

Town of Acton, Maine
Planning Board Meeting Minutes
Date: October 17, 2024

Members Present:

Christopher Whitman (Chairman), John Qua, Patricia Pearson, Adam Brock, Andrew Johnson, Roger Perreault

Also Present:

Jason Sevigny (Code Enforcement Officer), David Riley (Land Use Assistant), Ben Smith (NorthStar Planning), Arnold Martel, Brad Jones (Jones & Beach Engineers), Dr. Robert Roseen (Waterstone Engineering), Joe Siviski (Attorney for Arnold Martel), Thomas Lynch, Tyler Matthews

Absent:

Gavin Maloney (Vice Chairman)

Pledge of Allegiance

Designate Alternates:

Christopher Whitman designates Roger Perreault as a voting member for this meeting.

Approval of Minutes:

John Qua – “I move we approve the meeting minutes of September 19th with the minor changes.”

Roger Perreault – “Second.” Motion Passed 3 – 0. (Patricia Pearson and Adam Brock abstaining as they were not present at the September 19th meeting.)

Adam Brock – “I make a Motion that we accept the October 3rd minutes as submitted.”

John Qua – “I second the Motion.” Motion Passed 4 – 0. (Roger Perreault abstaining as he was not present at the October 3rd meeting.)

Old Business:

- **Martel Estates, LLC. Martel Estates Subdivision. Preliminary Subdivision application. 760 Young's Ridge Road. Tax Map 217; Lot 029.**

Christopher Whitman invited the applicant to come to the podium to continue the review of the application. Brad Jones of Jones and Beach Engineers addressed the Planning Board and gave a summary of the application for any attending or watching who have not yet seen the proposal. Mr. Jones informed the Board that new site maps have been provided to document the revisions that have been made. The new plans show the meadow buffers repositioned closer to the road and the plan also delineates the 25-acre open space area. The Board has also been provided with a drainage analysis for review. John Qua inquired about two ponds that were included in an original drainage analysis but are not included in this submission. Dr. Robert Roseen answered that the ponds have been removed from the submission in response to D.E.P. wants. The D.E.P. favors the use of meadow buffers and natural drainage means. John also asked if the number of spreaders and culverts are the same. Brad Jones answered that the quantity has not changed, they are simply moved closer to the road.

Ben Smith from NorthStar Planning stepped in at this point to help guide the Board through the next step in the review process. He guided the Board to review the findings of fact and make determinations on each finding. He informed the Board that a draft memo with findings of facts and a draft Motion have been provided to them for their review. John Qua reviewed the findings of fact with the Planning Board and denoted the Conclusions of Law as follows:

1. The proposed subdivision will/**will not** result in undue water or air pollution.
2. The proposed subdivision **will**/will not have sufficient water available for the reasonably foreseeable needs of the subdivision.
3. The proposed subdivision will/**will not** cause an unreasonable burden on an existing water supply.
4. The proposed subdivision will/**will not** cause unreasonable soil erosion or reduction in the capacity of the land to hold water.
5. The proposed subdivision will/**will not** cause unreasonable highway or public road congestion or unsafe conditions.
6. The proposed subdivision **will**/will not provide for adequate solid and sewage waste disposal.

7. The proposed subdivision will/**will not** cause an unreasonable burden on the ability of a municipality to dispose of solid waste and sewage.
8. The proposed subdivision will/**will not** place unreasonable burden on the ability of the local governments to provide municipal or governmental services.
9. The proposed subdivision will/**will not** have an undue adverse effect on the scenic or natural beauty of the area.
10. The proposed subdivision **will**/will not be in conformance with a duly adopted subdivision regulation or ordinance.
11. The subdivider **has**/does not have adequate financial and technical capacity to meet the standards.
12. Whenever situated, in whole or in part, within 250 feet of any pond, lake, river or tidal waters, the proposed subdivision will/**will not** adversely affect the quality of such body of water.
13. The 100-year flood elevation **is**/is not shown on the plan.
14. All freshwater wetlands **have**/have not been identified on maps submitted as part of the application.
15. Any rivers, streams, or brooks within or abutting the proposed subdivision **have**/have not been identified on maps submitted as part of the application.
16. The subdivision **will**/will not provide for adequate storm water management.
17. Any lots in the proposed subdivision with frontage on a river, stream, brook, or great pond have/**do not** have a lot depth to shore frontage ratio greater than 5 to 1.
18. The long-term cumulative effects of the proposed subdivision will/**will not** unreasonably increase a great pond's phosphorus concentration during the construction phase and life of the proposed subdivision.

19. If the subdivision crosses municipal boundaries, the proposed subdivision will/will not cause unreasonable traffic congestion or unsafe conditions with respect to the use of existing public ways in an adjoining municipality. (N/A as it does not cross municipal boundaries.)

20. Timber on the parcel has/ has not been harvested in violation of liquidation harvesting statutes and rules.

Following a brief discussion with Ben Smith about review procedure for preliminary plan approval the Board adjusted the draft motion accordingly and proceeded with a motion.

John Qua – “I’ll make a Motion Mr. Chairman, based upon the application and related documents and information provided by the applicant, the written and oral comments of the applicant, reviewing officials, and members of the public, as reflected in the public record and the Findings of Fact and Conclusions of Law in the planner memo dated April 14, 2024, and as amended at the October 17th, 2024 Planning Board meeting. The Planning Board finds that the Preliminary Subdivision Plan Application for the Martel Estates Youngs Ridge Road application satisfies the applicable standards of the Subdivision ordinance, and therefore approves the Preliminary Plan Application subject to the conditions of receiving a copy of the school superintendent’s letter with regard to impact on the school system and is conditioned on final D.E.P. approval of the sedimentation and erosion plans, and the H.O.A. documents.”

Adam Brock – “I’ll second that with a slight change, you said April 14 it was October 14.”
Motion Passed 5 – 0.

New Business:

- **James Mucha. 54 10th Street. Tax Map 147; Lot 033. Application for Greatest Practical Extent.**

Tyler Matthews has approached the Board on behalf of James Mucha for the tear down of an existing camp and building of a new single-family dwelling. The 30% expansion has been completely used already so the new dwelling will be the same size. There is also a new septic system being installed. The new structure will be built further from the high water mark of the lake than the existing dwelling and the new distance will be 57.1’. There will be a shed removed and the lot coverage is proposed to be reduced from 37.9% to 29.7%. John Qua inquired what was being removed to bring down the lot coverage. Tyler stated he would

be reducing the size of the driveway, removing a shed and a patio. The Planning Board and Tyler continued with round table discussions about lot coverage and what can be removed to get the applicant closer to 20% lot coverage than the 29.7% that is proposed. It was determined that 29.7% was acceptable based on what could be removed.

John Qua – “Ill make a Motion that the Application for Greatest Practical Extent for James Mucha, 54 10th Street, Tax Map 147 Lot 033 be approved with the following conditions: The home no closer than 57 feet from the water, and the boundary setbacks be no closer than 7.7 feet on the right side and 8.2 feet on the left side and that the lot coverage be reduced from 37.9% to 29.7%.”

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

- **Ned Cardinali. 230 Hawk Road. Tax Map 137; Lot 021. Application for Greatest Practical Extent.**

Tyler Matthews remained at the podium to represent the next applicant as well for the Greatest Practical Extent. CEO Jason Sevigny informed the Planning Board that a new fuji septic system is required for this project. The current septic is not sufficient for the dwelling. Tyler is proposing a new addition to the back of the dwelling to be constructed over the footprint of an existing deck and utilize the expansion available for the dwelling to extend past the deck 3 feet toward the road. Tyler explained that the existing structure is 64.4 feet from Hawk Road now and the expansion will bring the distance down to 61.4 feet. John Qua asked how the lot coverage was being reduced. Tyler stated that there is a walkway that is being removed during construction but it’s very minimal reduction.

Adam Brock – “I’ll make a Motion that we accept the Application for Greatest Practical Extent for Ned Cardinali, Tax Map 137 Lot 021 with the proposed addition being no closer than 61 feet four inches to Hawk Road and not go over the expansion specified and reduce the lot coverage to 37.6%”

John Qua – “I’ll Second.” Motion Passed 5 – 0.

Pending Projects:

None

John Qua – “I move we adjourn Mr. Chairman.”

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