

ACTON PLANNING BOARD

Meeting Minutes

DATE: November 20, 2014 (approved 12/4/2014)

ROLL CALL:

Members present: Chip Venell – Chairman
Tom Cashin – Vice Chairman
Yoli Gallagher
Gavin Maloney – Alternate
Robert Smith – Alternate

Members absent: Jessica Donnell
Art Kelly (excused)

Also present: Ken Paul, CEO; Brenda Charland, Recording Secretary; Eric Dawalga, Video Recorder; Dale Barrows; Richard Neal

The meeting was called to order at 7:05 p.m. by Chairman, Chip Vennell. He stated that Mr. Maloney would be voting in the absence of Art Kelly.

Approval of the Minutes of the Meeting of November 6, 2014: The motion was made by Mr. Maloney and seconded by Mr. Smith to accept the minutes as written. The motion passed unanimously.

Old Business:

“Little Red Schoolhouse” Damage, 630 Youngs Ridge Road, Map 130, Lot 003: Mr. Maloney provided a letter from Bill Maloney, Chairman of the Acton Conservation Committee, expressing consensus of the Committee supporting the repair of the Youngs Ridge Schoolhouse in its original location..

Continuing with discussion regarding the application to repair the damage incurred to the building in a recent automobile accident, Dale Barrows, owner of the property, explained that, in her opinion, the Youngs Ridge road has encroached onto her property over several years. Mr. Paul explained that the setback is measured from the center of the road, not from the edge of the road.

Mr. Vennell asked if the expected repairs would total more than 50% of the assessed value of the structure because that is the catalyst for reviewing Best Practical Location of a non-conforming structure. Mr. Paul reported that the assessed value of the building is currently \$5000; the estimated repairs total \$74,000.

Mr. Neal expressed doubt that the ordinance actually prevents the repair of the structure on its current location. Mr. Paul stated that the Town Attorney, Joseph Lenkowski, conveyed the opinion that if Board members do not take the opportunity to improve the nonconformity of the structure, the town could be exposed to possible future liability in the event of another accident. Mr. Paul stressed that the Ordinance requires compliance to Best Practical Location requirement when it is possible.

Ms. Gallagher made the motion to deny the application to repair the damage to the structure at 630 Young's Ridge Road in its current location; seconded by Mr. Smith. The motion passed unanimously.

The Chairman advised Ms. Barrows that she could appeal the decision to Superior Court.

New Business:

Review Proposed Resource Protection Amendments: Mr. Cashin opened the discussion by stating that when the Resource Protection criteria was adopted based on Habitat maps, it was decided that the criteria of the State of Maine was not a good fit for the town of Acton. He asked the CEO how many

applications have been adversely impacted by the Town's Resource Protection setbacks. Mr. Paul replied that there have been as many as twelve homes and several accessory buildings. The Chairman asked him to provide a list of five or six examples of properties that are impacted by Resource Protection to be reviewed at the December 6th meeting so that members develop a plan to visit the sites.

Consensus of the Board Members was to proceed with reviewing the proposed Resource Protection Amendments to the Ordinance.

Adjournment:

The meeting adjourned at 8:25 p.m.