

Subject:Freedom of Information Request - 2004/2005 Planning Board Meeting Minutes Pertaining to Loon Ridge Subdivision

Date:Thu, 19 Oct 2023 14:47:11 +0000

From:William Baker <wbaker@shaheengordon.com>

To:jroux@actonmaine.org <jroux@actonmaine.org>

CC:Sean O'Connell <soconnell@Shaheengordon.com>

Good morning,

Pursuant to the Freedom of Access (of Freedom of Information) Act, I'd like to request any and all Town of Acton Planning Board Meeting Minutes from 2004 or 2005 that pertain to or address the Loon Ridge Subdivision, Youngs Ridge Road and Priscilla Lane; Map 138; Lot 008. A Town of Acton Request for Information document is attached. Please let me know if you have any questions or need any additional information or documentation to help facilitate this request.

Thank you for your assistance.

Best,

William C. Baker

Counsel

Shaheen & Gordon, P.A.

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Town of Acton

Request for Information

Please complete this form and be as specific as possible in your request for information or documents.

Requested By: Shaheen & Gordon P.A. c/o William Baker **Tel:** 603-609-0697

Date Requested: 10 / 19 / 2023 **Email:** wbaker@shaheengordon.com

Information is Needed By: 10 / 31 / 2023 or as soon as possible

Specific Description of Information Needed:

We are requesting any and all Town of Acton Planning Board Meeting Minutes from 2004 and 2005
pertaining to the Loon Ridge Subdivision, Youngs Ridge Road and Priscilla Lane; Map 138; Lot 008.

To Be Completed by Board of Selectmen

Information Given To:

Selectman's Signature:

Signature:

Date Approved: / /

Date Received: / /

Assigned to:

Date Assigned : / /

Amount Owed:

Date Staff Completed:

No Fee, Why?

No Fee-BOS Initials:

**ACTON PLANNING BOARD
MINUTES March 4, 2004**

PRESENT:

Chip Venell, Tom Cashin, Randy Goodwin,
Virginia Grover, Brian Belanger, Raymond
Cressey, CEO Ken Paul

ABSENT:

Dana Axelrod

ALSO PRESENT:

Andy Nadeau, Andy Crawford, Derek Gavin,
Richard and Patricia Mucciaccio, Nancy Whitman, Andrew Crawford, Hope
Baldwin, Irene Kerrigan, Richard Ham, Richard Neal, Ron Crawford, Ron
Crawford II, Val Bickford, Bruce Thompson, Pat Stevens, Maxx Winchell,
John Amato, David Cote, Dale Barrows, Donna Gavin, Kenneth Joy, John
Zankie, David Jones, John Lingues, Dan Fitzgerald,

MINUTES: Approved as written

1. Andrew Crawford Conditional Use Permit for Storage Unit;

Brian Belanger – Are there any provisions for trash? *Yes there is a 6 yard
dumpster already on site.*

Will there be any lights? *No*

Will there be a sign? *Yes Non-lighted sign.*

Will want dimensions and details on a sign.

Are there plans of the proposed building? *Yes*

Dave Cote presented plans of similar building to be erected. A blue print of
building is available only on deposit.

Brian Belanger; Will need dimensions and slab details.

Dave Cote; The Town copy of the plans will have details and an engineers
stamp on them.

Virginia Grover; What is the life span of the building? The building has a 20
to 25 year warranty

Andy Crawford; It comes in any color combination. Looking at Green or Brown. The elevation of the building site is higher than the road.

Virginia Grover; Do you have any plans to expand? *Will be leaving options open for further expansion.*

Board to Nadeau and Crawford; Talk to the state and see if there is an existing traffic study for storage units. The Board and abutters would like to see it. Also ask other Storage facility owners about traffic.

Board; No combustibles in building
Put proposed 8 to 5 operating hours in contract.
Put sighting distances on plan.

May have as conditions:
Inside storage only
Any vehicles or outbuildings to be moved if in the way of customer access.

What if any portion of the building is visible from the road? *Only the Gable end will be visible.*

CEO; Recommends that the driveway be paved for at least 50 feet, and widened to accommodate two-way traffic. Re-install the culvert at end of driveway, and limit the sign to 8 square feet.

Bring in any required items for the next meeting.

2. Andy Nadeau submitted a Loon Ridge Subdivision Booklet

List of abutters needed
Contact any Municipal authorities
Contact Conservation interested parties
Hammerheads will be changed.
Building envelopes marked.
Permitees's will not be building themselves.
32,000 square feet is the smallest lot proposed.
Engineered well and septic will be in place.

3. Dave Jones was present to apply for a gravel extraction permit.

Will need map with 5-foot contours

Will need items listed on page 38 of the zoning ordinance

Plan of site with located extraction site placed on it.

List of abutters

Will make test pits and will be moving gravel to make roads more navigable.

4. Best Possible Location; Map 20 Lot 54 East Shore Drive

Re build with a foundation 80 ft from water mark moving over 16 ft.

On a motion by Brian seconded by Virginia it was voted to accept Ken Paul's recommendation.

5. Best Possible Location; Map 49 Lot 14

Putting a foundation under building.

On a motion by Brian seconded by Randy it was voted to accept Ken Paul's recommendation.

Adjourned 9:30 P.M.

ACTON PLANNING BOARD MINUTES APRIL 1, 2004

PRESENT: Chip Venell, Tom Cashin, Brian Belanger, Virginia Grover

ABSENT: Raymond Cressey, Dana Axelrod

ALSO PRESENT: John Steffens, Lorraine Yeaton, Glenn & Elizabeth Wildes, Joe Lenkowski, Priscilla Lenkowski, Richard Albanese, Richie Albanese, Karen Albanese, Derrick Gavin, Courtney Gavin, Robert Anderson, Paul Hansen, Dale Barrows, John Amato, Debra Vining, David Gerrish, Michael Kelly, Ron Crawford II, Ron Crawford III, Andy Crawford, Carl Davis, Marian Elliot, Barbara Seckar, Joe Ruma, Andy Nedau

Minutes: Approved as written with the insertion of two inclusions from Derrick Gavin
Minutes of Public Hearing: Approved as written

1. Loon Ridge Subdivision; Randy; Would like to see the applicants of Loon Ridge to pursue a
55
and over subdivision.

Lenkowski; Thinks you cannot say no to children.

Brian; Explains that the 55 and older; would permit growth permits without the yearly limit and would be better for the applicants to pursue this.

Chip; do you plan on building or will you just sell the lots?

Lenkowski; Yes we plan on building then selling the housing units.

Chip; Will the houses be of similar design?

Lenkowski; They will have a basic design with interchangeable roof designs.

Tom; We had talked previously of having the SMRP sit in on the process. Would still like them to represent the town on this matter and oversee the town's interest's.

Chip; Would like to see the proposed 4 home lot away from the water and to keep the space protected somehow.

Board; The Board finds that the preliminary application conforms to the ordinance and asks for a motion to proceed as a cluster subdivision.

On a motion to by Tom see further review of the Loon Ridge Subdivision as a cluster division, second by Brian was voted.

Tom; Have the wetlands and buffers delineated.

Chip; A site walk will be scheduled at the April 15th meeting.

2. Chipmunk Run; Andy presented a plan to change the configuration of part of the road to reduce length and change lot lines so a building can meet the set backs. Relocate deeded right of way, this should not have an impact if lots are later sold.

Virginia; Concerned about the clear title and deeds.

Butler; His attorney is not clear on whose call it is. Will put a note on the plan for the attorney to clean it up.

Andy; If one of the abutters is against it, that would stop it.

Tom; How many abutters beyond this site?

Andy; 14

Board; Re-send certified mail letters to abutters for acceptance of moving the road.

3. Proposed changes to Ordinance:

Adding Forested Wetlands definition as suggested, all in favor.

On a motion by Tom second by Brian voted in favor.

Growth exemptions.

On a motion by Tom second by Virginia voted in favor to change E and leave D.

On 5.20.9 On a motion by Brian second by Tom it was voted in favor to delete the last sentence.

Adjourned 9:45

ACTON PLANNING BOARD - PUBLIC HEARING
MINUTES APRIL 1, 2004

PRESENT: Chip Venell, Tom Cashin, Brian Belanger, Virginia Grover

ABSENT: Raymond Cressey, Dana Axelrod

ALSO PRESENT: John Steffens, Lorraine Yeaton, Glenn & Elizabeth Wildes, Joe Lenkowski, Prissilla Lenkowski, Richard Albanese, Richie Albanese, Karen Albanese, Derrick Gavin, Courtney Gavin, Robert Anderson, Paul Hansen, Dale Barrows, John Amato, Debra Vining, David Gerrish, Michael Kelly, Ron Crawford II, Ron Crawford III, Andy Crawford, Carl Davis, Marian Elliot, Barbara Seckar, Joe Ruma, Andy Nedau

Loon Ridge Subdivision;

Chip Venell gave a preview of the proposed subdivision to the public. The only thing to be decided was the effort of going forward with a cluster or a regular subdivision. The floor was then turned over to Andy Nedau agent for Charles Victor LLC.

Overall view of the regular subdivision would have four lots on the water without the other lot owners having any rights to the water. If it is to be a cluster, then all lots would be at the front of the subdivision with 11 acres to be co-owned by all lot owners, no building allowed, and maybe a common picnic area. Cluster divisions are being encouraged by the state at this time to allow more open space to be left.

On a cluster-based division, the lot sizes, set backs, and building envelopes are reduced. Leaving the open space is good for the town. There is 1200 feet of shore frontage.

PUBLIC COMMENTS:

Lorraine: Who pays taxes on the 11 acres?

Andy: The common owners would have a shared portion of taxes to pay.

John Steffens; Does it make any sense to allow the subdivision to be made if the abutters and towns people don't want this subdivision to go in? Having 14 lots built in an area where the density is getting to the point of compromising the rural area doesn't seem right. The road is deteriorating already and there will be many more service vehicles on the road to further damage it. The elevation of this area is of concern for fertilizer and other chemicals running off into the water of Horn Pond, causing algae bloom in an already fragile lake.

Joe; What is the area like that was once a gravel pit? How many feet of shoreline is involved? Does this area abut the existing public boat ramp, and will the public have access to it?

What kind of soil? The town does not at this time have a public beach, will there be any possible talk on this?

Andy; The soil is moderately well drained.

And they feel comfortable with having a house and well septic on each lot.

Courtney; Will the town acknowledge that they do not have to accept 14 lot's on this subdivision? That they can in fact say to make fewer divisions and are under no obligations to accept, as is the plan for 14?

Board; This public hearing is for a reaction to the two concepts of the proposed subdivision.

Andy; We are going by the Acton zoning ordinance and will have all studies done. The Algae, water run off, soils tests, and number of homes will all be calculated.

Public comments; This acreage is extremely hilly, there will be water run off into the lake. The road is dangerous for pedestrians and vehicles. This area should not be turned from a rural area to the suburbs. There should be a deed restriction for no further divisions.

Andy; There will be retention ponds, a storm water study is required by the state for all such divisions and will be done. The state has other strict standards and a geologist will be contacted.

Jan Steffens; I would like to have my say without rebuttal: I have lived on this road for 27 years and have had my dog hit by a car. I'm worried about someone being hit also. This is a very dangerous road. This has been a wonderful rural community to live in and I would not like to see it turn into something else.

I am angry because this is about lawyers making money and it's not right. There are still some places with original owners; my place has had 3 owners since 1860. There will be an impact on North Acton and the rest of the town. It sets a precedent.

Bob Anderson; Have you entertained the thought of a 55 and over community?

Andy; We would if the town thinks so but, would rather have it 45 and over. Not sure you are able to say so, specific statutes say you can but am not sure.

Courtney; I am concerned about the size of the lots and proximity of septic systems contaminating wells. Would you consider common septic and well systems?

Andy; Yes, we can consider this possibility.

Dave Gerrish; I thought the town had voted on the two acre limit for lots.

Board; Yes they had voted on a two acre limit, but a cluster subdivision is different. The town voted to have a cluster as low as 30,000 feet if it preserved open space; this is in the zoning ordinance, it was voted at the town meeting and has nothing to do with who you are. Anyone can present a subdivision to the planning board and the town.

Muriel Elliott; They want this to be a town way. I live on Peacock Road this was also to be a town way and was left by the developer before finished and is not a town way at this time. What is to stop them from doing it again?

Board; If they meet the criteria, and want the town's acceptance, they have to comply with the ordinance on roads. The town will then vote to accept or not.

Lunt; If the town votes not to accept, who will maintain it?

Andy; There will be some kind of maintenance agreement in place.

Glen Wildes; After a rain there is a runoff water problem at this site.

Courtney; Will they be required to put in traffic light?

Joe; They should be made to sheer off the hill instead of putting up traffic lights.

Dave Gerrish; If this is divided into 14 lots, what happens to the 11 acres of open land? Will this also be divided into 14?

Andy; This would be a common ownership with an association to have a say in all activity's occurring on common land. A cluster division will be better because of the area filtering between the home sites and the lake. They may decide to have only eight units and have a shorter road.

Lorraine; Would prefer to see a cluster to protect the ecology and would like less than 14 units built.

Bob Anderson; Is there any set backs?

Andy; There are no specific setbacks except for the 100 foot between homes.

Lorraine; If this road for this subdivision is expected to be a town way, then they would have to meet any setbacks for a road.

Board; The purpose of this meeting was to see if the public would rather this be a traditional or cluster subdivision and get comments from the public. There will be more public hearing on this proposal in the future.

Public; Would rather see a cluster to preserve the open space.
The houses will be closer together and would look like a suburb.

With a cluster there will be more open space.

Majority would rather see cluster.

Majority would rather see no subdivision in this area.

**ACTON PLANNING BOARD
MINUTES July 1, 2004**

PRESENT: Chip Venell, Tom Cashin, Brian Belanger, Randy Goodwin, Virginia Grover, Dana Axelrod,

ABSENT: Raymond Cressey

ALSO PRESENT: Craig Higgins, John Hutchins, Johann Buisman, Carl Davis

1. **CONDITIONAL USE PERMIT Application For Loon Ridge subdivision.**
After some discussion on the proposed subdivision, a site walk for the Planning Board has been set for July 11 at 8:00 a.m.

2. At least two members of the planning board will go to the Shapleigh meeting on July 13, 2004 to hear Levesque review.

3. **CONDITIONAL USE PERMIT Application for Gravel Extraction, David Jones; Mr. Buisman** was present to ask the requirements for the application and public hearing.

The board expressed the need for 7 copies of the survey map and an abutter's list. Also needed are the requirements on pg. 38 C. 2. Of the Zoning Ordinance. Site walk and Public Hearing will be set at the next meeting if all submissions are met.

After some discussion on the use of the Old Stagecoach Road as a possible entrance it was mentioned to ask Lorraine Yeaton on the current status of this road.

4. Craig Higgins was present to re-open the Red Gate Estates subdivision application process. Mr. Higgins submitted a revised plan and said he expects no action at this time because of the amount of paperwork to be reviewed.

Virginia DeBoer also expressed a desire to accept the shaded area in lieu of a 50-foot buffer. Mr. Higgins would like the subdivision accepted in its entirety then build phase one and recover costs, then build phase two.

On the issue of the fire pond or cistern, he will speak to the Fire Chief again on location. Mr. Higgins also proposes to build the driveway for lot 14, and spurs for the others will be put in. Finally, Mr. Higgins would like to schedule another Public hearing at the next meeting.

Board: The board needs a copy of the purchase and sales agreement pertaining to the road, for clarification.

Adjourned 8:30 p.m.

7580
1/16

ACTON PLANNING BOARD

Minutes

December 16, 2004

Present: Chip Venell, Randy Goodwin, Tom Cashin, Dana Axelrod, Yoli Gallagher
Absent: Virginia Grover, Brian Belanger

Also Present: Marilyn Castle, Joe Lenkowski, John Hutchins, Chris Mehl, Dick Neal, Carl Davis, John Steffons

Agenda Items:

1. Minutes from 12/2/04 approved.
2. Marilyn Castle: Wilson Lake Shores Subdivision Map Phase 1
Mrs. Castle proposed that the property line between lot #15 and #16 be adjusted. This would be an equal swap of property and it would meet the setback requirements. The property line was surveyed and both property owners approve of the adjustment.

Proposal Approved

3. Carl Davis: South Acton Swamps (see handout)
Concern raised around allowing these high value wetlands to be developed.
If the proposed Comprehensive Plan is approved, developers would need to have at least 5 acre lots.
Carl would be willing to work with the board to further explore the development of this area.
4. Loon Ridge Preliminary
John Hutchins with Corner Post re: Loon Ridge Subdivision:
Presented Preliminary Plan: 14 lots (see maps)
Developers would build
 - Preliminary Plan Accepted
(Public Hearing needs to be scheduled within 45 days)
 - Public Hearing scheduled for 7pm on January 20th in the Town Hall.
 - Motion made to have Southern Maine Regional Planning review the plan and advise the board.
 - Motion seconded.
5. John Steffons raised concern that cluster developments may be taxing to individual wells and septic systems. Questioned if common wells and sewers should be considered to prevent contamination.

January 15, 2005

TO: Acton Planning Board
Dwight Vennell, Chairman
Tom Cashin
Virginia Grover
Brian Belanger
Randy Goodwin
Dana Axelrod, Alternate
Yoli Gallagher, Alternate

FROM: Glenn and Elizabeth Wildes
Lots 38-23, 38-24

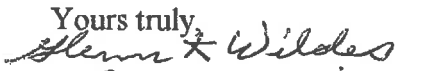

RE: **Loon Ridge Subdivision**

We request that the Acton Planning Board require the Loon Ridge Subdivision to have a **Stormwater and Sediment Control Review** performed by the York County Soil & Water Conservation District Engineer, Kenneth Wood.

A cluster development on a ridge of land between Horn Pond and Wilson Lake makes a Stormwater Runoff Review mandatory by an independent DEP qualified engineer.

We also request that the town of Acton include the **correction** of the current Young's Ridge Road **water run-off problem** in conjunction with construction of this development on Young's Ridge Road.

Yours truly,

Glenn K. Wildes

Elizabeth S. Wildes

372 Twombly Road, Sanford, ME 04073

tel: 207/ 324-3698

gkwildes@gwi.net

CC: Selectmen, Acton, ME
York County SWCD
J. Steffens

ACTON PLANNING BOARD

Minutes

January 20, 2005

Present: Chip Venell, Randy Goodwin, Dana Axelrod, Virginia Grover, Tom Cashin, Yoli Gallagher

Absent: Brian Belanger

Also Present: CEO Ken Paul, Richard Neal, Joe Ruma, John Steffens, Bruce Wildes, Michael James, Mary James, Paul Doyle, John Amato, Norman & Evelyn Hansen, Bob & Debbie Anderson, George Lessard, Joseph Lenkowski, Priscilla Lenkowski, Christopher Mehl, John Hutchins, Valerie Doyle, Paul Schumacher

John Hutchins presented the preliminary plan for the Loon Ridge subdivision and then opened the floor for questions:

Bruce Wildes: Provision for docks?

Joe Lenkowski: Not clear at this time if will be allowed.

Waterfront will not be changed

Mike James: What type of boats will people be using?

Joe Lenkowski: Without drudging.....? Powerboats less than 5 to 10 hp

Dick Neal: It's very shallow

Michael James: What will the lots look like, will they be cleared?

Joe Lenkowski: We will try to leave as much timber as possible, a lot of what is there is undergrowth.

Michael James: Has anybody given any thought to the extra traffic?

John Hutchins: We estimated 134 trips per day on weekdays.

Will there be any tennis courts or swimming pools on the undeveloped acreage?

Joe Lenkowski: Not near the water, we will probably put in a conservation easement.

We may put in a tennis court by the road.

Michael James: Sewage? Does it effect anything

John Hutchins: On the final plan sewer plans will be shown.

Chris Mehl: There will be no potential groundwater impacts off the property per nitrate analysis (potential nitrate levels).

Michael James: What about damage to roads during construction from heavy vehicles?

John Hutchins: I'm sure there are already heavy vehicles being driven on this road. I don't foresee it will be a great deal more than what's already been on the road. This development will be over time.

Bob Anderson: What restrictions are there to keep children from moving in with the 55 year olds?

Joe Lenkowski: No more than two adults will be allowed.

John Steffens: Can you legally enforce that?

Joe Lenkowski: As long as they know about it at the time they purchase.

Bruce Wilde: Will there be a limitation to the square footage of the houses?

Will these be single story homes?

Joe Lenkowski: I was leaning towards that. I would think that would be preferred for most people.

What's going to stop a personal care attendant from moving in? Is there precedent for enforcing?

Joe Lenkowski: It's impossible to cover everything; you try to cover most scenarios.

Chip Paul: Regarding the cluster development and the question regarding the sewers, if each home is going to have their own leach field those leach fields are very close, and if people don't take care of their sewers or their leach field blows, there won't be room to put it somewhere else.

John Hutchins: All we can do is engineer it properly, the soils have been tested, If you didn't cluster, the leach fields would be closer to the water.

Michael James: I don't mean to be argumentative, but I don't buy that. Why cluster in the first place?

John Hutchins: To me clusters are so preferable to be able to allow more natural space.

Michael James: Do limited permits have anything to do with wanting to have clusters?

All of this years permits are already out.

Joe Lenkowski: One of the benefits of having 55 and older is that we are not limited by the 35 permits.

Michael James: How are we protected from buyers selling to people younger than 55?

Joe Lenkowski: The covenant goes with the land, not just to the first buyer, but to every owner down the road.

Norman Hansen: When would you start building?

Joe Lenkowski: I can't imagine before 2006.

Bob Anderson: Will the road be done to town standards? And then will the town take it over?

Joe Lenkowski: The road will be done to town standards and then it will be up to the town whether or not to accept.

Bob Anderson: What about all the land that's not going to be developed? Could it be developed in the future?

Joe Lenkowski: It's in the covenant that it won't be able to be developed.

Bob Anderson: Who would pay the taxes?

Joe Lenkowski: The owners association.

Wilde: Will the shore line be taxed according to undeveloped land?

Joe Lenkowski: This is being taxed according to highest and best use.

Bob Anderson: What about after you put in docks, the land will be being used.

Valerie Doyle: Has a cluster development been used successfully?

John Hutchins: Alfred has many successful cluster developments,

Valerie Doyle: I would like to see one.

John Hutchins: To drive by you wouldn't necessarily recognize one.

Valerie Doyle: I just want to have a better idea of what the downsides to cluster developments would be. I guess that would be up to us to do our research and find the downsides.

John Steffens: Shapleigh demands that clusters have centralized sewer systems. I raised that at the last meeting, Shapleigh and Alfred do require centralized sewer systems. I don't understand why Acton does not do the same. This land is very steep. My question is more to the planning board, why doesn't the board require centralized sewer systems. I would like you folks to think about it for this proposal and for other proposals.

Is it fair that a developer is able to circumvent growth permits by having the 55 year old covenant? This is growth and will have a lot of town impact? We're not limiting growth by allowing this circumvention. As a developer I could circumvent, but as a resident I couldn't build for my father or son. If we are going to control growth we need to limit it in all ways. As a town we need to think about this serious issue.

Joe Lenkowski: I just wanted to reply to earlier questions about lot size. The smallest lot is just under one acre and these are substantial lots, not just little tiny lots.

John Hutchins: I think the 55 limit comes from trying to limit the impact of growth.

John Steffens: Right, but growth impacts all areas of our town, transfer station, roads, etc.

Mary James: We have property on Horn Pond and are concerned about traffic on the lake. It's going to affect the lake. People that don't live on the lake don't value the quality.

Joe Lenkowski: I'm not sure how to answer that. There's no place on this property that you could put a boat in. Anyone that would put in a boat would have to do it through the public boat landing.

Mary James: Could you put in a covenant that people couldn't use the lake?

Joe Lenkowski: I don't think we could do that.

Paul Doyle: How many houses could potentially fit on the lake front if you weren't doing a cluster?

Randy Goodwin: 4

Norman Hanson: With all my misgivings, the man behind this is very reputable, I would like to know what the next step is.

Chip: We're still in the preliminary process...there is still a lot of process, we're talking months.

Bruce Wilde read letter from his parents regarding concerns (see copy).

John Steffens: At the last meeting the concern was raised that the private road entrance was near a curve.

John Hutchins: We moved the entrance to increase site distance. We put it as close to the top of the hill as possible.

Chip Venell: The current tote road is not located where the road will actually be, correct?

John Hutchins: Correct.

Mary James : What about buffers between abutters?

John Hutchins: As part of the final plan it will show what people will be allowed to clear and show the vegetation that will be left.

Mary James: Will people be allowed to put in swimming pools?

Joe Lenkowski: Per #9 on restrictions, they would need to first have it approved.

Paul Doyle: Is it reasonable for the whole area to be fenced? It's almost like a gated community.

John Hutchins: It's a pretty large piece of property to fence.

Mary James: Will there be an association? Could maintenance of septic systems be part of what the association is responsible for?

Joe Lenkowski: Yes, something like that could definitely be part of that.

John Steffens: How close could they build from the property lines, could they build a house within 25 feet of the adjoining property?

Chris Mehl: These proposed house locations are probably pretty close to where they're going to actually be as part of the drainage plans. You really can't vary too much from that.

John Steffens: What about fire protection? Will there be a fire hydrant?

John Hutchins: We haven't really gotten that far yet. That will be part of the final plan.

Chip Venell: I know the new fire chief would rather have a sprinkler system versus a fire pond. There's other ways to look at this and the fire chief will be involved as we go along.

Michael James: What would happen if someone's grandchild came to live with them?

Joe Lenkowski: I don't know, it will be the home owner's association to decide whether or not to take action.

Michael James: Here's the problem. My problem is that my taxes will double or triple if a potential 14 new children move in.

Joe Lenkowski: We're trying to make it as unlikely as possible that children will move in. We can't legally restrict children, but we can put in other restrictions to make it as unlikely as possible.

Michael James: I apologize for being argumentative, but this type of thing never works. I've lived in gated communities in Florida, and it never works.

Bob Anderson: Can't you make them sign a legal document?

Joe Lenkowski: They will be signing a document, but someone's going to have to take the step to enforce it.

John Hutchins: I want to remind you that you could have 14 houses in place and not have any limitations. Joe has made a real effort here to minimize the impact of growth. All of this area is growing rapidly. I think the cluster development is a better way because it leaves open space, more rural character.

John Steffens: What would happen if someone came in tomorrow and ask to put in 50 houses for over 55? If you can circumvent it, what is the use of a growth ordinance?

Chip Vennell: The growth ordinance does not stop growth, it was voted on by the town, the town wanted to limit new homes with children that would impact the school. They decided that over 55 would be acceptable.

Joe Ruma: The growth cap was put in to put us in stride with the comprehensive plan.

Paul Schumacher: Southern Maine Regional Planning was asked to review the preliminary plan. Presented Memo (see copy)

In response to presented concerns:

John Hutchins: There aren't any trees over 24 inches to our knowledge, the land has been heavily logged.

John Hutchins: There is going to be a new storm water plan done.

Paul Schumacher: Clustered septic systems tend to fail,

John Hutchins: We spoke with the town regarding putting in a turn around....

Chip Vennell: The town now requires hammerheads over cul-de-sacs.

Paul Schumacher: I really think the town needs to review the road before the final plan. I also have a concern with the number of covenants. I think we should separate out town and private covenants to make it more clear who is monitoring.

John Hutchins: The old gravel pit has naturally grown in and there aren't any steep slopes.

Paul Schumacher: I would suggest that action be taken now to put a conservation easement in place.

Did you look at any rare plants or species?

John Hutchins: We will take another look at it.

Paul Schumacher: My general feeling is that this is a preferable design. I think with proper placement of the septic systems this should work.

Paul Schumacher: I will write up my comments and send them to the board.

Tom Cashin: Due to the outstanding questions, I don't feel the time line should start in term of the preliminary plans being accepted. I am confused why the soil test nomenclature does not match with the York county terminology.

I also have concerns about the rockiness and ledge and what that means for leach fields. In a number of areas there are clusters of lots that would lead to clusters of leach fields and wells within a 100 foot radius.

John Hutchins: If you could put your concerns in a letter we will happily address the concerns.

The next planning board meeting will be Feb 3rd and Joe Lenkowski will return with progress that has been made on addressing concerns that were raised.

Minutes approved from 1/6/05 approved.

ACTON PLANNING BOARD

Minutes

January 20, 2005

Present: Chip Venell, Randy Goodwin, Dana Axelrod, Virginia Grover, Tom Cashin, Yoli Gallagher

Absent: Brian Belanger

Also Present: CEO Ken Paul, Richard Neal, Joe Ruma, John Steffens, Bruce Wildes, Michael James, Mary James, Paul Doyle, John Amato, Norman & Evelyn Hansen, Bob & Debbie Anderson, George Lessard, Joseph Lenkowski, Priscilla Lenkowski, Christopher Mehl, John Hutchins, Valerie Doyle, Paul Schumacher

John Hutchins presented the preliminary plan for the Loon Ridge subdivision and then opened the floor for questions:

Bruce Wildes: Provision for docks?

Joe Lenkowski: Not clear at this time if will be allowed.

Waterfront will not be changed

Mike James: What type of boats will people be using?

Joe Lenkowski: Without drudging.....? Powerboats less than 5 to 10 hp

Dick Neal: It's very shallow

Michael James: What will the lots look like, will they be cleared?

Joe Lenkowski: We will try to leave as much timber as possible, a lot of what is there is undergrowth.

Michael James: Has anybody given any thought to the extra traffic?

John Hutchins: We estimated 134 trips per day on weekdays.

Will there be any tennis courts or swimming pools on the undeveloped acreage?

Joe Lenkowski: Not near the water, we will probably put in a conservation easement. We may put in a tennis court by the road.

Michael James: Sewage? Does it effect anything

John Hutchins: On the final plan sewer plans will be shown.

Chris Mehl: There will be no potential groundwater impacts off the property per nitrate analysis (potential nitrate levels).

Michael James: What about damage to roads during construction from heavy vehicles?

John Hutchins: I'm sure there are already heavy vehicles being driven on this road. I don't foresee it will be a great deal more than what's already been on the road. This development will be over time.

Bob Anderson: What restrictions are there to keep children from moving in with the 55 year olds?

Joe Lenkowski: No more than two adults will be allowed.

John Steffens: Can you legally enforce that?

Joe Lenkowski: As long as they know about it at the time they purchase.

Bruce Wilde: Will there be a limitation to the square footage of the houses?

Will these be single story homes?

Joe Lenkowski: I was leaning towards that. I would think that would be preferred for most people.

What's going to stop a personal care attendant from moving in? Is there precedent for enforcing?

Joe Lenkowski: It's impossible to cover everything; you try to cover most scenarios.

Chip Paul: Regarding the cluster development and the question regarding the sewers, if each home is going to have their own leach field those leach fields are very close, and if people don't take care of their sewers or their leach field blows, there won't be room to put it somewhere else.

John Hutchins: All we can do is engineer it properly, the soils have been tested, If you didn't cluster, the leach fields would be closer to the water.

Michael James: I don't mean to be argumentative, but I don't buy that. Why cluster in the first place?

John Hutchins: To me clusters are so preferable to be able to allow more natural space.

Michael James: Do limited permits have anything to do with wanting to have clusters?

All of this years permits are already out.

Joe Lenkowski: One of the benefits of having 55 and older is that we are not limited by the 35 permits.

Michael James: How are we protected from buyers selling to people younger than 55?

Joe Lenkowski: The covenant goes with the land, not just to the first buyer, but to every owner down the road.

Norman Hansen: When would you start building?

Joe Lenkowski: I can't imagine before 2006.

Bob Anderson: Will the road be done to town standards? And then will the town take it over?

Joe Lenkowski: The road will be done to town standards and then it will be up to the town whether or not to accept.

Bob Anderson: What about all the land that's not going to be developed? Could it be developed in the future?

Joe Lenkowski: It's in the covenant that it won't be able to be developed.

Bob Anderson: Who would pay the taxes?

Joe Lenkowski: The owners association.

Wilde: Will the shore line be taxed according to undeveloped land?

Joe Lenkowski: This is being taxed according to highest and best use.

Bob Anderson: What about after you put in docks, the land will be being used.

Valerie Doyle: Has a cluster development been used successfully?

John Hutchins: Alfred has many successful cluster developments,

Valerie Doyle: I would like to see one.

John Hutchins: To drive by you wouldn't necessarily recognize one.

Valerie Doyle: I just want to have a better idea of what the downsides to cluster developments would be. I guess that would be up to us to do our research and find the downsides.

John Steffens: Shapleigh demands that clusters have centralized sewer systems. I raised that at the last meeting, Shapleigh and Alfred do require centralized sewer systems. I don't understand why Acton does not do the same. This land is very steep. My question is more to the planning board, why doesn't the board require centralized sewer systems. I would like you folks to think about it for this proposal and for other proposals.

Is it fair that a developer is able to circumvent growth permits by having the 55 year old covenant? This is growth and will have a lot of town impact? We're not limiting growth by allowing this circumvention. As a developer I could circumvent, but as a resident I couldn't build for my father or son. If we are going to control growth we need to limit it in all ways. As a town we need to think about this serious issue.

Joe Lenkowski: I just wanted to reply to earlier questions about lot size. The smallest lot is just under one acre and these are substantial lots, not just little tiny lots.

John Hutchins: I think the 55 limit comes from trying to limit the impact of growth.

John Steffens: Right, but growth impacts all areas of our town, transfer station, roads, etc.

Mary James: We have property on Horn Pond and are concerned about traffic on the lake. It's going to affect the lake. People that don't live on the lake don't value the quality.

Joe Lenkowski: I'm not sure how to answer that. There's no place on this property that you could put a boat in. Anyone that would put in a boat would have to do it through the public boat landing.

Mary James: Could you put in a covenant that people couldn't use the lake?

Joe Lenkowski: I don't think we could do that.

Paul Doyle: How many houses could potentially fit on the lake front if you weren't doing a cluster?

Randy Goodwin: 4

Norman Hanson: With all my misgivings, the man behind this is very reputable, I would like to know what the next step is.

Chip: We're still in the preliminary process...there is still a lot of process, we're talking months.

Bruce Wilde read letter from his parents regarding concerns (see copy).

John Steffens: At the last meeting the concern was raised that the private road entrance was near a curve.

John Hutchins: We moved the entrance to increase site distance. We put it as close to the top of the hill as possible.

Chip Venell: The current tote road is not located where the road will actually be, correct?

John Hutchins: Correct.

Mary James : What about buffers between abutters?

John Hutchins: As part of the final plan it will show what people will be allowed to clear and show the vegetation that will be left.

Mary James: Will people be allowed to put in swimming pools?

Joe Lenkowski: Per #9 on restrictions, they would need to first have it approved.

Paul Doyle: Is it reasonable for the whole area to be fenced? It's almost like a gated community.

John Hutchins: It's a pretty large piece of property to fence.

Mary James: Will there be an association? Could maintenance of septic systems be part of what the association is responsible for?

Joe Lenkowski: Yes, something like that could definitely be part of that.

John Steffens: How close could they build from the property lines, could they build a house within 25 feet of the adjoining property?

Chris Mehl: These proposed house locations are probably pretty close to where they're going to actually be as part of the drainage plans. You really can't vary too much from that.

John Steffens: What about fire protection? Will there be a fire hydrant?

John Hutchins: We haven't really gotten that far yet. That will be part of the final plan.

Chip Venell: I know the new fire chief would rather have a sprinkler system versus a fire pond. There's other ways to look at this and the fire chief will be involved as we go along.

Michael James: What would happen if someone's grandchild came to live with them?

Joe Lenkowski: I don't know, it will be the home owner's association to decide whether or not to take action.

Michael James: Here's the problem. My problem is that my taxes will double or triple if a potential 14 new children move in.

Joe Lenkowski: We're trying to make it as unlikely as possible that children will move in. We can't legally restrict children, but we can put in other restrictions to make it as unlikely as possible.

Michael James: I apologize for being argumentative, but this type of thing never works. I've lived in gated communities in Florida, and it never works.

Bob Anderson: Can't you make them sign a legal document?

Joe Lenkowski: They will be signing a document, but someone's going to have to take the step to enforce it.

John Hutchins: I want to remind you that you could have 14 houses in place and not have any limitations. Joe has made a real effort here to minimize the impact of growth. All of this area is growing rapidly. I think the cluster development is a better way because it leaves open space, more rural character.

John Steffens: What would happen if someone came in tomorrow and ask to put in 50 houses for over 55? If you can circumvent it, what is the use of a growth ordinance?

Chip Vennell: The growth ordinance does not stop growth, it was voted on by the town, the town wanted to limit new homes with children that would impact the school. They decided that over 55 would be acceptable.

Joe Ruma: The growth cap was put in to put us in stride with the comprehensive plan.

Paul Schumacher: Southern Maine Regional Planning was asked to review the preliminary plan. Presented Memo (see copy)

In response to presented concerns:

John Hutchins: There aren't any trees over 24 inches to our knowledge, the land has been heavily logged.

John Hutchins: There is going to be a new storm water plan done.

Paul Schumacher: Clustered septic systems tend to fail,

John Hutchins: We spoke with the town regarding putting in a turn around....

Chip Vennell: The town now requires hammerheads over cul-de-sacs.

Paul Schumacher: I really think the town needs to review the road before the final plan. I also have a concern with the number of covenants. I think we should separate out town and private covenants to make it more clear who is monitoring.

John Hutchins: The old gravel pit has naturally grown in and there aren't any steep slopes.

Paul Schumacher: I would suggest that action be taken now to put a conservation easement in place.

Did you look at any rare plants or species?

John Hutchins: We will take another look at it.

Paul Schumacher: My general feeling is that this is a preferable design. I think with proper placement of the septic systems this should work.

Paul Schumacher: I will write up my comments and send them to the board.

Tom Cashin: Due to the outstanding questions, I don't feel the time line should start in term of the preliminary plans being accepted. I am confused why the soil test nomenclature does not match with the York county terminology.

I also have concerns about the rockiness and ledge and what that means for leach fields. In a number of areas there are clusters of lots that would lead to clusters of leach fields and wells within a 100 foot radius.

John Hutchins: If you could put your concerns in a letter we will happily address the concerns.

The next planning board meeting will be Feb 3rd and Joe Lenkowski will return with progress that has been made on addressing concerns that were raised.

Minutes approved from 1/6/05 approved.

ACTON PLANNING BOARD

Minutes

February 3, 2005

Present: Chip Venell, Randy Goodwin, Dana Axelrod, Yoli Gallagher, Tom Cashin
Absent: Virginia Grover, Brian Belanger

Also Present: John Hutchins, Chris Mehl, CEO Ken Paul

Minutes from 1/20/05 approved with corrections.

Loon Ridge Subdivision:

John Hutchins and Chris Mehl addressed the concerns brought up by Paul Schumacher of Southern Maine Regional Planning Commission and some of the concerns from the public hearing on 1/20/05.

Mr. Lenkowski drew up a sample warranty deed addressing concerns on how the covenants and restrictions will be continued as property changes hands.

1. A map will be provided showing the current vegetation on the property.
2. A groundwater impact study was done and the report was provided to the planning board and the Southern Maine Regional Planning Commission.
3. The final location of storm water management facilities is pending and will be taken into account for the final determination of net residential density.
4. More test pits will be done to determine where to designate the primary and alternate leach fields. No building construction will be allowed on the sites of the alternate systems.
5. The developers report that the current IFW websites do not show anything and are reportedly not very good. However, these will soon be updated and the developers will provide an updated report as soon as the new ones are available.
6. The nomenclature that is used to describe the soil types and series is from The Maine Association of Professional Soil Scientists (www.mapss.com), which is more current than the York County nomenclature. The soil descriptions are included in the preliminary plan booklet.
7. Mr. Lenkowski is reportedly talking with Three Rivers regarding establishing conservation land.

8. The developers do not object to having an independent review done.
9. Covenants have been added requiring that all septic systems be pumped no less than once every three years.
10. The developer will establish the covenants and conditions.
11. Pending, the developers are working on a plan.
12. Mr. Lenkowski is reportedly looking into developing a dock.
13. Clearing limits (CL) are shown on one of the larger maps. The developers will speak with Mr. Lenkowski regarding establishing buffers a certain number of feet.

Randy Goodwin made a motion to approve the preliminary plan
Dana Axelrod seconded
The preliminary plan was approved by all 5 present members.

The Big Apple would need to come before the planning board and obtain a conditional use permit before they can reopen under new management. CEO Ken Paul will do a site check and meet with the new managers.

CEO Ken Paul
Dan Richardson Lot 45 Map 47
781 Lakeside Drive

Mr. Richardson would like to tear down current dwelling and rebuild in the same place. He will put in a new foundation and septic. The house will not be any closer to the water. Dana Axelrod made a motion to accept Ken Paul's recommendation on the best possible location for the rebuilding of Mr. Richardson's camp. Yoli Gallagher seconded the motion
The motion was accepted by all 5 present members.

ACTON PLANNING BOARD

Minutes

February 3, 2005

Present: Chip Venell, Randy Goodwin, Dana Axelrod, Yoli Gallagher, Tom Cashin
Absent: Virginia Grover, Brian Belanger

Also Present: John Hutchins, Chris Mehl, CEO Ken Paul

Minutes from 1/20/05 approved with corrections.

Loon Ridge Subdivision:

John Hutchins and Chris Mehl addressed the concerns brought up by Paul Schumacher of Southern Maine Regional Planning Commission and some of the concerns from the public hearing on 1/20/05.

Mr. Lenkowski drew up a sample warranty deed addressing concerns on how the covenants and restrictions will be continued as property changes hands.

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12. Mr. Lenkowski is reportedly looking into developing a dock.
13. Clearing limits (CL) are shown on one of the larger maps. The developers will speak with Mr. Lenkowski regarding establishing buffers a certain number of feet.

Randy Goodwin made a motion to approve the preliminary plan

Dana Axelrod seconded

The preliminary plan was approved by all 5 present members.

The Big Apple would need to come before the planning board and obtain a conditional use permit before they can reopen under new management. CEO Ken Paul will do a site check and meet with the new managers.

CEO Ken Paul

Dan Richardson Lot 45 Map 47

781 Lakeside Drive

Mr. Richardson would like to tear down current dwelling and rebuild in the same place.

He will put in a new foundation and septic. The house will not be any closer to the water.

Dana Axelrod made a motion to accept

Yoli Gallagher seconded the motion

The motion was accepted by all 5 present members.

Acton Planning Board
Minutes
May 19, 2005

Present: Dana Axelrod, Chip Venell, Randy Goodwin, Tom Cashin, Yoli Gallagher
Absent: Brian Belanger

Also Present: David Jones, Rick Meek, CEO Ken Paul, Jeanne Bartlett, John Hutchins

Meeting called to order at 7pm by Chip.

Minutes from 5-5-05 approved as written.

Eagles Trace: Status of preliminary plan
Reviewed new maps which include locations of all trees 24 inch in diameter or larger and a letter outlining the management of open space.

Tom spoke with Paul Schumacher regarding this preliminary plan and the process of accepting including possibly having another public hearing. Letters have been sent to all abutters notifying them that a preliminary plan has been submitted.

Jean raised concern around cluster housing and 55 and older and the impact when children move into the development. She was concerned about the impact on the septic systems and on the town. The board discussed the town's ability to enforce vs. what would need to be enforced by the association. Dave responded that items will be included in the covenants to address these issues.

It was also discussed that the board still needs input from the fire chief for the final plan.

Tom made a motion to accept the preliminary plan for the major subdivision Eagle Trace realizing that we are still missing pre and post storm water drainage maps. We have the narrative, but not the maps. David will bring in the maps tomorrow.

Dana seconded the motion.

Motion accepted by all 5 present members.

Tom also raised concern around further analysis to help the board further understand the impact of sewage on these smaller lots. Dave responded that this is already included in the packet of information.

A public hearing will be scheduled once the final plan is submitted.

Loon Ridge Subdivision: Final Plan Proposal
John Hutchins – Corner Post Land Surveying, Inc

Reviewed requirements for final approval and compliance.

As the subdivision is built Chip would like to see the location of the wells, houses, and septics. Also, not clear at what point the developer will turn over control to the home owner's association.

Public Hearing scheduled for 7pm on Thursday June 2nd.

Meeting adjourned at 9:35

Acton Planning Board
Public Hearing for final plan of Loon Ridge major subdivision
June 2, 2005

Present: Dana Axelrod, Chip Venell, Randy Goodwin, Yoli Gallagher, Tom Cashin
Absent: Brian Belanger

Also Present: Joseph Lenkowski, John Hutchins, David Jones, CEO Ken Paul, Stuart Smith, Richard Ham, Chris Mehl, Fire Chief Harold Smith, Elizabeth Wild, Debbie Anderson, Priscilla Lenkowski, Paul Doyle, David Garrish

Meeting called to order at 7:03 by Chip.

John Hutchins from Corner Post Landscaping presented the final plan for Loon Ridge subdivision.

Cheryl Donahue: I'm concerned about the lot that also abuts the gravel pit. I want to know if there is going to be anything done to address the steep incline into the pit and the water runoff. What are the setbacks?

Jh: The building setbacks are set to town standards and we are leaving a 20 foot vegetation buffer.

Chris Mehl: As far as storm water management we are proposing to put in dry "swale" that the water is directed to. There is an 18-inch layer of permeable materials.

CD: This 18-inch gully where will that be? How far is that from the property line?

CM: (Indicated on the map) We have to manage the water runoff so that it is less than or equal to pre-subdivision.

CD: I abut the gravel pit and there is a deep incline and my concern is that we now will have people walking around and I think we have opened up some liability issues.

Chip: The person that owns that gravel pit is the one you need to address. I would suggest you take that up with the CEO.

EW: In fine prints it mentions docks, but there is no indication of how they're going to be accessed. What is the plan?

JL: We honestly don't know. Anything we will do will need to be approved by the DEP. The water is pretty shallow and I honestly don't know. We would like to do whatever the DEP will allow.

EW: Is the walking path going to be restricted to just walking or will people be able to launch a boat?

JL: It's just going to be a walking path, no launching.

Chip: Is there going to be any parking area at the end of this path?

JL: No, the only type of vehicle allowed will be an electric powered golf cart.

Ch D: How far from the line can you be for a septic?

JH: There are areas designated on the maps for the septic and back up septic.

P Doyle: The quality of the water and the height of the water is controlled by NH right?

Chip: The dam?

PD: Yeah, has NH been notified? Do they have any say in this? I think they should be contacted, has that been done?

Chip: I haven't. (to CM) Can you address run off into Horn Pond?

CM: There's not going to be any.

EW: There were concerns expressed earlier regarding the access point off of Young's Ridge Road, has the board done anything about that?

CV: The road has been moved further up, can you (JH) address that?

JH: Yes, we've moved the road and met the requirements.

CV: There is a whole formula that they have to meet and they're done that.

PD: Did the state go out and check it?

JH: No, it's a town road so the state won't go out to check it.

TC: Can you just go over the distances again for the road?

PD: IS there anyway to make it a semi-island entrance, scoop it out, rather than have 90 degrees, to make it easier and safer?

JH: I'm not sure how much advantage you would have to be able to see further down the road.

PD: Also the postal boxes will probably be at the end.

CV: If it's a gradual turn cars may go faster since they don't have to slow down to make the 90-degree turn.

TC: There was a question earlier concerning the run off from the road as it abuts Young's Ridge Road, the storm water.

CV: The storm water is being collected by roadside ditches into a culvert directed into a swale. There is an under drain which directs water into a swale next to Young's Ridge Road.

CD: I'm really disappointed that the town doesn't have any ordinances around letting people going right to the line. He has a reserve septic system very close to the line.

JH: Some towns don't even require that you have a reserve septic.

EW: If the first system fails will a septic be put in the reserve?

JH: Not necessarily, the first one could be dug out.

CD: Will this be voted on tonight?

CV: We don't have all the pieces yet, so we won't be voting tonight.

PD: Does Joe need to come in each time to get a building permit?

CV: Yes, he needs to get a building permit for each lot when he plans to build. The growth permit won't affect this. If they were able to sell them all in one swoop they could do that. It's whatever the market would bear.

EW: They are all exempt from the growth permits?

CV: Yes,

Harold: They are putting life safety sprinkler systems in all the homes and I just want to say that it's really the best for the town. They've also agreed to put in a fire department connection so that we can enter the home with one truck and one firefighter.

TC: I just have a quick question, specifically how when the property is transferred do you plan to enforce the 55 and older.

JL: The restriction that is in the deed is permanent and cannot be removed by the next owner. The record of the restriction is also with the registry of deeds. The enforcement resides with the homeowners association. It can also be enforced by the town because it is part of the plan, which was approved by the planning board.

David Garrish: What happens if a place is left to the children?

JL: That's an interesting question, what I would say is that there is nothing that says you can't inherit it or own it, but you can't rent it because that's a restriction and you can't live in it. So, they would have to sell it.

CV: Any other questions or comments?

JL: We did have a meeting with the 3 rivers land trust and they are considering if they will accept the conservation easement for the area that has been set aside. If they do, the DEP will also get involved and they will be able to enforce the restrictions.

ChD: How is that area taxed?

JL: Ultimately it would be owned by the homeowners association.

CV: Can it still only be accessed by the development?

JL: That was the initial thinking, but now they're thinking of treating it more as a sanctuary. There may be a smaller area that 3 rivers may want to set aside for public access.

CV: But it would still need to be accessed by boat.

EW: Is the road being built to town standards? Could it be turned over to the town down the road?

JL: Yes, but we don't have any plans to turn it into a public road.

CV: But it has to be built to specs, because we still need to get fire-trucks and ambulances down there.

TC: I just want to say that I probably won't be voting as part of the land trust board, that I will be wearing my planning board hat. I will defer to Madge on that.

CV: Any other comments or questions?

Hearing adjourned at 8:20

Acton Planning Board
Minutes
June 2, 2005

Present: Chip Venell, Dana Axelrod, Randy Goodwin, Tom Cashin, Yoli Gallagher
Absent: Brian Belanger
Also Present: Joseph Lenkowski, John Hutchins, David Jones, CEO Ken Paul, Stuart Smith, Richard Ham, Chris Mehl, Fire Chief Harold Smith, Elizabeth Wild, Debbie Anderson, Priscilla Lenkowski, Paul Doyle, David Garrish

Agenda item #1:

Reviewed memo by Jamie Oman-Saltmarsh, Southern Maine Regional Planning (see copy) regarding her completion of a review of the final plan for Loon Ridge major subdivision. She recommended that an engineer review the storm drainage design and that the applicant provide a performance guarantee.

John Hutchins responded that the drainage design is being reviewed by York county soil and Water.

TC: The only concern I would have is the seasonal traffic on the road. I would want to ensure the town of the effect.

JH: The engineer isn't going to address that, they're going to look at what's going on within the subdivision.

JL: Unless there is any reason to believe that something is believed that isn't be done right, it just seems like an extra, unnecessary step to have an independent reviewer. At this point we don't have any indication of any problems.

TC: My concern is better posting of that road.

JL: I don't imagine that would be a huge cost and probably even something that we could bear.

JH: What else do you think you would need to consider approving this final plan?

CV: Ken Woods report and it would be nice to have the road commissioner look at it. We also need a definitive answer on the open space, if Three Rivers is going to accept it.

JL: And the commitment letter?

CV: Yes.

TC: If the easement process goes through, you had mentioned the DEP.

CM: Well, Ken Wood is reviewing it on behalf of the DEP.

Agenda item #2:

Eagles Trace Final Plan Submission:
David Jones

David will hand deliver a copy of the final plan to Southern Maine Regional and ask them to review it.

David reported that Southern Maine Regional approved the preliminary plan. The board has not yet received a memo stating as such.

Tom raised concern regarding nitrate plumes from leach fields being mitigated by abutting wetlands and questioned whether an independent reviewer should look at the plan.

Chip also requested that the board be given locations for proposed septic systems and reserve systems. This would likely require two test pits. And it probably wouldn't hurt to show building envelopes.

Tom also raised concern around the grades on two of the lots (#s 3 and 4) with big drop offs. Dave will bring in a map outlining the proposed grade on these two lots.

Agenda Item #3:

John Hutchins presented a new subdivision proposal for West Shore Drive by R. Pepin & Sons.

Tax Map 31

Tom made a motion that we waive the onsite walk.

Approved by a 4 to 1 vote.

Abutters need to be notified that a final plan for a minor subdivision has been submitted. And the fire chief and road commissioner also need to be notified. Public Hearing scheduled for 7pm on Thursday July 7th.

Meeting adjourned at 9:55pm

Acton Planning Board
Minutes
June 16, 2005

Present: Dana Axelrod, Chip Venell, Randy Goodwin, Tom Cashin, Yoli Gallagher
Absent: Brian Belanger

Also Present: Joe Ruma, Cheryl Donahue, David Jones, Shawn Frank

Meeting called to order at 7:10 pm by Chip

Minutes from 5/19/05 accepted as written.

Minutes from Public Hearing on 6/2/05 accepted as written.

Minutes from meeting on 6/2/05 accepted as written,

Eagles Trace:

Submitted final plan:

Discussed memo received from Paul Schumacher regarding his review of the final plan.
(see copy of memo)

Item#1 Shawn reported that their definition of impervious area only includes new impervious area and does not include the road. The DEP has not reviewed the plan at this point. Shawn will contact them and see if he can get a letter from the DEP.

Item#2 Discussed having the developer take out the reference of the 55 and older restriction to the town ordinance. If the ordinance were to change, the subdivision would no longer be held to the 55 and older restriction. Mr. Jones made a copy of the restrictions being put in place by the Loon Ridge proposal, which is more restrictive.

Item#3: Concern raised around putting in a restriction to have the road completed before so many building permits will be issued. Mr. Jones is planning to pave the main road this July. It doesn't seem that this will be an issues.

Item#4: A letter was submitted on 5/19/05 addressing the restrictions and the maintenance on the open space. This letter will be forwarded to Paul Schumacher for his review.

A Public hearing scheduled for Thursday July 7th at 7pm following the R. Pepin & Sons public hearing.

Tom raised concern around the nitrate plumes feeding into the wetlands. Sweet Associates wrote a memo addressing this issue and stated that there is a chemical process in which the nitrates are broken down. It is not clear if this is harmful to the wetlands or any flora or fauna related to the wetlands. Shawn will speak with Richard Sweet for clarification.

Cheryl Donahue raised question around a go too person to speak with regarding the storm water permit process. Shawn gave her the number for the Portland office. Also raised concern around docks that may be put in and liability around the gravel pit.

Meeting adjourned at 9:10pm

Acton Planning Board
Minutes
August 4, 2005

Present: Dana Axelrod, Chip Venell, Randy Goodwin, Brian Belanger, Yoli Gallagher
Absent: Tom Cashin

Also Present: John Hutchins, Shawn Frank, Steven Moore, Cheryl Donahue, CEO Ken Paul

Meeting called to order at 7pm by Chip

Randy made a motion to accept the minutes from 7/21/05 as written. Brian seconded.
Motion passed.

Agenda Item #1: Eagles Trace Subdivision

Reviewed letter submitted by Shawn Frank asking for conditional approval. Randy added that the reference to Acton's ordinance in the covenants still needs to be struck out. Shawn will take care of this. The board would also need something from Paul Martin regarding the absence of any orchids. Chip brought up needing a performance guarantee. Also, the results from the independent review are not back. The board decided not to vote until these pieces are in place.

Will look at voting on the final plan in two weeks.

Agenda Item #2: John Hutchins for Loon Ridge

Still waiting to hear back from the DEP.

Cheryl Donahue raised concern around the covenants being able to be changed. John reportedly spoke with Mr. Lenkowski on this issue and he reported that he's done everything he can do legally. If the association agrees on a change that comes within the zoning guidelines they can legally make the change.

Agenda Item #3: John Hutchins for Levesque's Country Side Estates

Discussed how to coordinate with Shapleigh's Planning Board. The plan was submitted to the Shapleigh Planning Board and John believes they are on Shapleigh's agenda for this coming Tuesday (Aug 9th). Chip and Randy will attend the meeting and further discuss coordinating. Both Acton and Shapleigh have full say in the development of this subdivision.

Agenda Item #4: John Hutchins for Wyman Point

Submitted a Preliminary Plan for an 8 lot subdivision off of Balch Lake.

Steven Moore (an abutter) made a request that a lawyer looks into "diluting an easement" in which the concern is around all of the lots in the subdivisions having access to the right of ways to the water. There are several lots on the New Hampshire side that also have access to these right of ways.

Steven reported that Balch lake is currently struggling with too much traffic on the lake.

Steven Moore also requested that if a subdivision is approved that in the deeds there is a disclosure that the buyer is aware they are purchasing a property abutting a Federally licensed runway for airplanes. Having it in the deed would ensure that buyers and sellers down the road are informed. Steve will submit a letter with this request. He reports that the airstrip is used everyday.

Reviewed requirements for a preliminary subdivision from the ordinance. The only outstanding requirement was the omission of a map including all of the 24 inch trees on the property. John will seek a waiver on this issue.

Brian made a motion to accept the preliminary plan. Yoli seconded. Accepted by all 5 present members.

Scheduled a Public Hearing for Thursday September 1st at 7pm.

Agenda Item #5: CEO Ken Paul

Ken received an application from Nason to harvest trees in a resource protection area. This is off of the Sam Page and Nason roads. The board recommended that the applicant amend previous application to include extended area to be reviewed at a further date.

William and Dee Harrison

Map 36 Lot #8-1

Applicant is seeking to tear down their current home and rebuild.

Ken recommended the best possible location of 13 feet set back from the lot 50 feet from the road and center the structure on the lot.

Brian made a motion to accept Ken Paul's recommendation. Randy seconded

Accepted by all 5 members.

Country Side Corner Store

Anderson seeking a variance to add an apartment above their convenient store. Reviewed 4.4.5 C of the ordinances. Discussed the applicant needing to go before the selectmen to discuss changing or amending the ordinance.

Meeting adjourned at 8:45pm

Acton Planning Board
Minutes
August 18, 2005

Present: Dana Axelrod, Yoli Gallagher, Randy Goodwin, Tom Cashin,
Absent: Chip Venell, Brian Belanger

Also Present: David Jones, John Moore, Shawn Frank, John Hutchins, Dick Nason, Cheryl Donahue, Frank Verock, Steven Bodken, CEO Ken Paul

Meeting called to order at 7:05 by Tom Cashin

Agenda Item #1: Public Hearing to discuss plan to harvest within the town forest and close to the 75 foot buffer to the resource protection area off of the Hebo Hybo Road. Steve Bodken (town forester) presented the plan. Steve is hoping to harvest this Fall when the land is dryer and is hoping to take the wood out through the South. If not this Fall, the harvesting would be done when the land is either dry or frozen.

Rob Bryant (a consulting forester) reportedly reviewed the plan from an ecological perspective and his harvesting recommendations reportedly come within the current plan in place.

Randy made a motion to go through the criteria for a conditional use permit within the zoning ordinance (p. 66 number 6.6.3.7), Dana seconded. Tom went through the criteria. Provision for crossing at station 491 (on the stand map) will be made, if the drainage conditions dictate that a temporary culvert should be made in accordance with best management practices.

Randy made a motion to approve the conditional use permit. Dana seconded. Motion passed by all 4 present members.

Agenda Item #2: Eagles Trace: Shawn submitted a packet containing 1) An approval letter from Ken Wood (dated 8/18/05) regarding stormwater management and erosion and sedimentation control. 2) A letter from Maine Capital Companies (dated 8/16/05) confirming that Acton LLC has approved financing. 3) John Rand's independent review dated 8/13/05 (5 pages) 4) Revised declaration of covenants. Number 16 contains language regarding the 55 year old age restriction without any reference to the Town of Acton ordinances.

Paul Schumacher has an outstanding question regarding the access to Patriot Lane and the management/ maintenance of the road. He is on vacation this week and was not available.

The DEP has reportedly received Ken Woods review today and they are in the process of issuing a permit. Tom was told via phone that this process may not be complete until the end of October. Tom stated that we should wait until we receive the information back from the DEP before we vote on it.

Tom will follow-up with Paul Martin regarding obtaining something in writing regarding the absence of orchids on the property.

Agenda Item #3: John Hutchins presented Levesque's Country Side Estates and submitted the preliminary plan. The Shapleigh Board has reportedly accepted the application for the preliminary plan and set a tentative date for a joint public hearing for the 15th of September at the Acton Town Hall to review the preliminary plan.

Tom reviewed the criteria for the submission of a preliminary plan. (p. 12 number 7.2) from the Subdivision Standards and determined that all of the criteria were met.

Copies of the preliminary plan have been sent to DEP and Southern Maine Regional Planning for their review.

Dana made a motion and that we accept the submission of the Preliminary Plan. Randy seconded. Motion passed.

Agenda Item #4: John Hutchins re: O'Connell

Discussed needing 200 feet of frontage for each lot per the subdivision standards and concern from the association regarding all of the divided lots having access to the right of ways to the water. Reviewed initial subdivision configuration from several years ago and current proposed configuration. It doesn't seem that the shorefront right of way as proposed in the plan is in compliance with the zoning ordinance 4.2.5.1a

Members present felt there wasn't a need to consult with Durwood at this point and recommended that the developer consult with a lawyer if he wanted to pursue the issue of obtaining right of ways for each of the lots in the subdivision.

Agenda Item #5: John Hutchins for Dana Axelrod

Discussed the plan needing a major subdivision application.

Agenda Item #6: Ken Paul for Richard Nason

Scheduled a public hearing for a conditional use permit for timber harvesting in a resource protection area for Thursday September 1st at 7pm. The lot to be harvested is 34 acres on Map 7 lot 23 on Flat Ground Road.

Minutes from 8/4/05 accepted with corrections.

Agenda Item #7: Cheryl Donahue regarding Loon Ridge

Raised question as to why the covenants cannot be attached to the plan so that the CEO can also enforce them in addition to the association.

Tom discussed Cheryl highlighting the covenants that she is concerned about and feel should be put on the plan. Cheryl will look into that.

Meeting adjourned at 9pm.

Passoc
11/3

**Acton Planning Board Minutes
October 20, 2005**

Members Present: Dana Axelrod, Yoli Gallagher, Brian Belanger,, Tom Cashin, Chip Venell
Absent: Randy Goodwin

Shapleigh Members: John Klimos, Madge Baker

Also Present: John Hutchins(Corner Post Surveying), Maryann LaRosee, Paul LaRosee, Kirk Spellman, Virginia Grover, Nancy Bond, Jim Bond, Roland Legere, Cheryl Donahue, Richard L., Ken Paul (CEO), Michelle Rumney

Meeting called to order by Chip Venell at 7:05pm

John Hutchins for Country Side Estates

-submitted to board memo from Paul Schumacher SMRP

Tom: concern of 250ft upland/wetland & is there any plan of timberharvesting?

John: No

John: Postal service: will place cluster boxes wherever the PO will deliver to. At first conversation PO didn't seem to be worried if boxes were placed on the shapleigh end of road, for Acton residents.

Wells: to be placed where water is most productive

Road: Noted in deeds that road will be gravel and will remain so unless association votes and raises money to do so.

Chip: why road is part gravel/paved?

John: Shapleigh requires it on their end, and to keep costs down remainder will be gravel

Tom: something should be in deed so that there is no appeal from homeowners to later on try to make this private road into a town road.

John: Will be noted in deeds.

Tom: Issues need to be addressed for upkeep of road for emergency vehicle access

Nancy Bond: Won't the storm water runoff be more on a paved road?

John: No, road is designed as required by DEP to prevent runoff for paved and gravel sections.

Madge: concern that Lebanon Rd could be torn up by construction and may not support this extra traffic and construction vehicles in and out (Noted that Shapleighs main concern with the plan is the road)

Traffic study submitted and reviewed

Nancy/Jim Bond: When was traffic study done?

John: August on Wednesday and Thursday

Nancy: Should have been conducted on weekend when traffic is heavier.

Nancy: Shapleigh does not benefit in any way from this development and our concern is our road and water supply.

Paul LaRosee: Have anymore thoughts been put into requiring testing of the water in brook, prior to and after development?

Chip: No decision has been made yet, still many things that need to be done

(Tenative Joint Quorum with Shapleigh on Nov 17)

Virginia Grover for Riverview Estates (map 04 lot 31)

Redivision of Subdivision "after the fact". Division within subdivision was done by private sale with out permission of planning board. Seeking a letter of approval after the fact for a 4.54 acre parcel with 275ft of road frontage. Letter from attorney requested to sign.

Planning board refuses to sign letter as the wording is not acceptable and a public hearing needs to be planned and all abutters must be notified within 500ft of property of hearing. Also a new survey map with the piece that has been split off and sold needs to be provided at landowners expense. Provide us with abutters list and addresses and let us know at next meeting Nov 3 if you will be ready for public hearing for November 17th.

John Hutchins for Loon Ridge (Charles Victor, LLC)

Adendum to letter of Credit previously submitted as requested at previous meeting.

Facts and Findings (Subdivision)

- A. Will Not
- B. Yes
- C. N/A
- D. Will Not
- E. Will Not
- F. Yes
- G. N/A
- H.....
- I. Will Not
- J. In Conformance
- K. Yes
- L. Ok, Will Not
- M. Will Not
- N. N/A

Brian motioned to accept the final plan of Loon Ridge Major Cluster Subdivision 2nd by Tom. Board Votes to accept.

Approval granted and final plans signed by the Planning Board.

Minutes of October 06 meeting read and accepted as written.

Meeting adjourned @9:30