

# JONES & BEACH ENGINEERS INC.

85 Portsmouth Avenue, PO Box 219, Stratham, NH 03885  
603.772.4746 - JonesandBeach.com

June 19, 2020

Town of Acton Code Enforcement  
Attn: Kenneth Paul, Code Enforcement Officer  
PO Box 540  
Acton, ME 04001

Re: **Subdivision Application**  
**Martel Estates on the Lake, LLC**  
**760 Young's Ridge Road, Acton, ME**  
**Tax Map 217, Lot 29**  
**JBE Project No. 15161**

Dear Mr. Paul,

Jones & Beach Engineers, Inc. has received review comments from North Star Planning, LLC dated June 16, 2020. Comments are listed below with our responses in bold.

## **Recommendations:**

1. *Complete Application: The Board should vote on whether or not the Preliminary Plan Application is complete.*  
**RESPONSE: The Board has voted on the Preliminary Plan Application and deemed it complete.**
  - a. *Based on the submission requirements in the ordinance and submission checklist, the Board should find the application complete. The Board retains the right to request additional materials in order to make a determination on how the project meets the standards of the subdivision ordinance.*  
**RESPONSE: No response necessary.**
2. *Public Hearing: The Board should make a determination on whether or not a public hearing should be scheduled for this project.*  
**RESPONSE: The Board has not made a determination regarding a public hearing at this point.**
  - a. *Based on the number of lots, the size of the subject property and public interest in the project, Planner recommends a public hearing for this project.*  
**RESPONSE: We will discuss at our next meeting.**

3. *Site Walk. A site walk has been scheduled for this project on July 2.*

**RESPONSE:** We have previously had two site walks on the property. During the site walks the stormwater ponds, roads and lots were staked out.

### Finding of Fact:

#### 10.1 Basic Subdivision Layout

- *Utility services will all be located underground.*

**RESPONSE:** This has been addressed on the plans. We will have a final electrical plan designed by CPM after we have final approval.

- *The final plan shall include a note that prohibits future divisions of the lots, or specify that any future division shall constitute a revision of the plan. This must also be recorded in the deed restrictions for each lot.*

**RESPONSE:** This note has been added as Note 25 on Sheet A3.

- *The final plan should provide street names for Road 1 and Road 2 and lot address numbers that facilitate mail delivery.*

**RESPONSE:** The two road names will be added to our final plans.

- *Section 10.1.D of the ordinance calls for stone or concrete monuments at subdivision corners and at all street intersections and points of curvature. The plan currently shows iron rod monuments at subdivision corners.*

**RESPONSE:** We have shown the street intersections with 4" x 4" granite bounds.

#### 10.2 Sufficient Water Supply

- *Water supply to be supplied via private wells.*

**RESPONSE:** Each lot will have its own private well.

- *Sheets C1, C2, C3, C4, and C5 show proposed well locations relative to potential septic locations. Because many of the proposed lots have somewhat restricted building envelopes, these well locations should be considered elements of the subdivision approval, and well should be drilled in the locations shown.*

**RESPONSE:** The wells can be drilled as depicted on the plans.

#### 10.3 Erosion and Sedimentation and Impact on Water Bodies

- *This site is subject to Maine DEP Site Location of Development permitting. As such, the DEP will also be reviewing erosion and sediment control measures. Final permit should be obtained prior to Final Plan approval.*

**RESPONSE:** We are working with Maine DEP on our SLODA application that was submitted in January 2020.

- *Applicant should provide individual lot grading plans for several of the new subdivision lots, including at least Lot 29-3, Lot 29-4, Lot 29-5, and Lot 29-6, due to slopes associated with road construction and stormwater control features, and Lot 29-8 and Lot 29-9 due to existing slopes within the 250-foot shoreland zone associated with Great East Lake.*

**RESPONSE: This will be addressed on the plans and needed for our SLODA Application. We will get you the lot grading plans as soon as possible.**

- *Individual lot grading plans should show locations of driveways, size of any required culverts, building locations with the building envelope, and septic system locations. Locations of these features should become elements of subdivision approval and required submissions for building permits.*

**RESPONSE: This has been addressed on the plans.**

- *Erosion control measures are located on grading plan sheets C1, C2, C3, C4, and C5. These measures consist of silt fencing located on the downslope side of disturbed areas associated with roadway and stormwater feature construction, and a double row of silt fence downslope of all activity to protect Great East Lake.*

**RESPONSE: No response necessary.**

- *The applicant's engineer should verify if additional silt fencing should be installed along this project's property line with the recently built homes fronting on Buzzell Road. Steep slopes associated grading for home construction and septic field installation could create a risk of erosion into the wetlands delineated in the ravine area of the site.*

**RESPONSE: This has been addressed on the plans.**

- *Erosion control details and notes are located on Sheet E1.*

**RESPONSE: No response necessary.**

#### **10.4 Sewage Disposal**

- *Applicant has shown evidence of site suitability and appropriate proposed locations of private subsurface waste water disposal, a Class A High Intensity Soil Survey Report from Sebago Technics, dated December 24, 2019.*

**RESPONSE: No response necessary.**

- *As noted in the Erosion and Sedimentation section, septic locations should be part of individual lot grading plans as required by the Planning Board.*

**RESPONSE: Septic Locations will be part of individual lot grading plans. A note stating the above has been added to as Note 30 on sheet C3.**

- *Map 217, Lot 28, with the existing home and barn on Youngs Ridge Road, shows a proposed septic location at TP 71, but the sheet does not show the location of the existing septic system for that property.*

**RESPONSE: The existing septic system and well locations have been added to Sheet C1 for the existing home on Lot 28.**

- *Test pits TP-3A on Lot 29-1 and TP-5 on Lot 29-2 are shown on top of Existing Leach Fields. Applicant should clarify these test pit locations and explain if these existing fields are currently in use or if they are to be retained.*

**RESPONSE:** These test pits locations were dug for the design of two leach fields on lots 29-1 and 29-2. Both of these leach fields are approved, installed and in use at this time.

### 10.5 Solid Waste

- *Applicant should indicate whether or not the solid waste from the proposed subdivision exceeds the capacity of the municipal solid waste facility.*

**RESPONSE:** The household solid waste is proposed to be hauled to the Town of Acton's transfer and recycling center. This facility is accessible to all tax payers.

- *Applicant should provide a brief statement about how individual home owners will dispose of household waste and recycling. For example, individual homeowners may be responsible for contracting with a private hauler or transporting waste and recycling on their own, or a homeowner's association may assume responsibility for waste and recycling generated within the subdivision.*

**RESPONSE:** Each of the single-family homes will have the option of waste pick up by a licensed hauler such as Casella Waste System or transporting the waste themselves to the transfer station. The residents will be required to recycle whether the waste is hauled by the homeowner or the commercial solid waste pick-up service.

### 10.6 Impact on Natural Beauty, Aesthetics, Historic Sites, Wildlife Habitat, Rare Natural Areas or Public Access to the shore

- *Proposed post-development tree lines are shown on the plans. The applicant must include a note limiting the clearing of trees to those areas designated on the plan.*

**RESPONSE:** A note stating the above has been added as Note 31 to Sheet C3.

- *No significant wildlife habitats have been identified in a letter from the Maine Department of Inland wildlife and Fisheries, dated January 9, 2020. In that letter, IF&W states that there likely be no significant impacts to endangered bat species as a result of this project.*

**RESPONSE:** No response necessary.

- *The plan sheets show a 100-foot buffer within the 250-foot Shoreland zone associated with Great East Lake. This buffer is to remain vegetated and maintain existing trees, per standards of the Shoreland zone.*

**RESPONSE:** This has been addressed on the plans as Note 32 on Sheet C3.

- *10.6.A.2 requires a 50-foot wooded buffer along a subdivision's frontage on existing public roads, if the frontage is wooded at the time of application. Most of this project's 700+ feet of frontage were hayfield/meadow or the front yard of the existing home at Map 217, Lot 28. However, the Board should consider a 50-foot wooded buffer to be planted on Young's Ridge Road frontage for Lot 28-1 and 29-1, based on standard 10.6.A.2.*

**RESPONSE:** The 10.6.A.2 subdivision regulation states that the subdivision shall be designed to minimize the visibility of buildings from existing public roads. Lot 29-1 has a building envelope 170' down gradient of Youngs Ridge Road keeping the home well away from the road and abutters. Lot 28-1 has a building envelope 120' down gradient of Youngs Ridge Road also keeping the home well away from the road and abutters. Lot 28 has a longstanding building on it that will remain and is close to Youngs Ridge Road.

The regulation calls out 50' forest buffer along a public road if the area was forested at the time of the planning board submission. The existing Youngs Ridge Road frontage has historically and remains a farm pasture. I would assume that we should not have a buffer easement on our plans that would restrict any planting of this area in the future.

- *Per standard 10.6.A4, the applicant should submit a landscaping plan showing street trees on both sides of the new subdivision roads Road 1 and Road 2.*

**RESPONSE:** Street trees have been added to Sheets C1 through C4.

- *The plan must include the standard notes related to restrictions on tree clearing within the Shoreland zone as noted in 10.6.C.2.a-e. Deed restrictions with the same must be included for lots within the Shoreland zone.*

**RESPONSE:** The standard notes have been added as Note 32 of Sheet C3.

- *There is no common land shown in this conventional subdivision design.*

**RESPONSE:** No response necessary.

## 10.7 Conformance with Zoning Ordinance and Other Land Use Ordinance

- *All new lots in the subdivision meet the lot size, street frontage and setback requirements of the Rural Zone.*

**RESPONSE:** No response necessary.

- *Existing lot identified as Map 217, Lot 30 has only 103.35 feet of frontage on Youngs Ridge Road. The standard for road frontage in the Rural Zone is 250 feet. However, this is an existing situation and the proposed subdivision will not make this non-conformity worse.*

**RESPONSE:** No response necessary.

- *This project will meet the zoning ordinance requirements of Section 5.11 Good Neighbor and Design Standards for Proposed Development.*

**RESPONSE:** No response necessary.

### 10.8 Financial and Technical Capacity

- *In the Site Location of Development permit, the applicant demonstrates financial and technical capacity by providing bank statements and prior development experience.*  
**RESPONSE: No response necessary.**

### 10.9 Impact on Ground Water Quality or Quantity

- *Mr. Jones, P.E., of Jones & Beach Engineers, Inc., has provided a letter dated May 21, titled Hydrogeologic Assessment. This letter, however, does not meet the standards of a hydrogeologic assessment specified in 10.9.A, in that it does not include depth of water table or a projection of nitrate concentrations for wells within the subdivision or at the subdivision boundary.*

**RESPONSE: We feel that the letter submitted addresses any hydrogeologic concerns that the board will have. The lots are 2 acres in size and all of the well radiuses fit within the lot or within the abutting 25' building setback.**

- *Mr. Jones' letter from May 21, 2020, includes a summary of area well depths and yields as evidence of adequate ground water quantity for wells to be drilled for lots within the subdivision.*

**RESPONSE: No response necessary.**

- *The project is not located on a mapped high-yield aquifer.*

**RESPONSE: No response necessary.**

### 10.10 Floodplain Management

- *Applicant has provided current FIRM maps. A portion of the property along the shoreline of Great East Lake is within the mapped 100-year floodplain. This area is shown on Sheet A4. No structures are proposed within the floodplain area, which is almost entirely within the 100-foot Shoreland zone buffer.*

**RESPONSE: No response necessary.**

### 10.11 Identification of Freshwater Wetlands, Rivers, Streams or Brooks

- *Applicant has identified a stream running in a ravine through the central portion of the property to Great East Lake.*

**RESPONSE: No response necessary.**

- *There are extensive wetland areas delineated along the entire length of the ravine from the upper portion of the property (southerly end) down to the shore of Great East Lake.*

**RESPONSE: No response necessary.**

### 10.12 Stormwater Management

- *Stormwater management plan has been provided with the Site Location of Development Act permit application. This project is subject to DEP review.*

**RESPONSE: This has been submitted for DEP review.**

- *Because this project is within the watershed of a Great Pond (Great East Lake) and it contains more than five lots and more than 800 linear feet of new streets and driveways, this project must meet the DEP phosphorus allocation standards.*

**RESPONSE:** The phosphorus allocation calculations are being reviewed by DEP at this time.

- *The grading and drainage plan sheets show catch basins on either side of Road 1 located at regular intervals in the roadside ditches connected by cross culverts. These structures appear to enter a closed drainage system within a series of 20-foot drainage easements and out outlet into Wet Pond #1, or into swales that lead to Wet Pond #1. The applicant should provide a maintenance plan for this system of open and closed drainage system.*

**RESPONSE:** A maintenance plan is required by the DEP. We would like to submit the maintenance plan after we have had a chance to finalize the DEP comments.

- *Many of the stormwater conveyances and treatment features including Wet Ponds #1 and #2 are located outside of the road right-of-way. The stormwater maintenance plan should include all aspects of the stormwater management system on private property. All stormwater easements must be shown on the plans and recorded in deeds for individual lots.*

**RESPONSE:** This will be addressed on the maintenance plans and final recordable plans and provided for review.

- *Final permits should be obtained prior to Final Plan Approval.*

**RESPONSE:** We agree and will continue to work with DEP for SLODA approval.

### 10.13 Cluster Developments

- *This application is not for a cluster development.*

**RESPONSE:** No response necessary.

### 10.14 Compliance with Timber Harvesting Rules

- *Applicant should show timber harvested on the site, has been harvested in compliance with the rules adopted pursuant to Title 12, M.R.S.A. section 8869, subsection 14.*

**RESPONSE:** We will provide the timber cutting permits.

### 10.15 Traffic Conditions and Streets

- *In a Traffic Analysis letter dated May 21, 2020, Mr. Jones notes that traffic generated from this subdivision will be approximately 141 Average Vehicle Trips per day – 96.88 average vehicle trips per day for Road 1 and 43.71 vehicle road trips per day for Road 2. These numbers assume that of the 20 homes in the subdivision, 10 homes are occupied on a year-round basis, and 10 homes on a seasonal basis, split evenly between the two roads.*

**RESPONSE:** No response necessary.

- *Given that there are only 3 house lots with frontage or proposed access to Great East Lake, it seems reasonable to assume all lots will be occupied year-round, which could put average daily trip numbers at 193.76 and 87.42 for Road 1 and Road 2 respectively.*

**RESPONSE:** No response necessary.

- *This project will not require a Traffic Movement Permit from Maine DOT, or cause unreasonable congestion on existing public roads.*  
**RESPONSE: No response necessary.**
- *The applicant has included a street light detail in the plan set, but it is not clear from the plan set where street lighting is proposed to be installed.*  
**RESPONSE: Street light locations are shown on the Utility Plans.**

#### 10.16 Specific Access and Street Design Standards

- *The subdivision roads will be built as 22-foot paved roads, with 18-inches of gravel road base. This road width exceeds the road width standard in Table 10.15-3.*  
**RESPONSE: The 22' paved private road will provide a safer roadway.**
- *These roads are designed as private roads and do not include sidewalks or bicycle provisions.*  
**RESPONSE: No response necessary.**
- *The applicant should submit a road maintenance agreement. This may come in the form of a homeowner's agreement that would include maintenance of other common elements including stormwater infrastructure.*  
**RESPONSE: The road maintenance agreement will be included in the Homeowners Conveyances and submitted for review.**
- *The sight distance at the intersection of Road 1 and Youngs Ridge Road exceeds the 350 feet required by the ordinance in both directions.*  
**RESPONSE: No response necessary.**
- *Sheets P1 and P2 show road profiles for Road 1. A plan view of Road 1 should also be included in the plan set.*  
**RESPONSE: A note will be added to the Road 1 Profile plans referring to sheets C1, C2, and C3 for the plan view of the road.**
- *Driveway easements will be required to benefit Lot 29-7 over Lot 29-8 and Lot 29-8 over 29-7 for the proposed shared driveway, and for Tax Map 217 Lot 26 over Lot 28-3.*  
**RESPONSE: Driveway easements have been submitted for review.**
- *This project will not need two street connections to public streets as the traffic from these lots will be less than 200 trips per day.*  
**RESPONSE: No response necessary.**



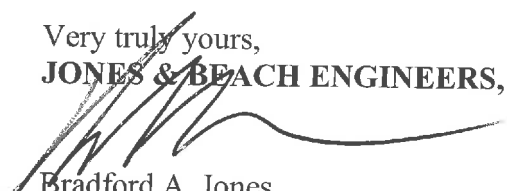
- *10.16.B.2.1. requires a cul-de-sac turnaround for dead end streets, and notes that a T-turnaround is permissible for residential subdivisions carrying an ADT of 100 or less. Depending on the methodology the Board settles on for measuring ADT, Road 1 may need to show a cul-de-sac at the end of that road rather than the T-turnaround shown.*

**RESPONSE: During our discussion with the town it was recommended that we design hammer head turn arounds as opposed to the cul-de-sac. Both of the roads will remain private and the winter maintenance will be done by the home owners association.**

Thank you very much for your time. If you have any questions, or need further assistance, please contact our office.

Very truly yours,

**JONES & BEACH ENGINEERS, INC.**



Bradford A. Jones  
Vice President

cc: Arnie Martel (letter and plans via email)  
Ben Smith, AICP, Principal Planner, North Star Planning (via email)  
Sarah DelGizzo, Planner, North Star Planning (via email)