

Town of Acton, Maine

Planning Board Meeting Minutes

Date: July 06, 2023

Members Present:

Chris Whitman (Chairman), Gavin Maloney (Vice-Chairman), Patricia Pearson

Also Present:

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

Absent:

John Qua, Ryan Gleason, Adam Brock

Pledge of Allegiance

Designate Alternates:

No Designated alternates

Approval of Minutes:

Gavin Maloney – “Motion to accept the minutes from June 15th, as written.”

Patricia Pearson – “I’ll Second.” Motion Passed, 3 – 0.

Public Hearing:

- **Matt Leck, Nason Road. Map 230; Lot 005-002. Conditional Use Application for the Storage of Rental Equipment.**

Matt Leck approached the podium and informed the Planning Board and the public that he is simply looking to store his rental equipment on a small piece of property on Nason Road. He may have a small shed on the property for storing smaller equipment such as generators, and he also informed those present at the hearing that all his business is conducted online.

Chairman Chris Whitman opened the hearing to comments from the public. There were no comments. Chairman Chris Whitman closed the public hearing.

Following the Public Hearing the Code Enforcement Officer informed Matt Leck that because Chris Whitman must abstain from voting on the project, there was not a quorum, and the Planning Board would not be able to vote until the next meeting on July 20, 2023.

Public Hearing:

- **James Wood, 111 Yeaton Lane. Map 233; Lot 035. Conditional Use Application for a Ground Mounted Solar Array.**

James Wood approached the podium for a public hearing for his proposed project of installing a ground mounted solar array. The CEO, Jason Sevigny, and the Planning Board discussed the size of the solar array and where on the property it would be located with Mr. Wood.

Chairman Chris Whitman opened the meeting to comments from the public. There were no comments from the public. Chairman Chris Whitman closed the public hearing.

Old Business:

- **James Wood, 111 Yeaton Lane. Map 233; Lot 035. Conditional Use Application for a Ground Mounted Solar Array.**

Mr. Wood was asked by the Board to remain at the podium to discuss and finalize his Conditional Use application. The CEO explained that the proposed solar array is only being utilized for personal use and it would not be visible from Route 109, or to any of his neighbors. Gavin Maloney inquired from Mr. Wood as to how long the array was expected to last. Mr. Wood explained that the solar array comes with a 25-year guarantee. Mr. Wood also explained that there would be no concrete poured in the ground to anchor the solar array, instead the array would be fastened to the ground using ground screws known as helical piles. The Planning Board continued with the review of James Wood’s application by reviewing the Standards relative to Conditional Use. The Standards were read by Board member Patricia Pearson and were answered as follows:

- The Standards listed in Section 6.6.3.7 have been reviewed and found that:
 - a. The use will not have an adverse impact on spawning grounds, fish, aquatic life, bird, or other wildlife habitat; ✓ Yes No N/A
 - b. The use will conserve shore cover and visual, as well as actual, access to water bodies; Yes No ✓ N/A
 - c. The use is consistent with the Comprehensive Plan; ✓ Yes No N/A
 - d. Traffic access to the site meets the standards contained in this

Ordinance; and traffic congestion has been addressed in accordance

For a more detailed account of the Planning Board Meeting please review the Acton Public Access Television recording for this meetings date at <http://www.actonmaine.org/>

- with performance standards in this Ordinance; Yes No N/A
- e. The site design is in conformance with all municipal flood hazard protection regulations; Yes No N/A
- f. Adequate provision for the disposal of all wastewater and solid waste has been made; Yes No N/A
- g. Adequate provision for the transportation, storage, and disposal of any hazardous materials has been made; Yes No 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; Yes No N/A
- i. Adequate provisions to control soil erosion and sedimentation have been made; Yes No N/A
- j. There is adequate water supply to meet the demands of the proposed use, and for fire protection purposes; Yes No N/A
- 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; Yes No N/A
- l. All performance standards in this Ordinance applicable to the proposed use will be met; Yes No N/A
- m. Archeological and historic resources, as designated in the Comprehensive Plan, will be protected; Yes No N/A

The Planning Board completed the review of the Standards and took a final look at the property map for the proposed solar array. The Planning Board determined Mr. Wood was in compliance with the criteria necessary to proceed with his project.

Gavin Maloney – “I’ll make a Motion that we approve the Conditional Use for a ground mounted solar array for James Wood, 111 Yeaton Lane. Map 233; Lot 035.”

Patricia Pearson – “I’ll second. Motion Passed 3 – 0.”

New Business:

- **Marc Boisse, 799 Route 109. Map 241; Lot 006. Application for a Subdivision Amendment.**

Steve Harding from Sebago Technics approached the Planning Board to represent Mr. Boisse and his subdivision of property. Mr. Harding explained that the proposal before the Planning Board is simply a separation of lots. The existing lot is 40 acres, and it would be split into two 20 acre lots, one lot would become 2-A and would remain with Mr. Boisse. The other lot would become 2-B and Marc Boisse is intending to sell that lot. Mr. Harding continued to explain that both lots contained the dimensional standards required for subdivision, and that Ben Smith of NorthStar Planning had also reviewed the proposal and did not seem to have any objections. CEO Jason Sevigny informed the Planning Board that he had received an informal memo from Ben Smith and provided the Board with copies. Jason stated that Ben did not complete a formal review of the application but as a preliminary review, Ben believed the application seemed complete and straight forward for review by the Planning Board.

The CEO Jason Sevigny informed the Board and Mr. Harding, that when an application comes before the Planning Board that involves the creation of an additional lot the application reverts to the preliminary plan approval process. Mr. Harding inquired if the Planning Board was able to waive the site walks and public hearing because Mr. Boisse was only trying to split the lot and not erect additional buildings. The Planning Board let Mr. Harding know that the Board would have to do a site walk and public hearing for the subdivision of the lot and must do a site walk and public hearing for whoever buys the lot when they come before the Board with a site proposal. Therefore, the Board would not waive the site walk or public hearing. To expedite the process the Planning Board determined it was necessary to schedule a site walk and public hearing during this meeting. The site walk would be scheduled on July 20, 2023 for 5:00pm and the Public Hearing on August 3, 2023 at 6:00pm.

- **Scott McLeod. Loon Ridge Subdivision. Youngs Ridge Road and Priscilla Lane. Map 138; Lot 008. Application for a Subdivision Amendment.**

Scott McLeod of Ash Cove Construction comes before the Planning Board to discuss a proposed amendment to an existing subdivision that he has purchased located on Youngs Ridge Road. Mr. McLeod stated that he is only looking to remove the existing condition of the subdivision being for individuals 55 years of age and older. Mr. McLeod stated that the previous subdivision owner pursued the 55 and older condition when it was presented to the Planning Board back in 2005, in order to circumvent having to apply for Growth Permits through the Town. CEO Jason Sevigny explained that if the condition was to be removed, the growth ordinance in the Town of Acton would then be implemented toward this subdivision as Mr. McLeod proceeds with his projects.

Mr. McLeod continued by letting the Planning Board know that the road for the subdivision has already been installed, along with the drainage and underground power. The Planning Board continued the application procedure by reviewing the details on the site plan that was approved in 2005. Gavin Maloney of the Planning Board, inquired as to whether there was a difference in restrictions between the Cluster Subdivisions and 55 and older subdivisions. Mr. Maloney is inquiring to make sure there wasn't a different reason, besides avoiding the growth ordinance, as to why the previous owners decided on a 55 and older community. Mr. McLeod stated that he had spoken with Dana from Corner Post Surveying, who told him that the 55 and older condition was chosen only to avoid the growth ordinance. Mr. McLeod also stated that he had approached the Acton Fire Chief about waiving the requirement for installation of sprinkler systems in the subdivision but was told no. Scott McLeod then reiterated that he was only looking to change the 55 and older condition.

Board member Patricia Pearson asked if there were any water rights associated with the subdivision. CEO Jason Sevigny stated that there were water rights to Horn Pond and that they were located within the subdivisions open space area. Planning Board member Gavin Maloney stated he would like to see more of the original application to see what the requirements were for cluster subdivisions in the Zoning Ordinance at the time. CEO Jason Sevigny informed the Planning Board that they were welcome to look at the original application but being that it was approved, the Board's scope of review shall be limited to the portions of the plan that are proposed to be changed. Mr. Sevigny continued to inform the Board that they need to decide if they will eliminate the 55 and older condition or leave the condition the way it is. Patricia Pearson asked the CEO if he had any concerns with subdivision in relation to the growth ordinance, or any other concerns. Mr. Sevigny commented that he did not see any concerns. He continued by

saying Mr. Mcleod is not changing the requirement for sprinkler systems, he is keeping the open space area, and the infrastructure such as roads and drainage are installed. Mr. Sevigny stated that his biggest concern would be storm water runoff with the new houses that are built, and making sure that it stays at the level it is supposed to be. Patricia Person also asked if there were septic designs. Mr. Sevigny explained that perc tests had been completed already but there are no designs. He continued to say the designs would come in as the houses are built.

Planning Board member Gavin Maloney states that he still has the one question about how the subdivision doesn't work according to the regulations in connection with the percentage of open space. CEO Jason Sevigny states that the application was approved according to the standards of 2005 and he didn't think the Board should be going back into the cluster subdivision application and changing things. Mr. Sevigny also mentioned to the Board that if they wished to table the decision until the next Planning Board meeting he would be happy to reach out to Ben Smith from NorthStar Planning for guidance on subdivision regulations. The Planning Board tabled the decision on Mr. McLeod's subdivision amendment until the next Planning Board meeting on July 20, 2023, so that CEO Jason Sevigny could get some more information for them on the subdivision standards from the time frame when the application was approved.

CEO Jason Sevigny asked Board member Gavin Maloney what he would like for information for the following meeting. Mr. Maloney stated, "When the original approval was granted, did this conform to the standards of a cluster subdivision?" Pat Pearson asked that Mr. Sevigny also look into the reduction in open space acreage from 50%, and if it was a result of the subdivision being a 55 and older community. CEO Jason Sevigny stated that he would contact Ben Smith and get what information he could, and informed the Board that he will ask Mr. Smith if according to the Board's regulations, they're even allowed to open this topic.

Round Table Discussions:

The remainder of the Planning Board meeting consisted of round table discussions about up coming agendas. CEO Mr. Sevigny informed the Board that he didn't have anything on upcoming agendas other than the two subdivisions that came before the Board this evening and Matt Leck's Conditional Use Application for Storage of Rental Equipment. Mr. Sevigny also stated that he would publish the appropriate notices for the upcoming site walk and public hearing for Marc Boisse.

Pending Projects:

- **Sasha Smith: 66 Hopper Road. Map 235; Lot 036. Application for Conditional Use for In Home Day Care.**

Patricia Pearson – “I make a Motion we adjourn.”

Gavin Maloney – “Second.” Motion Passed 3 – 0.