

# ACTON PLANNING BOARD PUBLIC MEETING

**DATE** February 16, 2012

**ROLL CALL** – Meeting began at 7:04 pm

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

Members absent were: Chip Venell, Jessica Donnell

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

**MINUTES** – Approval of February 2, 2012 minutes. Motioned by Ms. Gallagher to accept with one name correction, seconded by Mr. Smith – Unanimous Vote.

## **Code Office** –

**NEW BUSINESS** – Application for Conditional Use Permit – Proposed Farm Stand

Michele and Rosemary Noll – 663 Milton Mills Road – Map & Lot 244-016 – Zoned Rural

Ms. Noll came before the Board to inquire about opening a Farm Stand on Milton Mills Road. She plans to sell seasonal produce, eggs, chicken, turkey and pork. The Board agreed that Ms. Noll does not need a Conditional Use Permit as it is a permitted use in a Rural area per the Zoning Ordinance. Mr. Paul asked Ms. Noll to come in the office to see him to go over hours of operation. The secretary was asked to request a check for Ms. Noll for the \$100 application fee as it was deposited at Ms. Noll's request.

**UNFINISHED BUSINESS** – Proposed Stormwater Ordinance

Mr. Cashin asked Mr. Paul if he had been through the proposed ordinance. Mr. Paul replied that he has reviewed the draft and has concerns with how it will be reviewed, enforced, inspected and maintained for budgetary reasons just how much is this going to cost the Town as well as hours. He said looking through the 23 pages, it gives a lot more information than the Zoning Ordinance which has just a couple of paragraphs that says stormwater doesn't leave your property and to use best management practices. Mr. Paul's suggested that the Town use it as guideline for a year perhaps on a voluntary basis and ease into it. Mr. Paul informed the Board that we have until April 19 to have the document all done and to the Selectmen. Mr. Cashin said he wasn't sure how Mr. Paul would enact the ordinance on a voluntary basis. Mr. Paul said he tried tracking down the New Durham ordinance where some of our verbiage came from but learned they are just in the process of adopting it. He said he thought it was enacted and they were using it for a couple of years. Mr. Paul said he wants to contact the inspector to see how well it's going, where they are at and what the quirks are etc. He continued by saying they have been working on their ordinance for a year and a half according to the website. Most of Acton SLZ projects are reviewed by the PB and York County Water and Soil. He said his concerns are the maintenance or recurring inspections similar to the septic tanks with the pretreatments as down in Eagle's Trace. With the pretreatment tanks the owners get an agreement with a maintenance company. When they don't maintain it, by law the maintenance company is supposed to advise the Town. So there is a trigger to notify us that the maintenance isn't being done to them. Mr. Paul said that maintenance may be the responsibility of the owner, but what happens down the road when the house sells on good or bad terms, this is still a gray area. He said he is somewhat worried about the followup. It was decided to forward the proposed document to Joe Anderson, Y.C.S.W. and Jon Lochman, Southern Maine Regional Planning Commission for their review and opinions.

Riverview Estates – Mr. Cashin wanted to clarify and mention the perception that may have occurred from the last meeting, that there was some last minute decision making on the part of the Town that Charles Adams may have felt victim too. In particular, the sliding scale buffer when this was adopted back in June 2008 and with the Salmon Falls River there has always been a 250 foot setback from rivers. He continued by saying, he and Mr. Maloney discussed whether Mr. Adams and Mr. Stanley, of LinePro Surveying was under the impression, or that the State had said there is a wetland greater than 10 acre area of wetland on Mr. and Mrs. Adams parcel that restricted them to move forward with the project. Mr. Cashin continued by saying this was from an old definition that said all wetlands 10 acres or more are considered Resource Protection. He just wanted to point out that the language restricted them from going forward predated the application by a good many years. Section 4.2.2.4 and Section 4.2.2.5 also have been part of the Zoning Ordinance for a number of years and believes that this is what may have tripped them up.

**ADJOURNED** – 8:11 pm