

Town of Acton, Maine
Planning Board Meeting Minutes
Date: October 3, 2024

Members Present:

Christopher Whitman (Chairman), John Qua, Patricia Pearson, Adam Brock

Also Present:

Jason Sevigny (Code Enforcement Officer), David Riley (Land Use Assistant), Ben Smith (NorthStar Planning)

The following is a list of individuals present representing applications on the agenda and for the Public Hearing: Arnold Martell, Joseph Siviski, Brad Jones, Robert Roseen

The following is a list of individuals present from the public: Robin Ham, Mary Ellen Maguire, Kevin Callahan, Victoria Matheson, Charles Crespi, Ken DiPoto, Jay Ward, Carol Ward, Thomas Lynch, Dan Whitney, Jerome Schlachter, Chris Schmitt, Richard J. Jon Denekamp, Pat Theisen, James Theisen

Absent:

Gavin Maloney (Vice Chairman), Andrew Johnson (Alternate), Roger Perreault (Alternate)

Pledge of Allegiance

Designate Alternates:

None.

Approval of Minutes:

John Qua – “I move that we approve the Planning Board Minutes of September 5, 2024 as amended.”

Adam Brock – “I’ll Second that.” Motion Passed 3 – 0. (Patricia Pearson abstaining as she was not present at the September 5, 2024 meeting.)

John Qua – “I move we table the 19th of September Minutes.”

Adam Brock – “I’ll Second that.” Motion Passed 3 – 0.

Public Hearing:

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

Chairman Christopher Whitman informed those in attendance that tonight's meeting will begin with a public hearing and questions and comments should be addressed to the Chairman. CEO Jason Sevigny stated that the applicant would be able to rebut any questions and comments after the residents in attendance were finished with stating their questions and comments. Chris Whitman invited the applicant to the podium to give a brief description of the project that the Public Hearing is being held for.

Joseph Siviski, an attorney for the applicant Arnold Martel, approached the podium and detailed that the application being discussed this evening is for a subdivision that encompasses about 88 acres with 3 existing lots that will be divided into ten lots which basically creates 7 new lots in total. Three of the new lots will have frontage on Great East Lake. This application has also been reviewed and received approval from the Department of Environmental Protection. Mr. Siviski continued to state that the sketch plan was submitted on July 18, 2024, a site walk was held on August 8th, 2024, and the applicant was last in front of the Planning Board on September 5, 2024 when the board first reviewed the preliminary plan application. Mr. Siviski informed those in attendance that he is joined tonight by the Applicant Arnie Martel, Brad Jones from Jones and Beach Engineers, LLC. and Rob Roseen from Water Stone Engineering.

Chris Whitman opened the hearing to any residents that wished to make a comment or ask a question. Charlie Crespi of 267 Anderson Cove Road and President of the Great East Lake Improvement Association (GELIA) came to the podium to make the first comment. Mr. Crespi stated that GELIA has had a series of negotiations and collaboration with the applicant which resulted in a settlement agreement regarding the development. He continued to inform the Planning Board that GELIA has reviewed the August submission of the subdivision and found that it is in compliance with the settlement agreement. Mr. Crespi finished by stating that GELIA does not object to this development and dispensed a letter to the Planning Board written by GELIA's attorneys stating that there is no objection.

Jim Maguire from 865 Young's Ridge Road came to the podium for the next comment. Mr. Maguire inquired if there would be any effect to neighbors in terms of water supply and if there will be some form of assessment performed on water quality and

quantity. Ben Smith from NorthStar Planning introduced himself as the planner hired for the Town to help the Board with this application. Ben informed Mr. Maguire that there is a standard for water quality and quantity that is applicable to this development and documentation through various studies will have to be provided by the applicant demonstrating that the development will meet the standards. Mr. Maguire also asked if this development was 10 new lots in addition to the subdivision lots on Buzzell Road or if this subdivision included the lots on Buzzell Road. Mr. Martel stated that this development is proposing 7 new lots in addition to the 3 that exist already. Mr. Martel continued by informing Mr. Maguire that this development is separate from the development that was completed on Buzzell Road.

Jerome Schlachter from 528 Langley Shores Drive commented that he is concerned about the new lots and what kind of access they will have to Great East Lake regarding the number of docks and boats that will be allowed. Mr. Schlachter is concerned about increased noise and light pollution from the development at the water's edge, and the people who do not live on the water in this development having access to it. Christopher Whitman stated that Mr. Schlachter's inquiry is more of a discussion to be had with the Code Enforcement Officer.

Joe Siviski was directed by Chris Whitman to address the questions and comments from the public. Mr. Siviski clarified the confusion around what new lots were being created by highlighting the boundaries of the new lots using a laser pointer and map displayed by the overhead projector. He continued to show the three lots on the shorefront of Great East Lake and stated that only those three lots along with Arnie Martel's lot at the top of the subdivision would have access to the lake. Mr. Siviski also commented that Brad Jones and Robert Roseen would be able to better address the questions about water quality. Brad Jones came before the Board to address the topic of the wells to be installed. He commented that there would be approximately 10 drilled artesian wells installed in the 88-acre subdivision. Mr. Jones informed the Board that the applicant is not able to address any current issues with wells that are near the proposed development. Robin Ham addressed the Planning Board after Mr. Jones and informed the Board that he is the closest abutter to the proposed development, and he has a 25 foot well that has never had any issues. Arnie Martel approached the podium and stated that the well drillers will be the individuals who pull the necessary permits and do the studies necessary before the wells are installed.

Chairman Chris Whitman asked if there were any other questions or comments. There were none.

Adam Brock – "I make a Motion that we close the public hearing."

John Qua – “Second.” Motion Passed 4 – 0.**Old Business:**

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

Brad Jones has come back to the podium to continue the review of the preliminary application for the proposed development. He stated that there is a standard in Acton’s regulations that says a development needs to provide a percentage of open space determined by the size of each individual development. Brad informed the Board that Arnie has agreed to provide a 25-acre section of open space which is far above the Town’s standard. The open space will have 50 feet of frontage on Scenic View Drive with a gravel path that meanders through the wetland area of the open space area. Mr. Jones also noted that the open space does not connect to the lake and there will be no access for anyone to the lake through this area. This open space will also be available to only the residents in the development. Brad then informed the Board that a drainage report was submitted to the DEP, and he introduced Rob Roseen to the Planning Board.

Dr. Robert Roseen from Water Stone Engineering introduced himself to the planning Board and stated that he is a specialist in water quality. Dr. Roseen discussed with the Board the overall scope of his work and the criteria being studied and submitted to the Department of Environmental Protection for this project. Things that were discussed included the 80-foot vegetated meadow buffers that will be mowed twice a year. These buffers are designed following DEP standards to filter and catch phosphorous in water runoff. The buffers, because of their large size can infiltrate and filter large amounts of water runoff. Dr. Roseen also discussed how this development is considered a low impact development and part of the criteria being determined is the recharge rate of the water supply in the area. He continued to state that the rate of recharge of the water will be essentially the same when the development is complete compared to before the development begins. The Planning Board and Dr. Roseen finished with round table discussions around the benefits of the vegetated buffers, deed restrictions associated with the buffers, how they will be maintained and how they will be delineated.

Ben Smith from NorthStar Planning informed the Board that they could begin to review the application to begin a determination that all the standards have been met and give directions to the applicant about the next steps to be taken. John Qua inquired from the applicant if they have decided to change the road from twenty-two feet wide to twenty. Brad Jones stated that the road will remain twenty-two feet wide to afford the

extra space for snow removal. Patricia Pearson asked how the meadow buffers would be delineated. Mr. Jones informed the board that they are proposing a cedar post approximately 4 feet tall that will have a placard attached to it clearly stating that an area is a meadow buffer. The Planning Board had no further questions for the applicant but informed the applicant to provide the water quality and drainage report for their review and come back to the next Planning Board meeting to finalize the Preliminary Plan application.

New Business:

- **Kathy Maclean. 77 Stewart Drive. Tax Map 113; Lot 030. Application for Greatest Practical Extent.**

Tyler Matthews has come before the Planning Board to represent the applicant's proposal for Greatest Practical Extent. Code Officer Jason Sevigny informed the Board that this application had been approved on November 19, 2020 and Tyler Matthews is looking to get it reapproved because there was never a permit pulled and the approval had expired. Adam Brock asked what the proposed distance from the high-water mark would be. He noted that there were two distances listed on the site plan, one at 42.5' from the high-water mark and one that said 47.5' from the high-water mark. There was some round table discussion around the distances from the high-water mark noted on the site plan and what Tyler was asking for his distance. The Code Officer inquired as to why Tyler was not trying to reapprove the original approval of 45' from the water. Tyler stated it was a new Board and he is trying for 42 feet from the high-water mark instead. John Qua asked what the square footage of the existing house was. Tyler stated it was 907.5 square feet. Tyler then provided the Board with an updated square footage worksheet.

Adam Brock – "I'd like to make a Motion that we accept the application for Kathy Maclean, map 113, lot 020. That the setback for the new home be no closer than 45 feet from the high-water mark and 10 feet from each side setback and that the property owner is going to be responsible for obtaining a stormwater plan from York County Soil and Water and that the proposed total of the building is not to exceed 1,179.75 square feet based on the 30% rule."

John Qua – "Second." Motion Passed 4 – 0.

Pending Projects:

None

John Qua – "I move we adjourn."

Adam Brock – “I’ll Second that.” Motion Passed 4 – 0.