

Town of Acton, Maine

Planning Board Meeting Minutes

Date: February 15, 2024

Members Present:

Christopher Whitman (Chairman), Gavin Maloney (Vice-Chairman), John Qua, Adam Brock, Andrew Johnson

Also Present:

Jason Sevigny (Code Enforcement Officer), David Riley (Land Use Assistant), Joyce Bakshi (Warrant and Finance Committee), Charles Hydek (Warrant and Finance Committee), Lee Robator (Warrant and Finance Committee), Daniel Norwood (Town of Acton Selectman), Robert Shanks, Christine Aufiero, Jean Theurkauf, Steve Buyck.

Absent:

Patricia Pearson, Ryan Gleason

Pledge of Allegiance

Designate Alternates:

N/A

Approval of Minutes:

Gavin Maloney – “I’ll make a Motion we accept the minutes from February 1st as written.”

Adam Brock – “I’ll Second that.” Motion Passed 5 – 0.

Public Hearing:

Chairman Christopher Whitman announced that the evening would begin with a Public Hearing relative to the proposed amendments to the Town of Acton Zoning Ordinance. Member Gavin Maloney read aloud the first proposed zoning amendment relative to 5.21 water quality protection as follows:

“5.21.5 No person shall bury any animal within 100 feet of a natural waterbody within the Shoreland and Resource Protection Districts, or within 100 feet of a source of potable water.”

Chairman Chirstopher Whitman opened the Public Hearing to comments and questions from the public. Charlie Hydek of the Warrant and Finance Committee approached the podium and asked the Code Enforcement Officer if he had provided the Planning Board with the recommendations of the Warrant and Finance Committee. CEO Jason Sevigny informed Mr. Hydek that the Planning Board has been provided with a copy of the recommendations. Mr. Sevigny read the recommendations aloud and the board discussed the change. Steven Buyck addressed the Planning Board next, stating that he was the individual who requested this ordinance amendment and wanted to make sure the suggested change would still prohibit a person from burying an animal near his well or the water. The Planning Board expressed that burying an animal within 100’ of a well or body of water would still be prohibited. Joyce Bakshi from the Warrant and Finance Committee approached next for comment. Joyce asked the Board if this amendment would have any “teeth to it”. She is inquiring from the Board if someone violates this amendment to the ordinance if it is enforceable without listing the consequence. The CEO acknowledged Mrs. Bakshi’s question and answered that the Zoning Ordinance is an enforceable document and there are ramifications to not abiding by any of the ordinances.

The Planning Board then moved on to the proposed amendment relative to filling, filling, grading, and other earth moving activities. Board Member Gavin Maloney explained that the proposed changes are to the Land Use Chart. The changes are as follows:

2.7 Land Use Chart

ANY USE NOT LISTED HEREIN IS PROHIBITED

C = Conditional Use Review

LPI = Licensed Plumbing Inspector

N = Not Permitted (use not allowed)

P = Permitted (use allowed without a permit, must comply with all applicable land use standards)

R = CEO Review (use must be reviewed by CEO and a permit may be required)

S = Site Plan Review

SD = Subdivision Review

NA = Not applicable

	Village Area	Transition Area (2 acre)	Rural Area (2 acre)	Critical Rural Area (5 acre)	Commercial A	Commercial B	Commercial C	Mixed Use	Resource Protection	Shoreland	Little Ossipee	Aquifer Protection Dist.
2.7.5 – OTHER USES												

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d. Filling, grading, or other earth moving activity 100 - 499 cubic yards per year	P	P	P	P	P	P	P	P	P	R	R	R	P
e. Filling, grading, or other earth moving activity 500 - 9,999 cubic yards per year	P	P	P	P	P	P	P	P	P	N	N	N	P
f. Filling, grading, or other earth moving activity more than 10,000 cubic yards per year	N C	C	C	C	C	C	C	C	C	N	N	N	C

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Chairman Christopher Whitman opened the floor to questions and comments from the public. Charlie Hydek approached the podium and inquired what the Board was going to do about the amount 1,000 cubic yards under letter f. The Warrant and Finance Committee recommend adding verbiage to include the 1,000 cubic yards and that as it reads now, it does not. They suggest adding greater than or equal too 1,000 cubic yards as the new verbiage. There were no further comments from the public.

Gavin Maloney – “I’ll make a Motion we close the Public Hearing.”

John Qua – “Second.” Motion Passed 5 – 0.

New Business:

Following the Public Hearing, the Planning Board made the suggested adjustments to the proposed amendments. After round table discussions and making the suggested changes, the Planning Board moved to pass along the final proposals to the Warrant and Finance Committee.

John Qua – “I move we send forward the Water Quality Protection change at 5.21 in the Ordinance as re-written.”

Adam Brock – “I’ll Second that.” Motion Passed 5 – 0.

Amendment being sent forward as follows:

5.21 – Water Quality Protection

* * * *

5.21.5 No person shall bury any animal remains, or permit the burial, within 100 feet of a source of potable water, or within 100 ft of a natural waterbody within the Shoreland and Resource Protection Districts

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John Qua – “I’ll make a Motion we send forward the changes to the land use chart at 2.7.5, e & f. with the wording in f. as changed as you see there.”

Adam Brock – “I’ll Second that.” Motion Passed 5 – 0.

Amendment being sent forward as follows:

2.7 Land Use Chart

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C = Conditional Use Review

LPI = Licensed Plumbing Inspector

N = Not Permitted (use not allowed)

P = Permitted (use allowed without a permit, must comply with all applicable land use standards)

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	Village Area	Transition Area (2 acre)	Rural Area (2 acre)	Critical Rural Area (5 acre)	Commercial A	Commercial B	Commercial C	Mixed Use	Resource Protection	Shoreland	Little Ossipee	Aquifer Protection Dist.
2.7.5 – OTHER USES												

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d. Filling, grading, or other earth moving activity 100 - 499 cubic yards per year	P	P	P	P	P	P	P	P	P	R	R	R	P
e. Filling, grading, or other earth moving activity 500 - 9,999 cubic yards per year	P	P	P	P	P	P	P	P	P	N	N	N	P
f. Filling, grading, or other earth moving activity more than 10,000 greater than or equal to 1,000 cubic yards per year	N C	C	C	C	C	C	C	C	C	N	N	N	C

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Old Business:

- **Tom & Lee Kubishta. 98 Cottage Lane. Map 117; Lot 044. Application for Greatest Practical Extent.**

Tyler Matthews returns to the Planning Board on behalf of Tom and Lee Kubishta with updates to their site map in relation to their application for Greatest Practical Extent. Tyler explained that the surveyor has updated the site plan to show the distance from the center of the road to the proposed new structure and that the new structure will meet the setbacks that are required. Tyler stated that the distance from the center of the road is 50.1 feet to the proposed new structure. The CEO stated that Tyler is proposing to reduce the lot coverage from 28.2% to 24%. Tyler stated yes, it would be reduced to 24.2%.

Gavin Maloney – “I’ll make a Motion that we accept the application for Greatest Practical Extent of Tom & Lee Kubishta. 98 Cottage Lane. Map 117 Lot 044. That the new house be located no closer than 18 feet to the high-water mark. The garage be located no closer than 33.9 feet and the old garage location be revegetated.”

John Qua – “Second.” Motion Passed 5 – 0.

- **Meg & Joe Hickey. 153 Fulton Road. Map 118; Lot 033. Application for Greatest Practical Extent.**

Keith Morin returns to the Planning Board to discuss the Motion that was approved previously by the Planning Board for this application. Keith explained that after going to the site and locating the septic system with the CEO, it has been determined that the only distance the dwelling could be moved back was 2 feet. If the Board wont reconsider their motion to move the house back 4 feet, Mr. Morin will have to change the layout of the home and potentially move the existing septic system that was installed just a few years prior. Keith is hoping the Planning Board will reconsider the distance to the high-water mark and adjust it to 11.3 feet from the high-water mark. Board member Gavin Maloney feels that the project is a complete tear down and rebuild so the structure could be easily reconfigured, and they can come up with the distance that was approved. Mr. Maloney doesn't feel the approved Motion should be reconsidered.

Keith Morin explained to the Planning Board that if the house needs to be moved back to the distance previously approved there will be a much larger environmental impact. Member John Qua asked if they were able to look at the design of the building and reconfigure it to get the extra two feet? Mr. Morin stated that without making drastic changes to the building design that the homeowners want, there really isn't a way to move it back further and still get the 30% expansion and the desired layout.

Gavin Maloney – "I make a Motion that we stick with last weeks determination for Meg & Joe Hickey. 153 Fulton Road. Map 118; Lot 033. Application for Greatest Practical Extent. That the building be relocated no closer than 14 feet from the highwater mark."

John Qua – "I'll Second it." Motion Passed 4 – 1. Members Chirstopher Whitman, Adam Brock, and Andrew Johnson in favor. Member John Qua opposed.

Round Table Discussions:

The remainder of the Planning Board meeting consisted of round table discussions around the editing of waiver request forms to be utilized for Planning Board Subdivision Review, Site Plan Review and Conditional Use applications.

Pending Projects:

None.

John Qua – "I Move we adjourn, Mr. Chairman."

Adam Brock – "I'll Second it." Motion Passed 5 – 0.