

ACTON PLANNING BOARD PUBLIC MEETING

DATE February 2, 2012

ROLL CALL – Meeting began at 7:12 pm

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

Members absent were:

Also present were: Charles Adams, Joe Stanley-LinePro Surveying, Russell Wilkinson, Linda Capristo, Recording Secretary

MINUTES – **January 5, 2012 minutes** - Motioned by Ms. Donnell to accept as written, seconded by Ms. Gallagher – Unanimous Vote. **January 19, 2012 minutes** – Motioned by Mr. Kelly to accept as written, seconded by Mr. Cashin – Unanimous Vote.

NEW BUSINESS – Workshop – Riverview Estates – Proposed New Subdivision, Brenda and Charles Adams

Mr. and Mrs. Adams submitted a proposed sketch plan back in September, 2011 and appeared before the PB on October 6, 2011. They came before the Board tonight to discuss the new Zoning Ordinance and how it affects their plans in Resource Protection and their proposed subdivision plans for Riverview Estates. Mr. Stanley said when they learned of the changes in the Resource Protection, it surprised them quite a bit and how it relates to this project. We had a couple meetings with Ken and prepared the sketch plan and somehow in all of that we never caught wind of these changes in Resource Protection. He asked what set of rules are they bound by as they submitted the Sketch Plan before the changes were voted in. Mr. Venell said the sketch plan meeting was on October 6, 2012 but unfortunately that doesn't start the clock. Mr. Adams said there was no warning of proposed zoning changes at the meeting in October, or the vote at the Town Meeting the week before. Mr. Venell stated that the Town has been tossing around the Comprehensive Plan changes for a number of years and a numerous Public Hearings have been held on the specific changes to the Ordinance. He the said it has been posted on the website, cable, newspapers and the sign outside. Mr. Adams said you didn't address the fact there were possible changes. Mr. Venell said be that as it may but it doesn't change things. He showed Mr. Stanley where in the Subdivision Regulations, Section 5.5 states: *The sketch plan meeting, the submittal of or review of the sketch plan or the on-site inspection shall not be considered the initiation of the review process for the purposes of bring the plan under the protection of Title M.R.S.A., §302.* Mr. Venell said most of the changes in Resource Protection took place prior to September 29, 2012 from the State and had been adopted a year or two ago. Mr. Smith asked the Board if that particular lot would come under the earlier development of Riverview Estates and earlier guidelines because it was part of an earlier development and possibly grandfathered. Mr. Venell said a lawyer can give them a clear answer. Mr. Adams said he bought this thinking he could build a house like everyone else did on Riverview Drive. Mr. Stanley said also in the current Zoning there is a provision in the RP definition that they define developed areas that some of the rules don't apply. Not sure if he is on the fringe of that or not. Mr. Venell said if Mr. Paul was here he may have the answer and if not, he would point you where you can find an answer. Mr. Cashin suggested SMRPC, Jon Lockman maybe able to help. Mr. Adams said his concern is that he bought the lot for \$60,000 and two-thirds of it is now gone. Mr. Venell said he honestly doesn't know if it is grandfathered and you will need to get some legal opinion whether it is from a lawyer or SMRPC. We certainly don't have a real answer for you. Mr. Venell said it's not like they know every piece of property in town until we look at a specific piece. That's when we go back and look to see what can and can't be done. Even walking through at the site walk, we never even thought about how RP would be un-developable, not only how much acreage can't be counted. Mr. Stanley said Mr. Adams has a lot to think about.

Code Office – No CEO business.

UNFINISHED BUSINESS – Proposed Stormwater Management Ordinance (updated version attached)

The Board reviewed the Ordinance with the changes from last meeting. The voted on the following items:

Applicability - A motion by Mr. Cashin to remove the word *primary* before structure in both (1) and (2) add after property, in the third line add: *if it meets the threshold level of disturbance as delineated in Section 1.5*. A motion by Mr. Cashin and seconded Ms. Donnell - Unanimous Vote.

High Quality Water – A motion by Mr. Cashin to leave definition as it was with *trophic state*, seconded by Mr. Maloney – Unanimous Vote.

Redevelopment – A motion by Mr. Cashin to correct the first sentence to read *...alteration, or transportation related improvement...* The motion was seconded by Ms. Gallagher - Unanimous Vote.

Section 1.5.1 Incidental Disturbance – Mr. Cashin motion to bold the *or* at the end of item (a) and, bold *and* at the end of (b) as well as remove the (c) and, move *Will* over to margin, Mr. Maloney seconded - Unanimous Vote.

Section 1.5.2 Non-Incidental Disturbance – Mr. Cashin motion to bold the *or* at the end of item (a) and, bold *and* at the end of (b) as well as remove the (c) and, move *Will* over to margin, Mr. Kelly seconded - Unanimous Vote.

Section 3.1.1(5) – Structures related to BMP techniques shall not be located within 50 feet of steep banks (greater than 20 percent slope). *The Chairman asked the secretary to contact Ms. Jennifer Jespersen, F.B.Environment to inquire what the intent is. What were you visualizing? (email attached)*

Section 3.1.1(9) – Mr. Kelly motioned to delete Regulation and replace with *the most current Acton Zoning Ordinance*, Mr. Cashin seconded - Unanimous Vote.

Section 3.1.3 Impaired Waterbodies or High Quality Waters – Mr. Cashin motioned to removed the New Hampshire reference from the paragraph, seconded by Mr. Kelly - Unanimous Vote.

Section 4.1(e) Low Impact Development Plan – Mr. Kelly motioned to remove the words *and adjacent to*, seconded by Mr. Cashin - Unanimous Vote.

Section 4.2.(2)(d) - Mr. Kelly motioned to remove the words *and adjacent to*, seconded by Ms. Gallagher - Unanimous Vote.

Table 1 from Section 4.1(4) – Mr. Cashin motioned to add after **Table 1. Maine DEP Per Acre Phosphorus Allocations for Lake Watersheds in Acton, ME** but before the column headings: *The applicant would be required to calculate the amount of phosphorus leaving the site (including pre-and post phosphorus export) and show that the total does not exceed the per acre phosphorus standard that's been assigned for that watershed (Table 1).*

Section 4.2(5) – Mr. Cashin motioned to change the word Management to Maintenance (typo), seconded by Ms. Donnell - Unanimous Vote.

Section 5.2 Performance Bonds – After a brief discussion about Performance Bonds it was decided to speak with Mr. Paul, CEO for his input.

ADJOURNED –10:31 pm