

Town of Acton, Maine

Planning Board Meeting Minutes

Date: June 1, 2023

Members Present:

Chris Whitman (Chairman), John Qua, Ryan Gleason, Adam Brock

Also Present:

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

Absent:

Gavin Maloney, Patricia Pearson

Pledge of Allegiance

Designate Alternates:

Chairman Chris Whitman designates Adam Brock as a voting member for the June 1, 2023 meeting.

Approval of Minutes:

May 18th, 2023 Minutes are tabled until the June 15, 2023 meeting.

Old Business:

- **Brian Perry: 668 13th Street. Map 143; Lot 034. Application for Greatest Practical Extent.**

Brian Perry and Steve from Norway Plains return to the Planning Board to continue the application process for Greatest Practical Extent. Steve, the representative from Norway Plains states that they are there to answer any questions following the site walk of Mr. Perry's property. Chairman Chris Whitman inquired as to whether Mr. Perry would be having the garage built this year as well as the house. Code Enforcement Officer Jason Sevigny informed the Planning Board that the application at hand was for the house only because it falls within 100 feet of the lake, and that the garage was not part of the application for Greatest Practical Extent. Chris Whitman asked Mr. Perry why moving the house back was not an option. Mr. Perry detailed that the primary concern is the limitation of distance between the two

structures and that they are trying to keep the new house as close to the same location as the existing structure. Steve from Norway Plains explained to the Planning Board that as designed the garage and the house are 5 feet apart. Planning Board member Adam Brock inquired if having the garage attached to the house was an option. Mr. Perry explained that he would have to change the designs completely to do that. He also explained that the designs were made the way they are to allow any company coming to the property access to the water by being able to walk between the garage and the house and not through the buildings. The Planning Board continued discussing with Mr. Perry different options for shifting the house in order to move it outside the 100 foot mark from the lake.

Planning Board member John Qua stated that he felt the Board should take Mr. Perry's offer of moving the house back 1 foot so that it was no closer than 89 feet to the water. Member Adam Brock detailed how he felt the garage could be moved on the plan in order to shift the building backwards further from the water. Mr. Perry stated to the Planning Board that he only has about a half of an acre of useable property and felt he was trying to be as respectful to the 100 foot mark as he could be, but is trying to design a home that he could move into for a permanent residence. While continuing the discussion around how to move the building back further from the water, Mr. Perry thought he could possibly move the house back another foot from what he previously stated. Chairman Chris Whitman asked Brian Perry if he would want to reconfigure his garage design and come back to the Planning Board in the future. Chris Whitman continued by explaining to Mr. Perry that the Board was struggling to decide because there is room to move the house further from the water, and if there is room to move back then the Board needs to try and have an applicant do that. Planning Board member John Qua stated again that he felt the Board could accept the building being moved back 1 foot. Mr. Perry replied that he thinks he could move back 2 feet, and he would go back to the architect to try and make that work.

John Qua – Mr. Chairman I'm going to make a Motion that we approve the Application for Greatest Practical Extent for Brian Perry at 668 13th Street in Acton with a Condition that the building is no closer than 90 feet 8 inches. Which is two feet more than the current plan.

Ryan Gleason – I'll second it.

The Motion failed 2 - 2. John Qua & Ryan Gleason in favor. Chris Whitman & Adam Brock opposed.

Following the failed Motion, the Planning Board and Mr. Perry continued discussions on what could be done to move the house back further from the water. Mr. Perry continued

to state adamantly that there was no room for him to move the house further from the water and still utilize the home design he has. Mr. Perry also described the narrow section he had to access the water and if the Planning Board had him move his structure south and back further, he would then lose his view of the water. CEO Jason Sevigny explained to Mr. Perry that the Planning Board is trying to deal with the factors that prevent a structure from meeting current setbacks. He continued by stating that the factors the Planning Board considers are roadside setbacks, other structures, existing septic system, historical structures, slope or grade, potential soil erosion, well, ledge and the amount of vegetation that would be impacted. Mr. Sevigny continued by explaining that these are the issues the Board is struggling with because the house can meet these factors. Mr. Perry stated that he was still not clear and wanted to know if the expectation was that he move his entire dwelling completely behind the 100 foot mark.

The Planning Board concluded the discussions by asking Mr. Perry to go back to his architect and rework his plans, make some concessions, and determine what the maximum distance that he could move his house away from the water would be.

New Business:

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

Matt Leck has come before the Planning Board to discuss his proposal for storage of his rental equipment. CEO Jason Sevigny explained to the Planning Board that the property Matt is proposing to use is owned by James and Elizabeth Kittredge but Matt has a signed letter of authorization from James to speak on the land. Chairman Chris Whitman asked Matt to explain his proposal to get the Planning Board up to speed. Matt stated that he has rental equipment that consists of skid steers, mini excavators, woodchippers and some smaller tools, and he is looking for a place to store them. He also explained that he would be placing a shed on the property for power, as well as storage of smaller tools such as generators and compactors. Planning Board member Ryan Gleason inquired if Matt would be increasing the clearing on the property for storing the equipment. Matt detailed that he would only be mowing the area to be used and that the site is already level, and he does not need to cut trees or do anything else to the site. Jason Sevigny informed the Planning Board that the property in question is located within the transition district. Jason also stated that Matt is proposing his shed be 10 feet by 20 feet.

Planning Board member John Qua inquired from the CEO where this application would fall in the Land Use Chart of the Acton Zoning Ordinance. CEO Jason Sevigny explained that it would be included in the section relating to professional and business services having less than 2,500 square feet of gross floor area. Jason also explained that there is no section in the Land Use Chart for what Matt is proposing. Planning Board member John Qua inquired if there would be any issues with traffic access on Nason Road. Matt explained that this shouldn't present any issues as at his busiest times it may only be three to five cars a day. Matt also stated that all of his equipment is under 10,000 pounds, maintenance would be done off site, fueling occurs at Boonies, and that he would have a spill kit on site for the fuel that resides in the equipment.

John Qua – I move that we conduct a site walk for Matt Leck at the Nason Road property Map 230; Lot 005-002 on June 15th at 5:00 pm and we schedule the Public Hearing for 6:00pm on July 6th.

Adam Brock – I'll second that. Motion Passed 3 – 0. (Chairman Chris Whitman abstained because he is an employee of Matt Leck).

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

James Wood has come before the Planning Board to apply for a Conditional Use Permit for a ground mounted solar array. Chairman Chris Whitman asked Mr. Wood if his proposed solar array is the type that would follow the sun, and Mr. Wood explained that it would not. Mr. Wood stated that it would be for personal use only and that the installers would be using ground screws to anchor the array. He also stated that there would be no tree cutting, it consists of 16 panels, and that the array would not be visible from the road.

John Qua – I make a motion to conduct a site walk at 111 Yeaton Lane, tax map 233 Lot 035 at 4:30 on June 15th and additionally conduct the public hearing following the initial public hearing on July 6th at approximately 6:30.

Adam Brock – I second that. Motion Passed 4 – 0.

Round Table Discussions:

Following the new business section of the meeting, CEO Jason Sevigny introduced a resident of Acton to the Planning Board to provide the resident with some direction on how to proceed with his potential proposal. Dennis Dias approached the Planning Board to ask how he would proceed with starting a bait and tackle shop at his home property on Sam Page Road. Mr. Dias and the Planning Board entered round table discussions on how Mr. Dias should proceed and what type of permit he should be applying for. After some discussion, the Planning Board determined that Mr. Dias should apply for a Conditional Use Permit and organize an application packet to submit to them.

The remainder of the Planning Board meeting consisted of round table discussions around an already approved sub-division, and how an applicant would amend a condition that was associated with the sub-division.

Pending Projects:

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

John Qua – Mr. Chairman I move we adjourn.

Adam Brock – I'll second that. Motion Passed 4-0.