

# Town of Acton, Maine Planning Board Meeting

## MEETING MINUTES

**Date:** September 5, 2019

**Members Present:** Joyce Bakshi, Chair  
Gavin Maloney  
Leslie Berlan  
Yoli Gallagher  
Donovan Lajoie, Executive Secretary (Alternate)  
Dennis Long (Alternate)

**Members Absent:** Tom Cashin, Vice Chair

Also present: Ken Paul, CEO; Brenda Charland, Land Use Secretary; Arnie Martel; Joe Stanly, Line Pro; Billy Plante, Charles Crespi, Robin Ham, Nancy Smith, Janice Whitney, Daniel Whitney, Bethany Lebida, Jeffrey Lebida, Arnie Martel, Leah Rachin, Brad Jones, Jo-Ellen S. Wood, Marianne Upton, Martha Rausch, Arnold Murray, Judy Murray, Sandra Brackett, Sandra A. Nicholas, Cole Coletro, Scott Arnold, Paul Gurney, Jeffrey Preston, Carol Ward, Jay Ward, Barbara Kalafatis, Andrew Kalafatis, Nancy Smith, Susan Ware Vining, Molly Springer, Jessica Springer Svatek, Nancy Ginns, Jennifer Whitney, Kathleen MacLean, Maryann Clark, Donald Bell, Emily M. Bell, Robert Duran, Nancy Rafferty, Denis Rafferty, David S. Upton, Susan Alvino, Thomas Lynch, Bethann Lynch, Anthea Lynch, Claire Russo, John Brotherston, Judy Murray, Valery Doyle, Karen Callan, Jeffrey Dugas, Lois Preston, Tim Sears, Robert C. Sears Jr., Douglas Newman, Bill Blackwood, Debbie Blackwood, Amy Tchao, D. Mankus, Dorothy Crespi, Cecile Jacobsmeyer, Charles Hodsdon, Phil Meyer, D. Harvey, Susan Duran,

**Call to Order:** The Chair called the meeting to order at 7:23 p.m. and declared a quorum.

The Chair requested a moment of silence in honor of Marie Cashin, wife of Planning Board member Tom Cashin, who passed away September 2, 2019.

### **Approval of Minutes**

- **August 15, 2019:** Dennis Long moved to accept the minutes of August 1, 2019 as written. Leslie Berlan seconded; motion passed 5-0.

### **Old Business**

- **Martel, Youngs Ridge Road; Proposed 22 Lot Subdivision;** The Chair read a letter received from Amy Tchao, attorney representing Great East Lake Improvement Association. She stated that in the letter Ms. Tchao pointed out an error made by the Planning Board, which is to notify abutters when an application for subdivision is received. The Chair stated this error will be corrected and letters will go out by Tuesday evening, she added that this error will not stop the Public Hearing process. A second notice will be sent when a preliminary plan has been accepted, notifying abutters of the Public Hearing.

The Chair made it clear that this was a Planning Board Meeting and not a Public Hearing. She encouraged the public to return to the Public Hearing because that is where their voices will be heard. Public comments are not usually heard at Planning Board meetings, in the past they have allowed them at the Planning Board's discretion. The Chair stated she will allow some comments at this meeting as long as they pertain to the subject. She then said that she was aware of a petition going around and asked that it be brought forward at this time. Jessie Springer -Svateg presented a petition to the board, signed by 75 people. Leah Rachin, attorney representing Arnie Martel, asked for a summary of the petition. The Chair stated she had not seen it before and therefore read it.

Brad Jones of Jones and Associates gave a brief summary of the project to date, which he has been working with Arnie on for about three years. Mr. Jones explained the benefits of a Cluster Subdivision. He talked about the drainage report, additional notes on stormwater management for the future (to be added to the plan as soon as it is complete), and notes on wetlands will have been added to the plan. Mr. Jones said that estimated cost of construction has been provided to the Planning Board.

Leslie Berlan asked Mr. Jones if they ever received a response from Southern Maine Planning and Development on the items that were in question. Mr. Jones said that they have received an answer and Planning Board members were copied.

Gavin Maloney asked about lot configuration on the 3 lots that fall in the Shoreland Zone. He read a section from the Zoning Ordinance, and said he believes that it says Cluster Subdivisions were not allowed in the Shoreland Zone and asked that the lots be pulled back from the water and include that area in the open space. The Chair explained that they have spoken with two lawyers regarding this issue and both have said that Cluster Subdivisions do not need to comply. Mr. Maloney disagreed. Yoli Gallagher asked the Chair if the lawyers explained why they ruled that way. The Chair explained, in detail about Planned Unit Development and added she will request the lawyers ruling in writing. Gavin Maloney read the definition of a Planned Unit Development from the Zoning Ordinance. He added that he believes that this project is a Planned Unit Development and a Cluster Subdivision and asked Mr. Martel to please pull the 3 lots back from the Shoreland Zone. The CEO and Mr. Maloney exchanged their understanding of Planned Unit Development and Subdivisions.

Dennis Long commented on lawyers on both sides. He said we should be following our planning documents, our lawyers, and preserve land and water quality.

Leah Rachin requested that all questions, she said she believed there were four, be answered in one letter from the land use attorney the Planning Board is using. The Chair agreed and asked Ms. Tchao if she would like to add to that. Ms. Tchao, attorney for Great East Lake Improvement Association, stated she tried to reach out to the town attorney and was told he is not authorized to speak to her. She agreed with Ms. Rachin that we get responses in writing. She stated after reviewing the 6 or 7 meetings on this Subdivision, it is not clear to her whether the Planning Board has accepted this application as preliminary or not. She added there is some frustration from her client on the lack of transparency. Ms. Tchao stated her clients believe that this Proposed Subdivision violates the Zoning Ordinance. She stated the primary issue is that, as Mr. Maloney stated earlier, Cluster subdivisions are not permitted in the Shoreland Zone. She spoke of why this is a concern for the lake and read section 10.13.11 from the ordinance on page 38 referring to subdivision regulation. Ms. Tchao recommended the Board suspend review until legal issues are vetted.

Tom Leonard asked a question about 9.2 E of Subdivision Regulation page 27.

Steve Towne asked about Site Location Permits and Subdivision Clusters.

Leah Rachin, Attorney representing Arnie Martel, stated that while her client agrees with open process, they disagree with suspension of review. Ms. Rachin stated she objects to rescinding comment as well as Ms. Tchao's "funnel" comment with details regarding shore lots. She added that they would like the Town's Attorney to weigh in, and to please notify but please, do not rescind.

Amy Tchao, Attorney for GELIA, had a procedural question regarding the preliminary plan. She requested in writing from the Town's Attorney that what has been accepted is not the preliminary plan.

The Chair then thanked the public for attending the Planning Board Meeting.

- **C. A. Plante, West Shore Road, Map 230, Lot 006 Mineral Extraction Application:** Joe Stanley of Line Pro represented Billy Plante. He stated that at previous meetings they have submitted the majority of the grading plans and subsequent information. He said that since the last meeting he has submitted copies of the notes regarding earthwork that he omitted in previous submissions. Mr. Stanley said that he hopes he submitted enough information to the Board to be able to have members come out for a site walk and then proceed to a Public Hearing.

Gavin Maloney suggested a site walk. A site walk was scheduled for Saturday, September 14, 2019 at 9:00 a.m.

A Public Hearing is scheduled for Thursday, September 19, 2019 at 7:00 p.m.

- **York County Agriculture Association, 13<sup>th</sup> Street, Map 241, Lot 003:** Joe Stanley of Line Pro represented York County Agriculture Association.

A site walk was scheduled for Saturday, September 14, 2019 at 10:00 a.m. and a Public Hearing was scheduled for Thursday, September 19, 2019 at 7:00 p.m.

Leslie Berlan stated she will not be able to attend this Public Hearing but she would like to make sure the 13<sup>th</sup> Street Association is directly notified of the Public Hearing.

- **Hopper Road Event Rentals, LLC, 189 Hopper Road, Map 234, Lot 046:** The CEO said that when he did one of his first preliminary reviews of the plans, he noticed they are trying to convert an existing gravel pit on the property to a parking area for the event Barn; he said he believes it is resource protection and advised the Board to take a look at that.

Paul Gurney pointed out that on his plan there is an overlap of color outlining where that resource protection is located on the proposed parking area.

The three existing buildings were discussed. Paul Gurney stated he wanted to keep the structures and get them up to code to eventually be suites for the wedding parties and a rec center with games and sofas for relaxing.

Mr. Gurney talked about the two levels of parking; he explained the lower level is more level and has great, well draining soil perfect for parking. Two waivers were presented, one for the twenty foot contours. He stated there is no GIS system that shows the 20 foot contours but hopefully after the site walk members will see the good soil conditions

The CEO asked about excavation, Mr. Gurney said only for the 60'x90' leach field.

The second waiver was detailed in notes on the parking plan. There is a clearing on the curved road; after observing for the last year they noticed it doesn't get wet. They would like to add 2 rows of parking, about 80 feet to the stream.

A site walk was scheduled for Saturday, September 14, 2019 at 11:00 a.m.

The Chair asked about the neighbors and Mr. Arnold stated they have been great, very supportive. He added they sent out mailings to neighbors introducing themselves.

Paul Gurney explained they are going to do events, only. When there are no events scheduled they plan a locked gate with controlled access. They are planning a security system, including lights, cameras, etc.

The owners would like to offer catering onsite but will allow outside caterers. As far as alcohol sales, they will be the only ones running the bar with certifications and licenses- no outside bartenders and no byob.

Mr Gurney said there will be no smoking in the barn and the fire marshall has their application. There will be a fire pit in a patio area outside of the barn.

All three applicants outlined their business backgrounds in hospitality, which proved impressive.

The Chair explained that after the site walk, they will discuss a Public Hearing.

#### **New Business:**

- **Robert Jones, 199 7<sup>th</sup> Street, Map 151, Lot 016:** Best Practical Location Application to demo existing structure and build a new single-family dwelling, within the 30% Expansion Allowance. Yoli Gallagher moved to accept the Best Practical Location Application submitted by Robert Jones, to demo and rebuild the structure no closer than 48 feet from the water. Leslie Berlan seconded, motion passed 3-0.
- **Andrew Kalafatis, 285 Hams Camp Road, Map 116, Lot 004:** Best Practical Location Application to replace existing partial foundation with a full foundation with no increase in the footprint, and keeping the house in the same location. Moved by Leslie Berlan to accept the Best Practical Location Application submitted by Andrew Kalafatis, keeping the structure no closer than 40 feet from the water and open deck no closer than 30 feet from the water. Seconded by Yoli Gallagher, motion passed 3-0.

**Housekeeping:** The Chair reminded members that bi-weekly Planning Board workshops will resume September 25 at noon in the Thomas A Cashin Meeting room, alternating with the weeks of Planning Board meetings.

**Adjournment:** The meeting was adjourned at 10:16 p.m.

