

ACTON PLANNING BOARD PUBLIC MEETING

DATE December 1, 2011

ROLL CALL – Meeting began at 7:05 pm

Members present were: Chip Venell – Chairman
 Thomas Cashin – Vice Chairman
 Yoli Gallagher
 Arthur Kelly
 Robert Smith – Alternate
 Gavin Maloney – Alternate

Members absent were: Jessica Donnell

Also present were: Kenneth Paul, Code Enforcement Office and Linda Capristo, Recording Secretary

MINUTES – Minutes not complete for approval.

Code Office – Building Code

Mr. Paul informed the Board that the State has rescinded the Statewide Building Code on October 29, 2011 for towns with less than 4000 residents. He believes this affects around 387 towns including Shapleigh and Newfield. He told the PB he spoke with the BOS and will need to re-adopt the 2009 IRC (International Residential Code). He said he believed there will be a Town Meeting sometime in February/March for the School Dept. and we could add an article to adopt the building code.

NEW BUSINESS – No new business.

UNFINISHED BUSINESS – Proposed Stormwater Management – Review Sections 4 and Section 5

Mr. Cashin said in reviewing Section 4.1(2)(e) the word practice might be a typo. Mr. Venell agreed and said he had issues with 4.1(2)(b) and stated who is going to delineate wetlands or other surface water... Mr. Paul. He continued by stating he doesn't want tie up the planning board every time someone puts up a shed within 250 feet of the shoreline and has to go through stormwater management. Mr. Paul said on page 7 it states for non-incidentals shall require a stormwater conditional use permit issued by PB or CEO. Mr. Venell said that is why he brought it up, it is just one more reminder of who is going to pick up this responsibility. Who will oversee these impact plans, code enforcement or the planning board. Someone kind of break-off point where someone building a 10x10 shed would go through code enforcement and if someone building a giant house would go through PB.

Mr. Cashin finally found the verbiage he was looking for as to who prepares the plan in 4.1(2)(i). It would be prepared by a certified erosion and sediment control engineer. Mr. Venell said who ever devises a plan would have to hire the engineer. Mr. Maloney asked who would oversee the engineer. Mr. Venell said that would be PB or the CEO. If it was too much to handle then York County Soil and Water would need to be hired. Engineers can figure out how to handle the stormwater and not going to cause more runoff then is already leaving the site in a way to mitigate it etc. It would be more involved than PB or CEO might be comfortable with it.

Mr. Cashin said the introductory paragraph in Section 4.2 opening paragraph suggests a LID plan or techniques are not practical for Incidental Disturbance due to steep slopes or other site constraints. Mr. Venell stated that a

Stormwater Management Plan is required for all non-incidental disturbances and LID Plan to describe why it is not practical due to steep slopes or other site constraints.

Mr. Venell asked Mr. Paul what the rule is with retaining walls whether they can or can't be built. Mr. Paul said that they were pretty much prohibited until this last adoption of the zoning ordinance which now allows them in certain areas such as if they have lawn all the way down to the lake. They could put some retaining walls in providing a vegetative buffer is planted behind it and used for erosion control purposes.

Questions were raised for Ms. Jespersen regarding 4.3.1(2), if a deck was installed over a paved area, the impervious surface or pavement shall be replaced with crushed rock. Mr. Kelly asked Mr. Paul why that is. Mr. Paul said they are trying to get the water in the ground. Mr. Kelly asked if currently they are required have to do that. Mr. Paul responded no. Mr. Venell said you would have to remove it and replace it with crush stone. Mr. Kelly said but you haven't increased the impervious area, it says the ground beneath the proposed deck shall not be paved or made impervious, if the ground area is presently paved shall be replaced with crushed rock. Mr. Cashin would like to see the verbiage say something like impervious surface shall be replaced with crushed rock or similar material which would allow equal infiltration rates.

Mr. Paul raised a question with regard to Section 4.3.4 Accessory Structure. Mr. Venell said he also had this section marked as to what is a raised footing foundation.

Mr. Venell said construction of impervious surfaces shall be designed so that if you build a house and whatever extra runoff that is created needs to be dealt with onsite.. No more runoff can leave this site after you are done than before you touched it. Whatever you do to a piece of property, you cannot create more runoff than what was already there. Mr. Kelly said the way the PB handles the BPL's; we pretty much always improved the situation whether it be moving back from the shorefront or a new septic going. We are always improving and this could be done the same way.

It was decided to continue with Section 5 – Project Review. The Board quickly discussed performance bonds and how they would be included in the LID or Stormwater Management Plan.

ADJOURNED – 8:25 pm