

# Town of Acton, Maine

## Planning Board Meeting Minutes

Date: November 21, 2024

### Members Present:

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

### Also Present:

Jason Sevigny (Code Enforcement Officer), David Riley (Land Use Assistant), Ben Smith (NorthStar Planning), Jenna Gilbert (Sevee & Maher Engineers), Tyler Matthews (Lake Living Consultants), Arnold Martel (Martel Estates, LLC.), Bradford Jones (Jones & Beach Engineers), Charles Crespi (G.E.L.I.A.), John Denekamp (Acton Selectman), Daniel Norwood (Acton Selectman).

### Absent:

Patricia Pearson

### Pledge of Allegiance

### Designate Alternates:

Christopher Whitman designates Andrew Johnson as a voting member for this meeting.

### Approval of Minutes:

***Gavin Maloney – “I’ll make a Motion that we accept the minutes dated November 7<sup>th</sup> as written.”***

***Andrew Johnson – “Second.” Motion Passed 4 – 0 (Adam Brock abstained as he was not present at the November 7, 2024 meeting.)***

### Old Business:

- **Acton Solar, LLC. Sam Page Road. Tax Map 234; Lot 044. Site Plan Review Extension Request.**

Jenna Gilbert has come before the Planning Board to ask for an extension of an approved Site Plan Review granted to Acton Solar, LLC. on December 7, 2023. The Code

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Enforcement Officer informed Jenna that the Board is only able to approve 6-month extensions so the applicant will need to come back again if the Board grants this extension. Jenna informed the Board that a letter requesting the extension has been provided and the applicant is looking for an extension, so they have more time to acquire the proper funding for the project.

***Adam Brock – “I’ll make a Motion that we accept a six-month extension for the Acton Solar Site Plan Review and Conditional Use Permit extension.”***

***Andrew Johnson – “Second.”***

Board member Gavin Maloney interjected, saying he would like to have a little discussion before completing the Motion. Gavin stated he had provided the Planning Board with a printout about solar panels and their contents. Gavin continued by asking if the applicant would consider conducting a soil test prior to the installation of the panels and again when the site is decommissioned in the future. Gavin stated that he had mentioned this during the original Site Plan Review, but it was not a Condition that was set. He would like to inquire again if the applicant would be willing to do the testing. Jenna Gilbert noted that yes it was discussed at the original review, but it was not required and was not set as a Condition. She continued to state that soil testing is not on the table to be discussed at this point. The Board and Jenna continued with round table discussions around the potential soil testing request. There were no conditions set for soil testing.

Andrew Johnson reiterated his Second of Adam’s Motion.

***Christopher Whitman – “All in favor of granting the six months?” Motion Passed – 5 – 0.***

- **Phillip Grove. 1196 West Shore Drive. Tax Map 123; Lot 015. Application for Greatest Practical Extent.**

Tyler Matthews has come back before the Planning Board to represent Phillip Grove. A site walk was conducted prior to the meeting at Mr. Grove’s property, and the Board held round-table discussions with Mr. Matthews about what was seen at the project location. Andrew Johnson discussed what the Board saw during the site walk. Mr. Johnson stated that the proposed new construction could be located outside the 100’ mark from the high-water line of Square Pond. Adam Brock and Gavin Maloney agreed that the structure could be moved behind the 100’ mark. John Qua stated that the construction might need to be a couple feet within the 100’ mark.

***Gavin Maloney – “I’ll make a Motion that the house of Phillip and Darlene Grove located at 1196 West Shore Drive, Tax Map 123 Lot 015, be relocated behind the CMP corridor and as***

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*much behind the 100 as possible. The 50' setback from the center of the legal right of way is the rear limiting setback of the building. With the Condition that the lot coverage of the site be reduced to the 20% required by the ordinance."*

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

- **Jim Yoshizawa. 724 13<sup>th</sup> Street. Tax Map 142; Lot 029. Application for Greatest Practical Extent.**

Tyler Matthews remained at the podium to discuss the proposed project for Jim Yoshizawa. A site walk was also conducted at Mr. Yoshizawa's property before the meeting. The CEO Jason Sevigny explained that a copy of the Minutes from 2015 where the original Greatest Practical Extent was approved has been included in each Board member's folder. He continued to state that the Minutes were not very descriptive, but the original approval was to tear down the structure and rebuild a new one utilizing the existing foundation. Tyler is looking to install a new foundation and structure. Adam Brock stated he felt the structure could be moved much further back from the location that is suggested on the site plan. After a round table discussion about the new structures' placement the Board determined additional dimensions on the site plan need to be provided so a decision could be made on where to relocate the structure. Mr. Matthews agreed to get the additional dimensions and would return for the next meeting.

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

Planning Board member Gavin Maloney asked the Chairman Christopher Whitman to excuse him from the remainder of the meeting so he could attend an appointment. The Chairman excused Mr. Maloney and designated Roger Perreault as a voting member for the remainder of the meeting.

Brad Jones introduced himself again as the representative for Mr. Martel's project. Mr. Jones stated that they are in attendance for Final Plan Review. The update plans have minor revisions showing the monumentation, a note for the flood plain and the open space area has been plotted on the plan. Additional documentation that has been submitted is the draft documentation about the declaration of covenants and bylaws for the homeowner's association and letters from Acton's School Superintendent and Fire Chief stating the subdivision would not have an adverse effect on the area. Board member John Qua mentioned that he had a question about the disposal of waste from the dwellings located in the subdivision. He stated that originally it was listed that the trash would be brought to the Acton transfer station. The final plan states the trash will be disposed of in a location determined by whichever private contractor removes the trash. Brad Jones stated that whoever it is that removes the trash will be required to obtain the necessary permits to dispose of the trash adequately in whatever location they decide.

John Qua mentioned that the Board's first order of business at this point is to determine that the final plan submission is complete. John Qua read the mandatory submission requirements from page 21 in the subdivision regulations as follows:

- A. Completed Final Plan Application Form and Final Plan Application Submissions Checklist. - Yes
- B. Proposed name of the subdivision and the name of the municipality in which it is located, plus the assessor's map and lot numbers. - Yes
- C. The number of acres within the proposed subdivision, location of property lines, existing buildings, watercourses, and other essential existing physical features. - Yes
- D. An indication of the type of sewage disposal to be used in the subdivision. When sewage disposal is to be accomplished by connection to the public sewer, a written statement from the sewer district indicating the district has reviewed and approved the sewerage design shall be submitted. - Yes
- E. An indication of the type of water supply system(s) to be used in the subdivision. - Yes
  - 1. When water is to be supplied by an existing public water supply, a written statement from the servicing water district shall be submitted indicating the district has reviewed and approved the water system design. - N/A
  - 2. A written statement shall be submitted from the fire chief approving all hydrant locations or other fire protection measures deemed necessary. - Yes
  - 3. When water is to be supplied by private wells, evidence of adequate ground water supply and quality shall be submitted by a well driller or a hydrogeologist familiar with the area. - Yes
- F. The date the plan was prepared, north point, graphic map scale. - Yes
- G. The names and addresses of the record owner, applicant, and individual or company who prepared the plan. - Yes
- H. The location of any zoning boundaries affecting the subdivision. - Yes
- I. If different than those submitted with the preliminary plan, a copy of any proposed deed restrictions intended to cover all or part of the lots or dwellings in the subdivision. - Yes
- J. The location and size of existing and proposed sewers, water mains, culverts, and drainage ways on or adjacent to the property to be subdivided. - Yes
- K. The location, names, and present widths of existing and proposed streets, highways, easements, buildings, parks and other open spaces on or adjacent to the subdivision. The plan shall contain sufficient data to allow the location, bearing and length of every street line, lot line, and boundary line to be readily determined and be reproduced upon the ground. These lines shall be tied to reference points previously established. The location, bearing and length of street lines, lot lines and parcel boundary lines shall be certified by a professional land surveyor. The original reproducible plan shall be embossed with the seal of the professional land surveyor and be signed by that individual. - Yes

- L. Street plans, meeting the requirements of Section 10.15. – Yes (with a Waiver granted for the road grade)
- M. Width and location of any proposed new streets or public improvements or open space within the subject property that are shown upon the official map, in the Comprehensive Plan, or Capital Improvements Program, if any. - Yes
- N. Parcels of land proposed to be dedicated to public use and the conditions of such dedication. Written offers to convey title to the municipality of all public ways and open spaces shown on the Plan, and copies of agreements or other documents showing the manner in which open spaces to be retained by the developer or lot owners are to be managed and maintained shall be submitted. These may include homeowners' association by laws and condominium declarations. If proposed streets and/or open spaces or other land is to be offered to the municipality, written evidence that the Municipal Officers are satisfied with the legal sufficiency of the written offer to convey title shall be included. - Yes
- O. The boundaries of any flood hazard areas and the 100-year flood elevation as depicted on the municipality's Flood Insurance Rate Map, shall be delineated on the plan. - Yes
- P. The location and method of disposal for land clearing and construction debris. – Yes

Board Member John Qua continued the review with section 7.3 of the subdivision ordinance.

### 7.3 Required Submissions for which a Waiver May be Granted.

The final plan shall also include or be accompanied by the following information, unless a waiver is requested and granted pursuant to Article 12, Waivers:

- A. An erosion and sedimentation control plan prepared in accordance with the Maine Erosion and Sediment Control Handbook for Construction, Best Management Practices, published by the Maine Department of Environmental Protection and the Cumberland County Soil and Water Conservation District, 1991. The Board may waive submission of the erosion and sedimentation control plan only if the subdivision is not in the watershed of a great pond, and upon a finding that the proposed subdivision will not involve road construction or grading which changes drainage patterns and if the addition of impervious surfaces such as roofs and driveways is less than 5% of the area of the subdivision. - A plan was submitted, no waiver.
- B. A stormwater management plan, prepared by a registered professional engineer in accordance with the most recent edition of *Stormwater Management for Maine: BMPS Technical Design Manual*, published by the Maine Department of Environmental Protection, 2006. Another methodology may be used if the applicant can demonstrate it is equally applicable to the site. The Board may waive submission of the stormwater management plan only if the subdivision is not in the watershed of a great pond, and upon a finding that the proposed subdivision will not involve road construction or grading which changes drainage patterns and if the addition of impervious surfaces such as roofs and driveways is less than 5% of the area of the subdivision. - A plan was submitted, no waiver.
- C. If any portion of the proposed subdivision is in the direct watershed of a great pond, and meets the criteria of section 10.12.D, the following shall be submitted or indicated on the plan:

1. A phosphorus impact analysis and control plan conducted using the procedures set forth in DEP Phosphorus Design Manual, Volume II of the Maine Stormwater Best Management Practices Manual, 2006. The analysis and control plan shall include all worksheets, engineering calculations, and construction specifications and diagrams for control measures, as required by the Technical Guide. – **Phosphorus Impact Analysis was provided.**
2. A long-term maintenance plan for all phosphorus control measures. **(Provided)**
3. The contour lines shown on the plan shall be at an interval of no less than five feet. **(Provided)**
4. Areas with sustained slopes greater than 25% covering more than one acre shall be delineated. **(Provided)**

***Adam Brock – “I’ll make a Motion that the Final Plan application for Martel Estates Subdivision is found complete in regard to the requirements in the Subdivision Ordinance, Section 7.2, Mandatory Submissions for Final Plans, but we reserve the right to request additional information in order to determine how the application meets the ordinance performance standards.”***

***Andrew Johnson – “Second.” Motion Passed 5 – 0.***

Ben Smith of NorthStar Planning brought to the attention of the Planning Board that there were a few Conditions of Approval that should be noted for this application. He continued to inform the Board that he listed the Conclusions of Law from November 14<sup>th</sup> and stated that the Board should review any parts of the Conclusions of Law that they felt was necessary. John Qua stated that he felt the first sentence in 10.5 of the planner memo could be removed, and instead listed that trash from the subdivision will be dealt with by the private contractor whether it goes to the Acton Transfer Station or not. The Planning Board also held some round-table discussions about the trees that were documented on the plan to be planted. It was determined the applicant has provided the necessary information in relation to the trees.

***Adam Brock – “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 November 14, 2024, and as amended on the November 21<sup>st</sup> meeting, the Planning Board finds that the Final Subdivision Plan application satisfies the applicable standards of the Subdivision ordinance, and therefore approves the application subject to the following conditions:***

**1. Prior to the issuance of building permits, the applicant must submit an approved amendment to the existing Site Location Permit from Department of Environmental Protection consistent with the approved subdivision stormwater plan.**

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

John Qua also noted that the applicant will need to provide the Planning Board with an updated copy of the subdivision plan with a signature area for the Board to sign. CEO Jason Sevigny stated to the Board that he told the applicant that the Code Office would provide an updated copy of the planner memo for their review. Once reviewed the applicant can update the subdivision plan with the Condition and a signature block for the Planning Board to sign.

**New Business:**

- None

**Pending Projects:**

- None

**John Qua – “I make a Motion that we adjourn Mr. Chairman.”**

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