

Planning Board

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September 06, 2007

Acton Planning Board

Meeting Minutes

September 6, 2007

Members Present: Chip Venell, Tom Cashin, Yoli Gallagher, Keith Davis, Randy Goodwin

Members Absent: Brian Belanger, Jim Fiske

Guest Present: John Moore, Marion Elliot, Barbara Seckar, Percy Lowell, Patrick Hannon, Jim Driscoll, Mike Conway, Rob Meyers, Rob Dennis, Leslie Dennis, Steve Bodkin, Bob Creamer, Jeanette Bearse, Joe Ruma, Patrick Frasier, Jamie Oman-Saltmarsh(SMRPC), Michelle Rumney (secretary)

Meeting called to order at 7:00 by Chip Venell

Minutes from 8.16.07 were read and on motion from Tom and second from Keith were accepted as written.

Bob Creamer for follow up on Conditional Use Application for Hebo Hybo property

Mr. Creamer is here to discuss the findings from the lawyer in regards to a question from back in March about using a discontinued road as legal road frontage for his application.

The board explains that the town attorney has given opinion this road acceptable as legal road frontage, it being a discontinued road makes no difference.

Tom raises concern that access to Mr. Creamer's property on Hebo Hybo would mean that those utilizing these proposed cabins would cross others land as the land owners own the road. He questions whether using this access for commercial traffic as opposed to personal use makes a difference. He also raises the question as to whether he would need these landowner's permission for commercial traffic to cross over their land.

The board goes through the submission list to verify what Mr. Creamer still needs to submit for a complete application.

A: Information Provided

B: Max 15-20 camps, portable on skids no septic, composting toilets, gas lights. Size 12x16 or no larger than 12x14

C: Must submit a perimeter survey from a licensed land surveyor and a proposed layout of where some of these camps may go

Mr. Creamer expresses that he does not want to invest the money in a surveyor until the other issues are sorted out with the road. He asks that the board make a list of these questions for the lawyer tonight so we don't have to keep coming back. He questions why he never was mailed a copy of the lawyer's findings. Chip replies that it is not customary for the board to send copies of the correspondence with the lawyers. Mr. Creamer asks how he finds out the outcome. Chip recommends that he call the office. Mr. Creamer asks if the secretary can notify him when the board has answers to these questions tonight. The board agrees that he will be notified.

The questions to ask the attorney are as follows:

Will the applicant need written permission from abutters (landowners) of the road for access of commercial traffic? Is there any way to deal with the concern of using a discontinued road which may not be passable by emergency vehicles at certain times of the year, which is not owned by the town or by the applicant? What should the Town take in to consideration with this application in respect to the road and access to the property?

Leslie Dennis for "Dennis Lane" Subdivision at 1051 Milton Mills Road

Mr. Dennis notes that his property also abuts Hebo Hybo Road in the back and if he could have used that as road frontage he wouldn't have had to build the road and gone through subdivision. The board discusses the issue, and it is believed that one of the lots would have still been lacking legal road frontage. Mr. Dennis does not want to make an issue; he prefers the way they have done it with the road anyways, but points out this oversight.

New plans submitted tonight include the topography with contours and cross section of the road design as requested at the previous meeting. The board reviews the plans. Randy motions to accept the preliminary plan; Tom seconds the motion. Board votes in favor of accepting the preliminary plan. A site walk is scheduled for Sept 22nd at 9am and public hearing October 4th @ 7pm.

Patrick Hannon for Conditional Use Application at 559 Route 109

Mr. Hannon submits new plans that are stamped by a licensed engineer and an updated Operations Manual.

The list for submissions is gone over

A: Yes

B: Yes

C: Yes

D: Yes

E: Applicant acknowledges

Randy motions to accept this as a complete application; Keith seconds the motion. The board votes to accept as a complete application. Site walk scheduled for Sept 22nd at 10am and Public Hearing October 18 @7pm.

Steve Bodkin for Timber harvesting in Shoreland Buffer of RP zone (Donaghy)

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Steve explains that only 1.5 acres of this land overlap the Shoreland Zone, which is a buffer for the RP zone. Because of this overlap a condition is needed for this 1.5 acres. He is proposing to waive a public hearing to save the client money and time. They would like to start harvesting berries.

Chip explains that the guidelines for conditional use specifically state that the board “shall” hold a public hearing and not “may” therefore they must hold a hearing.

Steve decides, though it's not best for the land, the cost of a conditional use permit and his time for a public hearing and delaying the cut would be of interest for him or the land owner and so he will avoid working in that area. He will work outside that buffer.

Pat Fraiser for Bill Elwell's Proposed “Orchard Meadows” Minor Subdivision

Will request a hydro study waiver and stone monument waiver. Copies of the test pits should be submitted to the board. He has noted the culvert has been discussed with the road commissioner. Tom recommends that this be documented to the board. He will return on September 20th for preliminary submissions and to have the Mylar signed for the Frasier Lane Amendment.

Michelle Rumney for Ken Paul for BPL for Mark Sibley (Map 112 Lot 35) Kiltie Dr

Application is to install a full foundation under existing camp, keeping the same foot print which is 25' from the water.

Ken recommends moving back 10 feet from existing location, unless during construction the septic tank is found to be in the way and can not be moved.

Randy motions to accept Ken's recommendation; Tom seconds and adds a condition that Ken has the applicant add some vegetation through plantings for erosion control. The board votes to accept Ken's recommendation with a condition of adding vegetation for erosion control.

Meeting adjourned at 9:20pm