

ACTON PLANNING BOARD MEETING
March 18, 2010

A. ROLL CALL – 7:10

Members present were:

Chip Venell- Chairman

Thomas Cashin – Vice Chairman

Yoli Gallagher

David Jones- 1st Alternate

Jessica Donnell – 2nd Alternate

Arthur Kelley

Members absent were: Keith Davis

Also present were: Kenneth Paul, Code Enforcement Officer; Linda Schier of the Acton-Wakefield Watershed Alliance; Ted Rood, President of the Wilson Lake Association; Charles Nanchemantague; Joseph Anderson, York County Watershed; Wendy Garland, Maine DEP, Emil Cashin and Glenn K. Wildes.

B. MINUTES

March 4, 2010 - A Motion was made and seconded to approve the Minutes of March 4, 2010 as submitted. Cashin/Jones – 4/1 – Abstention (Mr. Kelly as he was not present for that Meeting).

C. NEW BUSINESS

Acton-Wakefield Watershed Alliance – Linda Schier of the Acton-Wakefield Watershed Alliance submitted information to the Board that she explained was developed after the meeting held during the winter. She stated the information contains action plans which the Alliance is waiting to be approved. She advised there has been a grant that has been used for some of the work done previously and the hope is to have that grant extended. She mentioned at this time the group is doing outreach and education work with Planning Boards and Conservation Commissions in the area.

She stated during those times, they are asking the communities to review their ordinances and practices to determine what the affects will be on the project. She mentioned that the Youth Conservation Corps has been very helpful. She stated the group's intention is to have the communities develop ordinances dealing with phosphates as well as other pollutants. She advised there are things this Board can identify and the group is willing to assist the communities in determining what can be done. She mentioned that Milton, New Hampshire has adopted a very strict ordinance to address the problem. She advised they have been working very closely with Forest Bell who is the consultant on the project and said she hopes the Board is willing to do the same.

At this time, Ms Schier referenced some maps she brought with her that indicated certain items such as the buildable areas, habitat blocks, the water shed and soil types.

Ms Schier said each community has to act individually as well as work with the group to address their common problems. She explained she didn't think an Acton-Wakefield project would work because of the difference in the State processes, but felt that possibly an Acton-Shapleigh alliance might work. She referenced a program entitled CTEC which has approved expending \$8,000 to hire a consultant and requires no matching funds. She explained that the Request For Proposals will go out in May and will keep the Board apprised of the process. She thought Wakefield will apply for the CTEC to get their

program going. She mentioned there is a new Salmon Falls Consortium that is looking at the drinking water because South Berwick gets its drinking water from that area. She stated she would be glad to assist the Board in preparing the grant application and advised that there are really no guidelines for the grant. She advised that Mr. Bell is in the process of being certified as a consultant and he may be available to assist this Board. She closed by explaining this is a year long process and the biggest hurdle will be to be sure the communities want to do it. Mr. Venell thanked Ms Schier for the information and said the Board looks forward to any further help she could give them.

D. PUBLIC HEARING – 7:25 PM

Eric Anderson Public Hearing – 1649 Acton Ridge Road – M203/L49 – Conditional Use Permit to Convert a One-Family Dwelling into a Two-Family Dwelling – Mr. Venell explained the public hearing procedure and asked Mr. Anderson to tell the Board what he wishes to do.

Mr. Anderson stated he currently has a one-family dwelling which he would like to convert into a two-family dwelling by adding a kitchen and bathroom.

To Claire Bragg's question whether the new construction will be in the existing dwelling or the barn, Mr. Anderson advised it will go in the existing house.

To William Lott's question whether the square footage of the dwelling will be increased, Mr. Venell referenced Mr. Anderson's application which indicated the one bedroom unit will be 586 square feet and the two bedroom unit will contain 612 square feet.

To Mr. Venell's question whether he had added to the structure since he has owned it and whether the tenants in the other unit be relatives, Mr. Anderson replied in the negative to both questions.

Mr. Anderson advised there will be two individual entrances to the structure as well as two individual driveways and parking. He mentioned there is a front and rear entrance/exit for the two bedroom unit with a side entrance/exit for the one bedroom unit, but said it wouldn't be a problem to create another if it is required. He advised he had obtained a letter from Joseph W. Nash, a site evaluator, indicating that the septic system is adequate for the proposed use. He stated regarding the adequacy of the water, the well has been drilled since he's owned the property.

Mr. Venell asked that something be submitted indicating the adequacy of the well for the two units.

At this time there was a discussion about the requirement of firewalls between the units with Mr. Anderson advising he did that when he purchased the property, but it was that the firewalls are required to extend from the basement to the attic. He stated he would do that if it is required.

Mr. Paul's comments included the fact that the dwellings much be brought up to current safety codes, he would prefer that both units use the same driveway and another house number will be issued to cover the E-911 requirements. He stated he would address life safety items when the Building Permit is issued.

After ascertaining that there were no further questions or comments, Mr. Venell closed the public hearing at 8:12 PM.

At this time, Mr. Cashin addressed the Conditional Use Permit criteria the results of which are contained file.

A Motion was made and seconded to approve a Conditional Use Permit for Eric Anderson to convert a single-family dwelling into a two-family dwelling subject to the

following conditions:

1. The structure must meet the 2000 International Residential Code and
2. Address any issues with the site distances.

Cashin/Jones – Unanimous.

E. UNFINISHED BUSINESS

Patrick Frasier – Minor Subdivision on Milton Mills Road – Mr. Venell advised it was his understanding that Lebanon may require a gate to this area. He said he doesn't know if Acton will do the same.

Mr. Frasier advised he is now proposing three lots rather than four. He indicated the location of the turn around on the plan submitted this evening as well as the proposed frontage which is 250' for two of the lots and 250' which includes the turn around for the third lot. He explained the turn around is for emergency vehicles and school buses. He mentioned he is missing some of the frontage by 25 or 30 feet for Lot #3 which is the reason for the turn around. He stated he will not be doing anything on Hebo Hibo Road. He mentioned he installed a hammerhead twice in other developments he has done one of which is on Frasier Road.

Mr. Paul pointed out that usually frontage is from one point to another. He felt there would be adequate road frontage if Mr. Frasier used the middle of Hebo Hibo Road with Mr. Frasier advising he would still be short on frontage as it would only be 18' or so using Mr. Paul's suggestion. He stated he would be all right with the lot frontage if he were to create a radius in the area of the turn around, but he doesn't want to go through that process. He explained the way it is proposed, he won't have to deal with the cemetery or touch the stonewalls. He said there is an area on Milton Mills Road where the school buses turn around. He stated the speed limit is 35 or 40 mph. He advised the turn around will be set back off the road. He mentioned that SMRPC hasn't reviewed the plan as yet. He said with regard to fire suppression, there is a fire hydrant across the street that goes into the brook and he would like to use it for the proposed dwellings which should be adequate as it supplies the school.

Mr. Paul advised that sprinklers for fire suppression are at the behest of the Fire Department with Mr. Venell mentioning that almost every development the Board has approved in the recent past has had sprinklers, but he confirmed that is up to the Fire Department.

Mr. Venell read the definition of "lot frontage" as contained in the Acton Zoning Ordinance. He felt if the Code Enforcement Officer had no problem with the proposal, it's fine with him.

Mr. Frasier reiterated there is 250' of frontage for Lots 1 and 2. He also mentioned that the driveways will be off of a State aid road as identified on the plan.

Mr. Paul felt the frontage for Lot #3 is not clear on the plan.

Mr. Frasier stated he will submit the plan to SMRPC for review and talk to the Fire Department, but he would like the Board to schedule a public hearing at this time since he feels he has a complete application.

Mr. Venell didn't agree that it was time to schedule the public hearing as the Board has not really gone over the application, therefore, this proposal will be placed on the agenda for that review on April 1, 2010. He mentioned that the plans must be posted at least ten days prior to the public hearing so that people can look at them. He stated given the process, he didn't think final approval will be given until June, 2010.

A Motion was made and seconded to retain the services of SMRPC to assist the Board in the review of the Patrick Frasier proposed minor subdivision located on Milton Mills Road. Cashin/Gallagher – Unanimous.

F. OTHER BUSINESS

1. Stacy Howe – Child Care Facility – Mr. Cashin advised during the public hearing for Ms Howe’s child care facility proposal it was brought to the Board’s attention that the property was part of a subdivision and that there were covenants prohibiting businesses. It was his suggestion that the Board require such restrictions and covenants on the plan if it pertains to the use of the property. He felt a copy of the Homeowners’ Association document be made part of the Planning Board file in the future.

Ms Donnell felt that the Board may have created a legal situation when they approved the use as requested by the applicant when it is prohibited by the covenants.

2. Sign Ordinance – After a brief discussion, it was decided to address this matter at the Board’s next Meeting.

G. CODE ENFORCEMENT OFFICE BUSINESS

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

H. ADJOURNMENT

The Meeting was adjourned at 8:40 PM.

Respectfully submitted

ANNA M. WILLIAMS,

Recording Secretary