

ACTON PLANNING BOARD MEETING

April 1, 2010

A. ROLL CALL – 7:10

Members present were: Chip Venell- Chairman
Thomas Cashin – Vice Chairman
Yoli Gallagher
Keith Davis
David Jones
Jessica Donnell – 1st Alternate

Members absent were: Arthur Kelley – 2nd Alternate

Also present were: Kenneth Paul, Code Enforcement Officer;

B. MINUTES

1. February 18, 2010 - A Motion was made and seconded to approve the Minutes of the March 4, 2010 Meeting as submitted. Donnell/Gallagher – 3/3 – Abstentions (Messrs. Venell, Davis and Jones as they were not present for that Meeting).

2. March 18, 2010 – A Motion was made and seconded to approve the Minutes of the March 18, 2010 Meeting as submitted. Jones/Donnell – 5/1 – Abstention (Mr. Davis as he wasn't present for that Meeting).

C. UNFINISHED BUSINESS

Nathan Weeks – Conditional Use Permit for Timber Harvesting in the Shoreland Zone – M 208/L 38-18 – Mr. Venell explained that the review process for this application will begin this evening.

Mr. Weeks advised the last time he appeared before this Board there was a discussion about locating the landing for the equipment on Lot 38. He said he originally was going to do that, but not in the portion of that lot that is located in the Shoreland Zone. He stated he had to change the location due to inadequate sight distances, therefore, it will be located on the portion of the lot that has 22' of sight distance which is outside the area subject to this application. He mentioned David Parker, a forester, has looked at the site three times and checked what has been marked for removal. He said Mr. Parker determined only 13% of the trees in the Shoreland Zone were marked, but he suggested that 30% be removed to avoid any problems that may occur in the future. He mentioned

that the south end of the property won't be cut. He stated there is wet land on the shore side of the site and he has marked the trees he would like to remove because of their damaged condition. He advised his family has cut in that area since 1920 and this is the fourth cut since that time. He indicated the shoreland area in which he would like to conduct a select cut and also indicated the area behind the camp roads where he would like to do the same. He mentioned that is the only area in the Shoreland Zone he will be removing. He explained on the other side of H Road there isn't anything he wants to remove, therefore, there will be no cutting. He stated there is a setback from the brook where he hasn't done a lot because of the slope.

At this time, Mr. Weeks submitted a report signed by Jeffrey Currier, a Maine Forest Ranger, which he stated relates to work already done that didn't require a permit and indicates the State had no problem with what he has done in the past. He stated he would like to begin work as soon as possible.

Mr. Venell explained anything not located in the Shoreland Zone can be done at anytime. He said the Board is only concerned with the areas that fall under the permit which may take some time to approve because of the criteria they must follow.

With regard to a reference to Mr. Weeks' previous attempts to contact the abutter to his property, he advised that neither his nor the forester's calls were ever returned. He didn't think he would like to locate the landing in that area anyway because of its distance from the pond. He mentioned the logs will be held in David Pepin's gravel pit which is sanded and graveled. At this time, the Board addressed the Conditional Use Worksheet for the items required for this application which indicated that only a copy of the deed of ownership of the property is required.

Mr. Venell pointed out his name isn't on the list of abutters and it contains names of former owners of property in that area with Mr. Weeks responding that Mr. Parker obtained the information from the Town's computer site.

It was determined that the Board would like to conduct a site walk which was scheduled for Saturday, April 10, 2010, at 8:30 AM. Thereafter the public hearing was scheduled for Thursday, May 6, 2010, at 7:00 PM.

A Motion was made and seconded to accept the application for a Conditional Use Permit from Nathan Weeks to do select cutting of trees in the Shoreland Zone subject to the submission of a copy of the deed of ownership to the property. Davis/Jones – Unanimous.

Mr. Paul advised he will notify the Road Commissioner for that district that there will be a logging project and advise him of the location of the entrance to the site.

E. NEW BUSINESS

Paul Pelletier – Acton Trading Post – Route 109 – After-the-Fact Permit Application – Mr. Paul explained that the applicant replaced the existing sign with a smaller sign. He said he has no problem with the canopy since it was required by the DEP. He mentioned there was a logo on the previous canopy and the square footage of the sign and canopy are all right. He stated the new canopy contains fire suppression material and mentioned that the canopy was replaced approximately two years ago.

Mr. Pelletier explained he obtained the required permits from the DEP and was sure that agency notified DOT during the application process. He stated the new sign is seven feet smaller than the original sign to which Mr. Paul stated the sign can be viewed as a replacement of the existing sign.

Mr. Pelletier advised that gasoline can be purchased 24 hours a day because it is activated with a credit card, but he can lock the pumps after closing. He stated the lights on the pumps are unable to be turned off, but the canopy lights can be because of other lighting on the property that reflects onto that area. He mentioned the safety features located on the pumps.

To Mr. Venell's concern about the availability of gasoline to everyone since the gasoline pumps at Big Daddy's, when they were there, were only open for the municipality 24 hours a day, Mr. Paul felt what exists now at the Acton Trading Post is only an expansion of the business' hours. At this time, there was a further discussion about the availability of gasoline 24 hours a day with Mr. Paul pointing out that he hasn't had any complaints about what has been done at the site. Mr. Pelletier mentioned there are no signs indicating that gasoline can be purchased 24 hours a day

To Mr. Davis' question of how he felt about the changes made to the site, Mr. Paul stated most of the work was done previously and not at the same time that the sign was erected, therefore, he

considers this only as an application for an After-the-Fact Permit. He said he considers it an oversight by the applicant in not obtaining the required permits.

Ms Gallagher suggested possibly the Board could conduct a public hearing to give the abutters an opportunity to voice any concerns they may have.

To Ms Gallagher's comment that possibly the applicant could submit something from the DOT concerning the location of the sign, Mr. Venell pointed out there is a dumpster that has always been closer to the road [than the sign] with Mr. Pelletier advising everything is behind a guard rail.

Mr. Paul explained it is a difficult site to access and exit and the sign doesn't make it any worse. He stated the applicant is requesting approval from the Board of what has been done. He referenced the portion of the Zoning Ordinance pertaining to this application.

To Mr. Venell's comment that the Board should look at the availability of the purchase of gasoline 24 hours a day, Mr. Paul advised that isn't something that would trigger another review. It was the consensus of the Board that as long as there is nothing advertising that gasoline is available 24 hours a day, they have no problem with the application.

F. CODE ENFORCEMENT OFFICE BUSINESS

Nancy Maloney – Fulton Road – M118/L1 – Site Design Review for a Camp – Mr. Paul called the Board's attention to the section of the Zoning Ordinance which contains the criteria for this application. He explained the applicant split a lot off from the original parcel approximately three years ago and is proposing to develop a camp on the lot that was split off to develop a camp for the Big Brothers and Big Sisters organizations from Lowell, Massachusetts which will be open from late spring to early fall. He mentioned this request would come under the "Private Recreational Facilities" category.

Ms Maloney explained the proposal is to create a place for children to come with their teachers for three days at a time. She stated she doesn't anticipate the facility will be full all the time it is open.

At this time, the Board addressed the Site Plan Review criteria and found the following items are required:

1. A copy of the deed of ownership of the property;
2. Submission of eight copies of the site plan;
3. Indicate the location of any paths or trails that are being proposed.

It was noted that the applicant submitted a check for the application fee at this time.

Ms Maloney explained she split the parcel for this use, but will maintain control of it. She said she has created an LLC [Limited Liability Corporation] to avoid any liability, therefore, the property isn't in her name. She stated the facility will hold ten children and two teachers who will bring their own linens and food while she will supply the bunk beds. The structure will be sprinkled for safety reasons and there will be no central heat, only a propane heater in the fireplace. The bathrooms which will have two toilets, two sinks and showers will be located outside the main facility in a separate structure.

Mr. Venell suggested she check with the Fire Chief about restarting the water in the spring to be sure everything gets water which could avoid problems. He mentioned she should advise the Board if she anticipates the need for any waivers of the applicable criteria. He stated if a complete application is received by the Board's next Meeting, it could be accepted and begin the formal process.

To Mr. Cashin's question whether the structure will be located in the Shoreland Zone, Ms Maloney answered in the negative. She explained it is a good distance from the shore, but there

are docks there at this time which is only accessible by a foot path. He suggested that given the amount of foot traffic this use could generate that the applicant consult with the Acton-Wakefield Watershed Alliance to develop a maintenance program to which Ms Maloney advised she had done that and was told the work she has done is good and didn't require any further review by that organization.

It was determined that the Board will determine whether a public hearing is necessary at the April 15, 2010 Meeting and decided that a site walk would not be required as what is being proposed is only a single family dwelling as per the Code Enforcement Officer.

G. OTHER BUSINESS

There was no other business to come before the Board.

H. ADJOURNMENT

The Meeting was adjourned at 8:45 PM.

Respectfully submitted,
ANNA M. WILLIAMS

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Recording Secretary