care. Sasha smith informed the board that she is looking to have 12 children at her in-home daycare, six of which would be under two years of age and six would be over two years of age. Sasha continued to inform the board she is looking to offer before and after school care and that she is currently in the process of getting licensure through the State of Maine.

After Sasha and her colleague Amy provided some background about themselves, the Planning Board proceeded with asking questions about the site where the day care would be and what steps need to be taken to proceed with the Application for Conditional Use. The Planning Board

inquired about fencing for the play area at the day care, the location of the play area and how the children would travel to and from the play area to the house. Sasha Smith provided the board with the details requested and also informed the Planning Board that a Fire Marshall would be visiting the site for inspection and that she would be getting a fire escape plan as part of her application to the State of Maine. Sasha Smith is looking to have the hours of her daycare be from 6:30am to around 5:30pm.

The Planning Board and Sasha Smith had some continued discussions around what the State's Fire Marshall may require, the existing septic system, water testing and vehicles entering and exiting the driveway area. Following the discussions, the Planning Board scheduled a site walk for Sasha Smith's property for February 18<sup>th</sup>, 2023 at 10:00am.

Gavin Maloney – Motion to schedule a site walk for Sasha Smith, 660 Hopper Road, Application for In Home Day Care on February 18<sup>th</sup>, 2023 at 10:00am.

Adam Brock – Second the Motion. Motion Passed – 4-0 John Qua abstaining as he will not be present for the site walk.

**Elias Thomas: 318 Route 109. Map 147; Lot 010. Application for Conditional Use for Commercial Office Space.**

Elias Thomas stood before the Planning Board and explained that he and his wife own Exit Key Realty at the foot of Mousam Lake and they were

looking to move their business north on route 109 to the property in question for this Conditional Use. Elias explained the proposed property had an art gallery with a Conditional Use already in place. The Planning Board inquired about what the zoning was for the property. In looking at the zoning maps, the Code Enforcement Officer explained that there is a discrepancy in the map overlays for the shoreland zoning. The maps didn't seem to line up with each other and Elias explained he was willing to utilize either the house or the detached garage for his business based on the determination of the Planning Board's decision with the zoning.

The Planning Board determined that the application presented would fall into the category of professional and business services having less than 2,500 square feet of gross floor area. The Planning Board also discussed the driveway in relation to suitable parking for the business and not impacting traffic on 10<sup>th</sup> Street. Elias Thomas continued by informing the board that he would also be applying in the future for a larger sign out front for the real estate business. It was determined by the Planning Board that some form of agreement between Mr. Thomas and the seller of the lot would have to be provided to the board in order for them to make a decision. Also, Mr. Thomas would need to make a decision on whether he will be operating out of the house or the garage area. Elias Thomas stated he would attempt to get a purchase and sales agreement completed and submitted to the Planning Board for their next meeting on the 16<sup>th</sup> of February.

**David Pepin: H Road, Map 220; Lot 007 & West Shore Drive, Map 221; Lot 003. Mineral Extraction.**

Matt Pepin approached the Planning Board to continue the process for a mineral extraction application. He began by stating he received a memo from the Code Enforcement office detailing some of the changes that needed to be made to his site plans and operations manual. Matt Pepin proceeded by detailing how he addressed each concern in the memo. He stated that clarification around tree planting was addressed by adding a note to the site plans. Planning Board member Gavin Maloney stated that the note needed to be adjusted because the grid pattern in the note was listed for West Shore Drive in stead of H Road. Mr. Maloney continued by stating he would like a better description of where on the slopes trees would be replanted as well as documentation on the site plans where trees were to be replanted in the vernal pool buffer areas. Mr. Pepin entered discussions with the Planning Board in more detail about where trees would be planted and how to best accommodate the request of the Planning Board and the operators of the extraction project. Matt Pepin came to an agreement with the Planning Board that 25 percent of the extraction area would be a good compromise for acreage to be replanted. Matt continued by stating he would commit to planting 20 acres of trees and would add a note to the site plan as a condition as well as document the locations.

Matt Pepin moved onto the next memo note and stated the site plans now show a full reclamation plan for the 14.6 acre wash plant and

processing area. He states there are also notes for the procedures to be taken for the reclamation of these areas on the site plans. Matt and the Planning Board continued the process with discussions around the DEP storm water plan, permitting and how ground contours would look on the site plans in relation to drainage and reclamation contours.

Following the discussions around reclamation plans the Planning Board and Matt Pepin reviewed buffer distances around the vernal pools near H Road and a half acre pond near West Shore Drive. After discussions concerning the lack of a buffer around a small ½ acre pond near West Shore Drive and need to increase the buffer around the two vernal pools on H Road, the Planning Board and Matt Pepin came to the conclusion that the vernal pool buffer on H road would be increased to 25 feet from 18 feet. It was also determined that there would be a natural buffer of 15 feet with silt fence around it.

Matt continued by addressing other items requested from the Planning Board to be completed. Mr. Pepin provided an updated certificate of Insurance and copies of findings from Stantec engineering around vernal pools. Other changes that were stated by Matt Pepin were, eliminating bringing asphalt to the site for reclamation and resale and making a note that the Acton CEO would be notified when dredging was to occur on site so that it could be monitored. The discussions between the Planning Board and Matt Pepin then proceeded to monitoring open acreage of the gravel pit, making sure excavation doesn't occur below the 5' mark above the ground water table and how these restrictions would be enforced. It was

determined that Matt would make some form of note on the site plans describing what procedures his company would utilize to help mitigate these problems.

The discussions continued around operating hours of equipment, the number of trucks allowed to enter and exit the gravel pit, and distances from the property line where the crushers were allowed to be operated. It was also determined that a 20-foot berm was to be constructed along West Shore Drive before excavation could begin. Continuing the meeting, Matt Pepin discussed details around the right of way that would be utilized by 3 Rivers Land Trust and David Pepin for access through the gravel pit to the parcel of land being donated to 3 Rivers Land Trust. Because the right of way traverses the vernal pool buffer area, the Planning Board determined that a DEP Permit by Rule would need to be applied for if a road way did not already exist.

The Planning Board and Matt Pepin had continued conversation around other conditions and revisions that needed to be documented or revised in order for the board to approve the application. These conditions included no asphalt being brought to the site, no stumps being buried on site, surety at \$6,000.00 per acre for the project to be renewed annually, no blasting, locating the screener in the processing area and not using the crusher within 200 feet of West Shore Drive. The Planning Board also detailed some changes that need to be made about what equipment could be used during the construction of the road located in the right of way from H Road toward the parcel of land being donated to Three Rivers Land Trust,

and that no excavation equipment or commercial vehicles could be utilized in the right of way after construction of the road concluded.

The Planning Board determined that Matt would make the necessary revisions, submit the new documents in the coming weeks and will come back before the board in March. At that time the Board will also review the Conditional Use Checklist with Mr. Pepin.

**Old Business:**

Discussions around potential ordinance changes. (Tabled until the February 16, 2023 Planning Board Meeting).

John Qua – Motion to Adjourn the Planning Board meeting.

Adam Brock – Second the Motion. Motion Passed 5-0.