

ACTON PLANNING BOARD MEETING
OCTOBER 16, 2008

A. **ROLL CALL** 7:00 PM

Members present were:

- Chip Venell – Chairman
- Thomas Cashin – Vice Chairman
- Randy Goodwin
- Yoli Gallagher
- Keith Davis – Alternate
- Larissa Crockett – Alternate

Members absent were: James Fiske

B. **MINUTES**

October 2, 2008 - A Motion was made and seconded to approve the Minutes of the October 2, 2008 Meeting as submitted. Davis/Crockett – 5/1 Abstention (Mr. Cashin as he was not at that Meeting).

C. **UNFINISHED BUSINESS**

1. **Patrick Frasier** – Grace Way **Subdivision Application** – Mr. Venell advised Mr. Frasier as per a memo dated today from SMRPC, the Planning Board doesn't have the authority to review this application because it doesn't fall into the State's definition of a sub-division. He stated that Mr. Frasier should go to the Code Enforcement Officer as he has the authority to review what is being proposed. He gave a brief overview of the contents of the memo.

Mr. Frasier mentioned he had already spoken to SMRPC and understands why the Board cannot review this application.

To Mr. Cashin's comment that the reason for the Board's review was to discourage the construction of poor roads that service back lots so that they will be constructed to a standard that would allow access by emergency vehicles, Mr. Frasier advised that there currently is a standard that addresses that type of situation.

Mr. Venell apologized for the confusion and reiterated his suggestion that Mr. Frasier check with the Code Enforcement Officer. Regarding the funds that were deposited in the escrow account for outside expert review,

he said he wasn't sure whether the money could be returned since SMRPC did review the application, but the balance could be applied to any fees that might be associated with this application.

D. **NEW BUSINESS**

Steven Roache/Wendy Gower – 284 34th Street (M153/L18) – Best Possible

Location Application – It was noted that the existing structure will be demolished and then rebuilt with a 30% expansion as well as the installation of a new septic system. The existing structure is 55' from the lake and that will not change with the new location and it is currently 25' from the road with a five foot side setback which will be increased to 11' with the new location.

Mr. Venell stated he was sure the Code Enforcement Officer said this property is only a camp and that he had no problem with what is being proposed. He advised the Board that if they had any questions or concerns, the application could be tabled to the next Meeting, but if not, the Board can approve the Code Enforcement Officer's recommendation.

A Motion was made and seconded to accept the Code Enforcement Officer's recommendation for the location of a new dwelling for Steven Roache and Wendy Gower of 284 34th

Street. Davis/Cashin – 5/1 Abstention (Ms Crockett had left the room prior to the Vote being taken).

E. **OTHER BUSINESS**

1. **SMRPC's Memo Re the Frasier Application** – The Board reviewed the memo from SMRPC regarding the Frasier subdivision application and Ms Saltmarsh's opinion that under the State's definition of "subdivision", the Planning Board doesn't have the authority to review this proposal since it isn't for three or more lots. It was noted that the definition of "subdivision" contained in the Acton Zoning Ordinance should be revised to reflect the State's definition. Mr. Cashin mentioned that the reason there was language in the Zoning Ordinance that permitted the Board to review similar applications was to be sure that the rights-of-way to back lots can adequately support emergency vehicles. He suggested that the Board adopt minimal performance standards for private ways to be sure that any structures on a back lot can be accessed by emergency vehicles. He felt the Board should check with SMRPC about developing the standards for applications such as this so that the back lot residences could be safeguarded. He asked that a memo be drafted asking Ms Saltmarsh if the Town can do as he suggests. He also suggested that the Board review the Road Ordinance. He stated he would draft a memo to SMRPC for the Board's review at their next Meeting. Mr. Venell advised that while the Board doesn't have authority to review driveways, they can review roads to be sure they comply with the road frontage standards. He stated that the standards for road frontage are currently in the Ordinance. He suggested that the Comprehensive Plan Implementation Committee review the language and then get back to the Board with their recommendations.

2. **David Pepin – Extractive Use Permit – Abutter's Complaint** – At this time, Ms Gallagher advised that she lives on the route that is taken by the trucks that work for Mr. Pepin. The concern is the noise created by the trucks in the early morning especially with the use of their Jake Brakes. She said while she didn't think the trucks were speeding, they are speeding up when they get to the hill. She mentioned that the situation would be resolved if they used Sam Page Road which would force them to reduce their speed. She stated there are also issues with the sight distances in that area. She said she spoke with the Code Enforcement Officer, but wasn't sure if he spoke to Mr. Pepin. She mentioned that she is also concerned about the 5:30 AM starting time which she understands was due to the school bus schedule, but as far as she knows, the trucks have always been behind the school buses. She didn't understand their reason for starting at that time because they are only going to Sanford. Mr. Venell advised that the Town does have a Noise Ordinance in place at this time so the Code Enforcement Officer has some criteria to apply. He stated that there were to be no Jake Brakes used. He suggested she give the Code Enforcement Officer some time to address this complaint because he gets a good many complaints he has to investigate. He said if the Code Enforcement Officer doesn't address her complaint, the Board will. Mr. Cashin felt that the Board could ask the Code Enforcement Officer what he's done to alleviate this problem. He said if Ms Gallagher comes to the Board with her problem, they will then ask the Code Enforcement Officer to deal with it and report back to them. Ms Gallagher mentioned that prior to the approval of the new application there weren't any problems so they may have changed the schedule or have different drivers. She said it is noisy both coming from the site and returning to it and it has been that way for the past six weeks. She

stated that spoke to Lorraine Yeaton, the Board of Selectmen's secretary, but at this time, she doesn't know what was done about that complaint.

Mr. Venell felt it was a code enforcement issue that should be addressed by the Code Enforcement Officer. He suggested that she check with the Code Enforcement Officer's secretary to determine whether that office has received anything from Ms Yeaton.

F. **ADJOURNMENT**

A Motion was made and seconded to adjourn the Meeting at 8:00 PM.

Respectfully submitted,

ANNA M. WILLIAMS,

Recording Secretary