

ACTON
PLANNING BOARD MEETING
February 4, 2010
As amended

A. **ROLL CALL** – 7:00

Members present were:

Chip Venell – Chairman
Thomas Cashin – Vice Chairman
Yoli Gallagher
Keith Davis
Jessica Donnell – 1st Alternate

Members absent were: David Jones- 2nd Alternate

Also present were Kenneth Paul, Code Enforcement Officer; William Todd and Kevin Welch of the Acton Ridge Beach Association; Patrick Frasier and Nathan Weeks.

B. **MINUTES**

January 21, 2010 – A Motion was made and seconded to approve the Minutes of the January 21, 2010 Meeting as corrected. Davis/Donnell – Unanimous.

C. **UNFINISHED BUSINESS**

1. **Patrick Frasier – Proposed Division of Lot** – Mr. Venell referenced the Town Attorney’s answer to the Board’s question whether the Hebo Hibo Road could be used for road frontage. The Attorney’s opinion was that since it is a private road, it cannot be used for road frontage.

Mr. Frasier advised he received a copy of the Attorney’s letter. He mentioned he has obtained the abutters’ information for the Code Enforcement Office as well as completed the application. He said he is aware that Hebo Hibo Road is discontinued and it can’t be used for road frontage for the proposed lots, therefore, he will have to create a road by removing the stonewall. He stated if he is able to obtain an easement from the church, he hopes to be able to use the road where it is currently located and install ditches within the two stonewalls. He mentioned he hopes to be able to create acceptable road frontage in that area. He said in doing that the road will be accessible to others in the area.

The Board suggested he speak with Hannah Philips about the road issue.

2. **William Todd – Ridge Beach Association** – Mr. Todd stated he doesn’t agree with some of the information submitted by James Doyle at the Board’s January 21, 2010 Meeting and explained his position about his disagreement with Mr. Doyle. He mentioned there is a Declaration from which the association works.

Mr. Venell reiterated his comments made previously to Mr. Todd that what was submitted by both he and Mr. Doyle does not fall under the Board’s jurisdiction and the only item the Board can deal with is the unnumbered lot and the beach area.

At this time, Kevin Welch introduced himself as the president of the association and gave a history of the subdivision and the problems the two associations have with the Doyles.

Mr. Venell thanked Messrs. Todd and Welch for coming in and reminded them the Board has no jurisdiction over the situations they presented this evening ~~and in the past.~~ **The board only has**

jurisdiction on the unnumbered lots of the original subdivision plan.

D. **NEW BUSINESS**

Nathan Weeks – Timber Harvesting Near Moose Pond – Mr. Weeks advised he will be doing some timber harvesting in the area of Moose Pond and has spoken with David Parker, a forester, who will be developing a harvesting plan for the Shoreland Zone. He stated he would like to install a landing and indicated the proposed location on a plan. He said there is a bank all along the pond, but there is no place to construct a landing until you get to the area he is proposing for the landing. He advised he just wants to construct a landing large enough to take the truck off the road and indicated where it would be on the photographs he submitted.

Mr. Paul explained the applicant thought he could go through the abutter's property, but the property owner hasn't responded to any of his efforts to contact him. He felt what is being proposed complies with the definition of "commercial timber harvesting" contained in the Ordinance, therefore, skidding equipment will be used.

Mr. Venell explained that there is a blind spot where they propose to construct the landing, therefore, he felt the Board should conduct an on-site inspection because of that reason. He mentioned that Steve Bodkin is a forester who has done work in the area.

Mr. Davis commented if the applicant is not able to get Mr. Bodkin, the Board will conduct the on-site inspection.

Mr. Weeks said his preference would be to use the abutter's lot, but since the property owner is not returning his calls, that is not an option. He stated there is no other area on his property to create the landing because of the banking. He mentioned they will be able to go through David Pepin's lot as there is a tote road in that area.

Mr. Paul suggested that the Board may want to request traffic control as a condition of approval because of the blind spot mentioned by Mr. Venell.

Mr. Weeks explained that there will be no disturbance of the shoreline. He stated the skidder is in that area at this time so they can work on the other end of the property. He advised he will be back before the Board in two weeks as he will have the forester's plan by that time.

To Mr. Paul's question whether the Board feels a Conditional Use Permit is necessary if Mr. Weeks is not cutting in the Shoreland Zone, Mr. Venell answered in the affirmative, but mentioned if the landing is in the Shoreland Zone, a Conditional Use Permit is required. He also thought that two permits are required, one for the landing and one for the other area.

F. **OTHER BUSINESS**

1. **Proposed Sign Ordinance** – The Board reviewed and discussed a Sign Ordinance drafted by Mr. Venell which was a compilation of other towns' sign ordinances. After the initial review, it was decided that Mr. Venell meet with the Code Enforcement Officer to determine what they feel might work for Acton.

Mr. Venell advised he has been notified by the Board of Selectmen that should this Board wish to place anything on the Annual Town Meeting Warrant, everything must be done by May 1 which includes the final draft, a public hearing and review by SMRPC.

2. **Board Vacancy** – Mr. Venell explained he has been told there are three applicants for the vacant position on the Board, Virginia DeBoer, Larry Julius and Arthur Kelly. He stated he was told Mr. Kelly submitted his application sometime ago, but because the Board was reviewing the cell tower application which will be located on his property, he felt he would wait until the review was completed to avoid a conflict of interest situation. He advised that the Board can make a recommendation to the Board of Selectmen who will then make a decision. He also mentioned the Board voted at their December 17, 2009 Meeting to recommend Larry Julius to the Board of

Selectmen, therefore, they will need to make a Motion to reconsider those Minutes if they wish to discuss the possibility of recommending someone else.

A Motion was made and seconded to reconsider an amendment to the Minutes of December 17, 2009. Davis/Donnell – Unanimous.

After a brief discussion, the Board **amended the Minutes of the December 17, 2009 Meeting as follows** took the following action:

A Motion was made and seconded to recommend the appointment of Larry Julius to the Planning Board. Davis/Gallagher – 3/2 (Ms Donnell and Mr. Venell).

Thereafter, the following Motion was made:

A Motion was made and seconded that after considering new information that Arthur Kelly had shown an interest to be appointed to the Planning Board prior to the receipt of the application from Larry Julius that the Board recommend Arthur Kelly's appointment to the Board of Selectmen. Davis/Donnell – 2/3 (Ms Gallagher, Ms Donnell and Mr. Cashin).

Ms Gallagher stated her reason for voting for Mr. Julius was because he attended many of the Board's Meetings prior to their recommending his appointment to the Board of Selectmen with Mr. Venell reiterating that Mr. Kelly felt it would be best if he did not pursue an appointment to this Board because of the cell tower application.

3. **Road Committee Meeting Scheduled for February 18, 2010** – Mr. Cashin explained after seeing the success of the clean up of Moussam Lake at a cost of \$250,000,000 **\$750,000** of Federal, State and municipal funds and its removal from the "At Risk" list, he would like to develop an ordinance to deal with phosphate loading to protect the other area lakes. He stated the Comprehensive Plan Implementation Committee may have approximately \$6,500 left in its 2009-10 fiscal year budget and with a grant from another agency, he would like to hire experts in that field, **such as Forest Bell** to assist the Board in reviewing ~~Shoreland Zone subdivisions~~ **phosphate control ordinances for the Shoreland Zone.** He advised he would like to speak with the Road Committee at their February 18, 2010 Meeting about what the Board has learned concerning phosphate loading in the study about the camp roads. He stated the Chairperson of the Acton-Wakefield Watershed Alliance has agreed to address the Committee during the last fifteen minutes of that Meeting. He said he would appreciate as many Planning Board Members as possible attending that Meeting to support his recommendation. He mentioned this would apply to the Shoreland Zone only.

Mr. Davis suggested an ordinance be drafted and thereafter have an expert review it and give specific ideas as to what the Board should do. He thought the Board should obtain whatever information they can about the experts in this field for their review.

Mr. Cashin felt it should be a joint effort of Acton, Shapleigh and Wakefield, but thought it might be too late at this point. He suggested that Shapleigh draft similar ordinance language so there will be no gaps.

Mr. Venell stated he was in favor of doing as proposed by Mr. Cashin as long as it is all right for the CPIC funds to be used for something other than their appropriated use. He asked any Board Member who is available on February 18, 2010 attend the Meeting which is held in the lower conference room of the Town Hall at 6:00 PM.

G. **CODE ENFORCEMENT OFFICE BUSINESS**

There was no Code Enforcement Officer business to come before the Board.

H. **ADJOURNMENT**

The Meeting was adjourned at 8:30 PM.

Respectfully submitted,

ANNA M. WILLIAMS,
Recording Secretary