

**Town of Acton, Maine  
Planning Board Minutes  
September 16, 2010**

The meeting was called to order by Chairman, Chip Venell at 7:03

**Present:** Chip Venell – Chairman  
Thomas Cashin – Vice Chairman  
Yoli Gallagher  
Keith Davis  
Jessica Donnell – 1<sup>st</sup> Alternate  
Art Kelly – 2<sup>nd</sup> Alternate

**Also Present:** CEO, Ken Paul, Michael Michaud, John Moore and Linda Capristo

**Old Business:** The Minutes for September 2, 2010 were reviewed and approved with corrections to the first paragraph. **(Cashin/Davis) -Unanimous.**

A brief discussion started by Tom Cashin with regard to Joe Anderson and York County Soil and Water; he implied that this Board often enough offers a boiler plate recommendation for YCSW and questioned if conditions should be required for **all Best Possible Locations**. Chip said YCSW charges fees for their services. Ken Paul's advised that for very large re-vegetated areas, prior to any conditional use approval they could come in with recommended plans from YCSW. Ken continued that for smaller issues like remove and replace in the same spot, this could be reviewed by the Acton-Wakefield Watershed and without fees. Ken said to put Joe (YCSW) on the Agenda for October 21, 2010 to discuss his fee schedule.

**New Business:**

**Erin and Michael Michaud, 2107 Rt. 109/M229-016  
Application for Conditional Use  
Marine: Storage/Construction/Reconditioning/Upholstery**

Ken explained that the applicant has a unique hobby of building replica vintage wood boats in his garage from scratch. Mr. Michaud lives on the corner of Rt. 109 Sam Page Road with the big barn out back. He shows the Board some pictures of these impressive boats. Ken states the barn out back is used for personal storage and there is no power in the barn. Ken said this is a hobby done in his garage, he doesn't plan to hire any employees but interested in getting into upholstery, buffing and waxing. Ken says he believes this leans toward a "home occupation" but wanted to clarify it with the Planning Board before he goes any further.

Keith Davis said he understands that Mr. Michaud just wants to make sure from the start that all is good. Mr. Michaud said he would like to have a sign so that people know where he is located and if he is open or closed. He continues to say something small at the end of the driveway so people would know. He also said he doesn't want to hire, he is a sole proprietorship.

Chip asked what is the definition of a home-occupancy is; Ken said Mr. Michaud is in village/transition district and he also has some commercial acreage. The garage is in the transition district. Ken asked Mr. Michaud how long he is been doing this? Mr. Michaud states 1982 and Ken said he hasn't had a complaint in the 15 years he's been with the Town and considering he's been doing it almost 30 years.

Chip states if Mr. Michaud was anything but shoreland protection it seems to fit under the home occupation and CEO review. Mr. Cashin said his only concern was if Mr. Michaud would get into engine repair. Mr. Michaud sees his shop only for reconditioning and upholstery of old boats to bring them back to the original look.

**(Davis/Kelly) Unanimous**

**Peter Palombo**

**Shed: Best Possible Location**

**526 West Shore Drive/M126-11**

Mr. Paul opened that this resident was advised in writing by his insurance company to get rid of his shed because it was an eyesore. Mr. Palombo called Mr. Paul for a permit and he told him he would need to come before the PB for Best Possible Location because he had already ripped down the shed. Mr. Palombo had to go back to the transfer station and grab what was left of his shed and returned it back to his property. Mr. Venell asked why he brought it back. Mr. Paul told Mr. Palombo that the Planning Board is usually not in favor when the building is not there. Mr. Venell stated that there are pictures... Mr. Paul said we don't know how old they are. Yes we can all see where the building was. When Mr. Paul last went out on a boat on Square, through the culvert it is/was the last place on the left going out and through. The shed was an L-shape 20 feet long 16-feet deep. Mr. Palombo is just going to replace the shed with the same size, same location. Mr. Venell asked how far from the water. Mr. Paul said it is 27 feet according to the owner but I measured it as 35 feet. Mr. Davis asked if it is the Best Possible Location. Ken said he felt so; it is the water, then the house and then the shed. Mr. Davis asked about piers, Mr. Paul said yes on piers. Mr. Paul also said he recommends greater than 14 feet past the existing house, the back of the house.

**Davis/Cashin – unanimous**

**Doug Goodwin**

**Patio: Best Possible Location – Lower Mousam –**

**210n 32<sup>nd</sup> Street/Map154-12**

Ken opens the discussion that Mr. Goodwin took out a permit three or four years ago but never done anything with it. He is looking to remove 1600 feet paving and best possible use to install a patio made of absorbent block attached to the house. This pavement goes around the house and up to the road. Ken explains that he would like it terraced vegetation by installing two 10x18 patios with the absorbent patio blocks. The retaining walls have been approved to be removed under a separate DEP permit and considered equivalent of a patio and could put it all back.

Ken informs the Board that they wanted a deck but he didn't feel comfortable approving a wood deck in front as it is only 40-50 feet away from the water and believes they could get away with some sort of absorbent block patio. Ken shows some photos of pavement to the Board explaining where the patios might go. This would be calculated under the 30% expansion they are going to remove and relocate some of paving. They would be reducing the paving to about 600 square feet. Chip says the Board could always do a drive by and take a closer look at.

Keith said the thought is reducing what is out front and relocating to out back of the house. Ken said if they were just ripping it up and replacing it the same way the Planning Board wouldn't have to be involved but since they are relocating some of it his thought is for best possible location. Tom is questioning that the DEP would call the square footage of asphalt equivalent included in the area that would expand the floor area by 30%.

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Keith said if this wasn't approved they would just repave the whole thing. Ken says people around the property are going to be surprised when they see a new patio on the front of the house and think they can do it as well but it falls back to the pavement that is already there and relocation, or best possible use.

Tom asked if they could require the best possible material. Jessica spoke of the newer pavers that the grass grows in. Tom and Chip would like a real plan for this work maybe Joe from York County Soil and Water take a look at this as it is a major job. They have all the DEP permitting and are moving ahead with it. Ken says they do have the Permit by Rule which is for replacing the walls.

Keith makes a motion to accept Ken's recommendation Tom seconds the motion with some conditions that York County Soil and Water be involved and the best methods be used during reconstruction. Chip asked about a real plan that includes the slope of the grade and the drains; where the blocks start etc. Ken said a plan would cost \$300-\$500 and they could just repave the whole place. Ken says he understands the concerned but doesn't feel that York County needs to be involved as is if they were moving the patio up to the top then would need a full plan. The fact that they are reducing the paving to 585 feet and eliminating 1000 feet of that paving Ken's not concerned. As long as it is re-vegetating so that there is a buffer between parking lot and the lake will be significant. Ken will visit the site with Joe from York County and use this parcel as a topic for discussion to use as a basis for future requests. **(Davis/Cashin) - Unanimous**

#### **Mobil-Big Daddy's Clam Shack-Pat Hannon**

Eric for the DEP has been handling the Hannon property. Ken says he hasn't had complaints coming in only when the trucks are leaving. He continues to say Mr. Hannon was good at removing it until he received a letter from the DEP. Ken also said he saw a truck leaving today and going to Olde Towne. Tom said it is not what he came in talked to us about construction debris. Ken said he wouldn't call it that, it is the remnants of construction debris after it goes through the screener a residue of former construction debris. His downfall with the DEP is that a license person didn't haul it to a licensed facility. Ken said it is perfect stuff for a Transfer Station Cap. Yoli said his parking lot is not a Transfer Station. Chip said the DEP will stay on top it. Ken will handle it with the DEP. **Adjourned: 8:09**

#### **Jim Crowley/Crabby Bear/Applecore LLC. Revisit Amendment for Conditional Use 1076 Rt. 109/M233—20**

Ken tables Crabby Bear until winter and at that time Mr. Crowley will present Phase II of his operation.

**Announcements:** Tues, Sept. 21, 7-8:30pm, Wakefield Town Hall – Acton Wakefield Stormwater Mgmt. Project Kickoff Meeting.

Respectfully submitted, Linda Capristo, Recording Secretary