

Acton Planning Board
Meeting Minutes
May 1, 2008

Members Present: Chip Venell, Jim Fiske, Tom Cashin, Randy Goodwin, Larissa Crockett

Members Absent: Yoli Gallagher, Keith Davis

Guest Present: Rob Meyers, Roy Trafton, Ken Paul (CEO), Michelle Rumney(secretary)

Meeting called to order at 7:00 by Chip Venell

Minutes from 4/17/08 were read and on motion from Larissa and second from Randy were accepted as written.

Agenda Item # 1- Discuss CPIC's proposed zoning changes and vote for/against a recommendation for the town warrant.

Chip expresses concern that he has many issues against these changes. He asks how it will be determined where (for example) Commercial Zone A starts and stops. There is nothing written to describe it, as with the Shoreland Zone we KNOW that it is 250ft from the high water mark. He argues that by only depicting it on a map will make it hard for the citizen to know which zone is which and where exactly it starts/stops.

Larissa explains that it is written in the ordinance how the zones are determined and if there is an overlay of the zones done on the tax maps it should be pretty clear.

Chip is concerned that he'll be running to the town hall everyday to look at a map. He asks what the radius is on the village.

Tom replies that it is a ½ mile radius; the marker behind the church will be the bulls eye. Cornerpost will have to come and get the latitude and longitude for precise measurements. Chip expresses concern that this ½ mile radius is assumed, it is not in writing in the text only on the map which we will have to assume is correct. Chip also asks if the CPIC has been thorough to think of anything that may come up later on down the road in regards to the land use table, as anything not listed will be prohibited.

Tom replies that this is how the current ordinance is set up, and that they believe that they have worked hard to think of anything that may arise.

Question arose as to how or if windmills are addressed as they are becoming a new fashion. Tom suggested that this may fall under Utility. Larissa commented that she read that there was a height exception of 35ft (unless it's a chimney) that may be an issue (see page 19 of proposed ordinances)

Chip also points out that the definitions for arterial and collective are different from those in the subdivision regulations. This will be an issue at some point.

Larissa speaks in favor of supporting these ordinance changes and expresses that even if its not 100%, it can be amended later on. It is a step in the right direction.

Chip asks why in the noise ordinance the definitions are separate from all the others. Tom replies that that was mentioned to Jamie and she thought it ought to be kept separate.

Chip also is concerned about the enforceability of this ordinance.

Tom replies that if Ken is getting complaints in the office, it gives him means to come to the board and suggest an engineer be hired to address or investigate the noise levels with a decibel meter.

Chip asks what 60 decibels relates to in real life.

Tom has a paper that lists different levels and what they equate to in real life situations; he can not locate that paper at this time.

Larissa expresses concern that the daytime hours listed on this noise ordinance goes until 10pm. She feels that this is not “daytime” hours as she and many others are fast asleep by that hour.

Chip expresses that boats going across the lake at late hours of the night would surely fall above these decibel levels, and snowmobiles.

Tom references and exemption in the ordinance where recreational activities would be exempt. Tom explains that he believes these zoning changes are in the best interest of the community, where 2 acre lots could lead to overdevelopment of the town at a fast pace.

Chip disagrees. He argues that these larger lots on the outskirts of town could easily lead to sprawl. Without road frontage, these houses can't be built and as most road frontage is being utilized new roads would have to be created and to create a road a subdivision would have to be sought. This potential “overdevelopment” can not happen over night or even in 6 years because the subdivision process would hinder that. It takes too long for even one subdivision to be approved and with the new ordinances it will surely take even longer.

Ken expresses concern on the change of the sideline setback change from 10ft to 25ft in shoreland. There are many lots that are only 50ft wide.

Rob Meyers explains that this was implanted to allow a larger area between buildings in case of fire. He is not sure exactly how it came about, but recalls that it may have been a suggestion from the fire Marshall's office or the fire chief.

Ken also questions the max. Non-vegetative lot coverage in Shore land. He believed that the State had a law on this and recalled it to be 20%.

Tom supports these changes and believes that they have done their best to address any issues that may come about over time; he hopes that the board and the public will help address the things they have missed. He believes that it is a step forward and beneficial to the town, it is something to build on.

Tom asks the board if his vote on this would be perceived as a conflict whereas he is on the CPIC. The board was in agreement that Tom would make no monetary benefit from this and he can vote.

Tom explains that there are two separate articles on the ballot, one being the Zoning Ordinance changes and the other being the Site Plan Review. A vote will have to be taken on each article.

Jim motions to approve recommendation of the Proposed Acton Zoning Ordinances dated 4/18/08; Tom seconds the motion. (4 yes, 1 no) approved

Jim motions to approve recommendation of the Proposed Site Plan Review Ordinance dated 4/16/08; Tom seconds the motion. (4 yes, 1no) approved

Chip explains that with the Planning Board's approval, these two ballot questions will only have to receive a majority vote to pass, otherwise they would have had to have a 2/3 vote.

Agenda Item#2: Outstanding Fees

Michelle explains to the board that there are three previous applicants and one current applicant that still have outstanding fees for their peer review. The board needs to address what to do to collect these fees.

Chip suggests that it may be in the interest of the board to require the applicant to set up an escrow account upfront for all fees incurred by the town for the review.

Larissa also believes that attorney fees should be part of these fees for every application that requires legal counsel.

Tom motions: The board will adopt a policy at the time of acceptance of an application for Site Plan Review, Subdivision or Conditional Use that necessitates outside review; that the applicant

will be required to set up an escrow account with the Town in an appropriate amount to be decided upon by the board.

Larissa adds that she would like to see “Outside review will include legal counsel regarding the application”

Tom agrees to this addition and would like to add it to his original motion:

The board will adopt a policy at the time of acceptance of an application for Site Plan Review, Subdivision or Conditional Use that necessitates outside review; that the applicant will be required to set up an escrow account with the Town in an appropriate amount to be decided upon by the board. Outside review will include legal counsel regarding the application. Jim seconds the motion. (4 yes) approved.

Michelle would like to know how the board will work to recoup these outstanding fees of the past applicants. Bettertime will be needing permits; if it is legal to hold permits until fees are paid we could probably get those. Built by Adams sold Liberty Lane but still holds interest in one of the lots. The Cuomo/Schofield subdivision was never approved so possibly a lien would be the only source of recoup there.

The board suggests having our attorney send a letter to Cuomo before a lien or small claims is discussed.

Tom motions to seek the help of the Code Enforcement Officer to collect fees from M.Cuomo, Bettertime LLC and Built by Adams at the advice of Durward Parkinson (re: the ability to hold permits on these properties or the best alternative way to recoup the fees); Larissa seconds the motion. (4yes) Approved

The outstanding fees of the current applicant will be discussed at the May 15th meeting to allow notice to Mr.Hannon. The board may want to set up some type of payment schedule for these fees, further discussion will hold until that date.

Tom asks that the 2/27/08 letter from Hannon’s attorney in response to Randy Tomes list of proposed requirements be sent to Randy if it hasn’t already.

Larissa will also need a copy of the 2/7/08 letter from Randy Tome.

Tom asks that the board discuss how the workshop will go in regards to this list given to the board from Randy. He believes that Randy was hired to do this and the board should take his advice as he has been doing this for a long time.

Chip and Jim both express that they feel they should go through each line at a time, because if Pat’s plans have changed some things won’t be necessary.

Jim motions to adjourn; Randy second. Meeting adjourned 9:10pm

Upcoming meetings:

May 14th- Special workshop on Hannon Application

May 15th-

Discuss outstanding fees with Hannon,

Turk’s Sand & Gravel – with items from DOT/SMRPC

Eagles Trace ?

Friday June 20th 3pm Acton Town Hall Acton Wakefield Watershed Alliance meeting...for those who are interested. Please let Michelle know by the end of May if you will be attending.