Town of Acton, Maine Planning Board Meeting October 7th, 2010 7PM

A. **ROLL CALL** – 7:02 p.m.

Members present: Chip Venell- Chairman

Thomas Cashin – Vice Chairman

Keith Davis David Jones

Jessica Donnell – 1st Alternate (Voting in place of Ms Gallagher)

Arthur Kelly – 2nd Alternate

Members absent were: Yoli Gallagher

Also present: Kenneth Paul, Code Enforcement Officer; Linda Capristo, Recording Secretary, Tim Aiken, Jennifer Aiken, Steve Spooner, Scott Mooney and James Fiske

B. MINUTES

September 16, 2010 - A Motion was made and seconded to approve the Minutes of the September 16, 2010 Meeting as presented. **(Davis/Kelly) – Unanimous**

C. <u>UNFINISHED BUSINESS</u>

D. **NEW BUSINESS**

1) Timothy and Jennifer Aiken Aiken Automotive - Application for Conditional Use 1523 Acton Ridge Road/Map 203-44

Lot Size: 1 Acre Zone: Rural

Mr. and Mrs. Aikens have completed Application for a Conditional Use Permit to run an Automotive Service out of the existing garage at 1523 Acton Ridge Road they live. Mr. Aikens opens the discussion by saying that he would like to open a small general automotive repair shop to include brakes, radiators and engine work. He would like to stay away from tires and body/rust work although he does have a tire machine. There is also a hydraulic lift which carries 9000 pounds. All work will be done in the existing garage on the property.

Mr. Venell asked what the floor is made of and if there are drains. Mr. Aikens replied the floor is made of concrete and there are no drains but that all oil etc. would be contained. Mr. Venell questions what is done with fluids such as oil, antifreeze and gas. Mr. Aikens explains that he uses Clean Harbors Disposal who provides service within 24 hours of a call and retrieves 55 gallon drums of waste oil, gas and coolant etc.

Mr. Venell asked if Mr. Aikens would be selling parts other than what he needs to repair such as batteries, tires etc. Mr. Aikens replied that he would not be selling parts he gets his deliveries through NAPA.

Mr. Davis questioned how close his next neighbor is and Mr. Aikens replied 20 feet who is in attendance; Steve Spooner my neighbor who lives next door. Mr. Spooner has no issues with the Aiken's application and supports their request.

Mr. Venell asked about inspection of vehicles and Mr. Aikens replied that he needed to get through this process first before contacting the State. He then asked Mr. Aikens what the hours of operation would be. Mr. Aikens answered that he would like to make it full time and then quit his current job if works out, but he is not ready to do that yet.

Mr. Jones asked how he disposes of all his parts like brake-shoes, batteries etc. Mr. Aikens replied that the brake-shoes go back to supplier and battery cores to Interstate Battery. Mr. Paul asked about selling cars and Mr. Aikens replied that he does not want a junk yard and doesn't plan to sell cars.

Mr. Venell suggests a Public Hearing. The Board agreed to schedule a <u>Public Hearing</u> for November 4th, 2010 at 7 p.m. Mr. Venell explains the process of a hearing, postings and newspaper announcements etc. Mr. Cashin informs Mr. Aikens of the adequate provisions stated in the <u>Conditional Use Standards</u> with regard to wastewater and disposal criteria <u>Article 6.6.3.7 f. and g.</u> We also will be looking for a statement from Clean Harbors Disposal so we have it on record. Mr. Venell asked Mr. Aikens what he does for spills, drips etc. Mr. Aikens said he uses speedy dry and stuff called Pig Mat. Clean Harbors picks it up this material as well. Mr. Venell also requested Mr. and Mrs. Aiken bring some pictures of the business-garage, inside and out for the hearing.

Public Hearing scheduled for downstairs of the Acton Town Hall November 4, 2010 at 7PM.

2) Tony Maffeo - Best Possible Location - Remove existing Camp-Replace w/New Home 26 feet from Great East Lake w/Full Foundation 354 Langley Shores Drive/Map 114-17

Lot Size: .17 Acre Zone: Shoreland Overlay-Rural

Mr. Paul opens that this is one that the PB saw a few months ago for Best Possible Location for Mr. Maffeo down on Langley Shores. The thought then was that the building would fit but after a new survey was done he does not meet the required setbacks.

Mr. Fiske, builder for the Maffeo's, explains that he had a portion of the property resurveyed as the deed says 60 feet and a recent survey said 44 feet. Mr. Fiske wanted to make sure the surveyor backed up his work and he came back out and found that the neighbor's house is on this property. Because of these issues it was recommended by Mr. Paul to come back before the Planning Board for Best Possible Location. Mr. Paul said the difficulty lies within the site plan that was originally drawn up for Mr. Fiske.

Mr. Davis said this was not a complete boundary survey. Mr. Paul said one iron pin is actually under the neighbor's walkway. Mr. Venell asked if they went with the same size building and it is encroaching on what. Mr. Paul said it would still be on their property but you are down to 2-feet on the side. Mr. Venell asked if this was something the PB can even do? Mr. Paul said you relocate it or the other option is to cut back on the size, it's a reasonable size camp but that would cut off just a couple of feet. The only way to increase that set back is to not to pull it back from the lake.

Mr. Fiske said initially it worked. He said he measured the one neighbor 48 feet from house to house. Mr. Cashin asked if either abutter would offer any help. Mr. Fiske said they have been very nice but there is not much either can do.

Mr. Davis asked if this was the only pin to go off of. Mr. Fiske then said that this was not complete survey, and questioned if they are willing to do a complete survey. Mr. Fiske said he was told that the surveyor went to the Board of Surveyors for an opinion on it. They said that all existing pins supercede anything that is in writing. Some rumbles of discontent with regard to this comment/topic.

Mr. Davis said the best possible location would be down closer to the lake. You may be able to conform to the side setbacks by moving closer to the lake. Mr. Paul said we discussed before 24 down to 20. He will be good on one side but closer on the other. Mr. Venell said it may have to go on an angle and that's not good. Ken said he could get 10 on this side 5 over here and 20 from the lake.

Mr. Venell asked about ledge and moving closer to the lake. Mr. Paul said it is all solid ledge and the closer they move it, the easier. The Maffeo's are willing to blast, drill, whatever it takes. Mr. Venell, Mr. Fiske and Mr. Paul agreed the water was lower in the past. The camp is from the 1940's -50's.

Mr. Paul said his recommendation is to reduce from 26 to 18 from the water (<u>nothing</u> closer than 18 feet). (**Davis/Jones**) – **Unanimous**

E. <u>CODE ENFORCEMENT OFFICE BUSINESS</u>

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

F. OTHER BUSINESS

There was no other business to come before the Board.

G. **ADJOURNMENT**

The Meeting was adjourned at 7:44 PM.

Respectfully submitted, Linda Capristo