

# Planning Board

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March 15, 2007

## ACTON PLANNING BOARD MEETING

MARCH 15, 2007

A. ROLL CALL – 7:12 PM

Members present were: Chip Venell - Chairman  
Thomas Cashin – Vice Chairman

Yoli Gallagher

Keith Davis- Alternate (Voting this evening)

Jim Fiske – Alternate (Voting this evening)

Members absent: Randy Goodwin

Brian Belanger

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B. MINUTES

**MARCH 1, 2007** – A Motion was made and seconded to approve the Minutes of the March 21, 2007 Meeting as submitted. Cashin/Davis – Unanimous.

C. UNFINISHED BUSINESS

**MATT WINCHELL – Road Issue** - Mr. Winchell reviewed the plan with the Board and indicated the location of the road as well as the property that will be retained. He also indicated the road frontage and what property is not included in the plan. He mentioned that this is merely a proposal to clean up some situations that have developed over the years. He stated this plan is basically an attempt to obtain the required 250 feet of frontage for the 50 acres he owns. He advised that there are no boundary issues relating to this property. He mentioned that he previously submitted a copy of the deed which indicates the metes and bounds of the site. Also, one of the abutters will be obtaining road frontage with the approval of the plan. He stated he understands that should he wish to subdivide the property at a later date, he will have to return to the Board. especially since he will only have 250 feet of frontage for the entire parcel. He mentioned that this plan will make his lot legal and he has no intention of building any other structure than what is currently on the lot. He advised that he hadn't checked with the Ben Gore regarding the proposed street name which is Fidelity Lane.

suggestion that a plan suitable for recording in the Registry of Deeds  
mitted for the Board's signature, Mr. Fiske said he didn't think  
would be necessary since this plan only indicates the road frontage for  
0 acres owned by the applicant.  
Cashin advised that there should be a record that indicates the  
val is for the 50 acre lot only.  
otion was made and seconded to approve the plan as submitted by  
Winchell. Cashin/Fiske – Unanimous.

Board asked that Mr. Winchell submitted the following:

- A letter from Ben Gore regarding the proposed street name;
- A copy of the deed to the new lot; and
- A copy of the deed to the abutting lot.

**JANET SCHOFIELD – PROPOSED 5 LOT SUBDIVISION – HOPPER ROAD** - Michael Cuomo advised he would be representing the applicant for this proposal. He referenced the Letter of Map Amendment contained in the material being reviewed by the Board. He stated approximately five weeks ago he submitted a revised plan which is the subject of this review. That plans includes the Board's previous comments. The lots have now been moved outside the Flood Plain as indicated by the letter from FEMA. He indicated the revised location of the 100 year flood and explained the various elevations. He mentioned that he understands that the property located in the Resource Protection District cannot be used as acreage for the lot sizes. He stated that what the Board considers to be "flag" lots are really not because they exceed the required lot size. He explained that since they have designated additional land to the lots, they may appear to be longer, but without that additional land, the lots meet the minimum size required by the Ordinance.

Mr. Cashin advised that he spoke with Jamie Oman-Saltmarsh of SMRPC today regarding her letter to the Board dated February 14, 2007. That letter was her response to the review of the February 2, 2007 plan submitted for her input.

At this time, Mr. Cuomo read Ms Oman-Saltmarsh's letter aloud and responded to items she raised regarding the plan.

The Board referenced Article 5.6.F.3 of the Acton Zoning Ordinance (Page 35) which deals with roads and driveways in the Resource Protection District and which was a concern of Ms Oman-Saltmarsh.

Mr. Cuomo explained that while the driveway will be servicing two lots, the Board has the discretion to determine whether it should be considered a road or a driveway as per Article 5.6.F.3. He reiterated that there will only be two dwellings in that particular area. He felt that

if the road has to be constructed to the Town's road standards, it will be submitted for acceptance by the Town, but if the Board says that it is or not a road, it can remain private and not be subject to the road

standards and will be maintained by the property owners. He stated that he didn't agree with Ms Oman-Saltmarsh that the plan could be developed subdivision because of the topography of the site. He reiterated that, in his opinion, under Article 5.6.F.3, the Board has the discretion to determine no reasonable alternative route or location is available outside the [Resource Protection] District..." as cited in that Article.

Mr. Venell read the standards for a conditional use for that area and felt that there is really no discussion required because of the language in the standards. To Mr. Cashin's comment that under Ms Oman-Saltmarsh's memo, the Board has to determine that the frontage on Hopper Road is a private road with five driveways, Mr. Cuomo stated that was not practical. He again asked the Board to determine that there is no reasonable alternative based on a site which limits the location of the road/driveway. He felt it would be financially unfeasible to construct a new road at the rear of the property. He asked if it is reasonable to require another road which will parallel the existing paved road?

To Mr. Cuomo's comment that it would appear the Board is saying there can be no driveways in the Resource Protection District, Mr. Venell stated that is correct. He advised that since dwellings are not permitted in the Resource Protection District, the Board can't approve the driveway to get to the proposed dwellings. He said the Board cannot grant a waiver on the driveway to construct the dwellings. He stated the Board's hands are tied. He mentioned that the Ordinance allows the Board to approve the driveways if the use is permitted in a district. He didn't see how the Board could say what is being proposed given the provisions of the Ordinance at this time.

To Ms Gallagher's question whether the driveway could be located outside the Resource Protection District, Mr. Cuomo explained that the reason the driveway was designed the plan as he did was because he didn't want to go into the ravine.

Mr. Venell suggested that Mr. Cuomo redesign the plan as it appears that the Board cannot approve what he has submitted at this time.

During a discussion by the Board concerning possible solutions to Mr. Cuomo's problem with the plan, Mr. Venell told the Board that he didn't want the job to redesign the plan so that the applicant can obtain the most use from the property.

It was determined that this was a sketch plan review, therefore, no Findings of Fact are required.

#### **REGULAR BUSINESS**

**REGULATORY SECRETARY** – Mr. Venell mentioned that the Planning Board By-Laws do not specify that they have a secretary. He stated if the Board wishes not to elect a secretary, they can revise the By-Laws to eliminate that position. It was the consensus of the Board that they elect a secretary rather than revise the By-Laws.

A motion was made and seconded to nominate Mr. Cashin as secretary.

Mr. Davis – Unanimous.

E. **ADJOURNMENT** – The Meeting was adjourned at 8:45 PM.

Respectfully submitted,

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**ANNA M. WILLIAMS**

Recording Secretary