ACTON PLANNING BOARD Meeting Minutes

DATE: December 6, 2012

ROLL CALL:

Members present: Chip Venell – Chairman

Thomas Cashin - Vice Chairman

Jessica Donnell Arthur Kelly

Robert Smith - Alternate

Absent: Yoli Gallagher

Gavin Maloney – Alternate

Also present: Ken Paul, CEO; Brenda Charland, Recording Secretary; Jon Lockman, SMRPC; Virginia

Deboer, Video Recorder

The chairman stated that Mr. Smith would vote in the absence of Ms. Gallagher.

1. November 15, 2012 Minutes: Motion made by Ms. Donnell, seconded by Mr. Smith, to accept the minutes of the meeting of 11/15/2012 with the following change: Ms. Donnell's action item listed under section 3 to read: "Ms. Donnell to contact local landscaping companies to determine what the possible cost of the construction and maintenance of various LIDs might be in residential, single-family projects". Motion to accept minutes with changes passed unanimously.

2. New Business: none

- 3. Old Business: Storm Water Ordinance Mr. Lockman discussed the items to be clarified:
 - 5.8 (1) and 5.25 (4) regarding requirements and exemptions:

Mr. Lockman explained that when a project requires a DEP permit, it is subject to DEP conditions with CEO review; when a project requires Planning Board review, it is subject to the conditions of the Ordinance.

- the level of project that triggers the LID requirement and the scope of the system that ensures erosion control. Should various levels be identified allowing for different levels of design/maintenance? Should expert design always be required?

Because the LID Guidance Manual outlines the standards that must be met, Mr. Lockman suggested that this subject be left undefined allowing the Code Enforcement Office more flexibility to oversee projects because the manual is flexible enough to cover whatever condition might arise.

Direction on how to enforce maintenance:

The Planning Board members will review the New Durham Stormwater Ordinance for guidance in addressing this issue.

- Should Best Practical Location projects be included (possibly in 5.25 (4)?

In order to cover all projects that require any Planning Board review, it was decided to replace the verbiage "Activities requiring a site plan review or conditional use review according to the Land Use Chart section 2.7" with "if a Planning Board review is required".

In reviewing the document, Amendments to Zoning Ordinance for LID Stormwater Standards, Draft 2, submitted September 13, 2012, the Board members decided on the following:

- ARTICLE 2 ESTABLISHMENT OF DISTRICTS Accept as written
- ARTICLE 3 CONSTRUCTION OF LANGUAGE AND DEFINITIONS Accept as written
- ARTICLE 4 LAND USE DISTRICT REQUIREMENTS Accept as written
- **ARTICLE 5 PERFORMANCE STANDARDS –** Incorporate the following changes (marked with □):
 - 5.6 FILLING, GRADING, OR OTHER EARTH-MOVING ACTIVITY
 - c. EROSION AND SEDIMENTATION CONTROL AND STORMWATER MANAGEMENT PLANS REQUIRED

All activities requiring Planning Board review <u>Activities requiring a site plan review or conditional use review according to the Land Use Chart section 2.7</u>, or any disturbance of land requiring a code enforcement officer review, unless exempted by section 5.25.(5) or (6), shall comply with the erosion and sedimentation control requirements of section 5.8, as well as the stormwater management requirements of section 5.25.

5.8 EROSION AND SEDIMENTATION CONTROL FOR ACTIVITIES REQUIRING PLANNING BOARD REVIEW, AS WELL AS ANY ACTIVITIES IN SHORELAND, COMMERCIAL B, AND RESOURCE PROTECTION DISTRICTS –

(1) All activities requiring Planning Board review, requiring a site plan review or conditional use review according to the Land Use Chart in section 2.7, as well as any activities requiring Code Enforcement Officer review and involving the disturbance of land in the Shoreland, Commercial B, and Resource Protection Districts which involve filling, grading, excavation or other similar activities which result in unstabilized soil conditions, and which require a permit shall also require a written soil erosion and sedimentation control plan. The plan shall meet the standards found in the Maine DEP Erosion and Sedimentation Control Handbook for Construction, Best Management Practices, March 2003, and shall be submitted to the permitting authority for approval, and The plan shall include, where applicable, provisions for:

5.25 STORM WATER RUNOFF -

- (4) The following standards shall be met by any new construction or development, redevelopment or enlargement of existing projects, filling, or grading and earthmoving activities NOT requiring a DEP Stormwater Permit under Chapter 500, which meets both of the following conditions:
 - All activities requiring Planning Board review A site plan review or conditional use review is required, pursuant to the Land Use Chart, sec. 2.7, and the project or activity is located in any District; and
 - (a) The applicant shall submit a Low Impact Development Plan (LID) for stormwater management, in accordance with the LID Guidance Manual (LIDGM) for Maine Communities, Approaches for Implementation of Low Impact Development Practices at the Local Level, Maine Coastal Program, September 2007, available at the Maine DEP website. The plan shall include provisions for continued maintenance, as specified in the LIDGM. The structures or techniques set forth in the LID Plan shall be installed, prior to issuance of a certificate of occupancy by the Code Enforcement Officer. Failure to maintain the LID stormwater management system according to the plan shall be deemed a violation of this Ordinance, and subject to the provisions of Article 6.

*Maine DEP Per Acre Phosphorus Allocations for Lake Watersheds in Acton, ME

Watershed
Phosphorus
Standard

*Phosphorus Standard subject to the most current DEP standards

- (5) Projects or activities, involving disturbance of land, such as new construction or development, redevelopment or enlargement of existing projects, filling, or grading and earthmoving activities, shall be exempted from the standards of subsection (4) above, if ALL of the following three conditions are met:
 - (a) <u>Such projects or activities are NOT required to have a DEP stormwater permit, nor Planning</u>
 Board review <u>a site plan or conditional use review, according to the Land Use Chart in section 2.7</u>; and

ARTICLE 6 - ADMINISTRATION - Agreed as written

Action Item: Review the document "New Durham Provision for Operation and Maintenance" and bring ideas to the next meeting to discuss re the best way to incorporate continued maintenance; possibly under 5.25 (a).

1. Other Business: None

2. Adjournment: The meeting adjourned at 9:00 p.m.

Approved December 20, 2012