

**ACTON PLANNING BOARD**  
**Meeting Minutes**

**DATE:** May 7, 2015 (approved May 21, 2015)

**ROLL CALL:**

Members present: Chip Venell – Chairman  
Tom Cashin – Vice Chairman  
Jessica Donnell  
Yoli Gallagher  
Art Kelly  
Gavin Maloney – Alternate  
Bob Smith - Alternate

Also present: Ken Paul, CEO; Brenda Charland, Recording Secretary; Virginia DeBoer, Video Recorder

The meeting was called to order by the Chairman at 7:06 p.m.

Approval of the April 16, 2015 Minutes: Ms. Gallagher made the motion to accept the minutes with amendments; Mr. Kelly seconded the motion. The motion passed unanimously. The minutes will be amended as follows: Mr. Kelly was present at the meeting; Mr. Paul was not. The last sentence of the second paragraph under the Public Information Session should read: "All fifteen requests were approved, however, none were based on Resource Protection limitations."

**New Business - Best Practical Locations:**

- Shirley Levesque, 1649 Route 109, Map 233, Lot 032, applying to replace a fire-damaged mobile home in the Commercial A Zone. The Best Practical Location must be considered because the existing pad is only 75' from the center of Route 109. Mr. Paul stated that the mobile home unit is new, therefore the project is an improvement. Ms. Gallagher made the motion, seconded by Mr. Kelly, to approve the application in its original location. The motion passed unanimously.
- Vickie Ridlon, 3026 Milton Mills Road, Map 247, Lot 022 applying to construct a garage, deck and a foundation under the el of the structure in the Shoreland Zone. Because the structure is located within 75' of the Salmon Falls River, the Best Practical Location must be considered. Mr. Paul pointed out that the deck and the garage will be no closer to the shoreline than the current structure and storm water mitigation will be a part of the project. The septic system is up to date. Motion made by Ms. Donnell, seconded by Mr. Cashin, to approve the project in its current location to include storm water mitigation. The motion passed unanimously.
- Paul and Vicki Reid, 160 Red Gate Lane, Map 119, Lot 008, applying to build retaining walls in the Shoreland Zone. Members will do a site walk on Thursday, June 11, 2015 at approximately 6:30 p.m.

Action Item: Board Secretary will make necessary notices for the extra meeting.

**Old Business:**

- Brian Bustead, 724 13<sup>th</sup> Street, Map 142, Lot 029, Best Practical Location Consideration: Mr. Bustead's application to demolish the existing structure and rebuild on existing foundation in the Shoreland Zone was tabled from the February 19, 2015 meeting in order to schedule a site visit. Board Members will do a site walk on Thursday, June 11, 2015 at approximately 7:30 p.m.

Action Item: Board Secretary will make necessary notices for the extra meeting.

- Proposed Amendment to the Ordinance Relative to Historic Structures: Board Members discussed the correspondence from the two town attorneys. It was agreed that the Comprehensive Plan advises that a committee be appointed for the purpose of identifying and inventorying historic resources and developing a plan to conserve and protect those resources. Consensus of Board Members was that a request be sent to MMA for an opinion on whether this proposal is consistent with the Comprehensive Plan.

Action Item: The Chairman will request authority from the Selectmen to go ahead with requesting MMA for an opinion.

- Discussion of Proposed Amendments to the Zoning Ordinance Relative to Resource Protection: Mr. Cashin expressed concern that the Selectmen's Proposed Amendment to the Zoning Ordinance relative to Resource Protection may violate the State of Maine's document "Mandatory Shoreland Zoning, Section 38, § 438-A" which stipulates that no land use ordinances can be adopted that are inconsistent or less stringent than the minimum guidelines adopted by the State Board. Mr. Cashin stated that Chapter 1000: Guidelines for Municipal Shoreland Zoning Ordinances, Section 16: Administration, allows Special Exceptions consideration for undeveloped lots in the Resource Protection District. The Board of Selectmen's proposed amendment would allow conditional use consideration for developed lots in the Resource Protection District. In Mr. Cashin's opinion, the amendment would be less stringent than the DEP requirement. The Chairman stated that if the amendment passes, it will be forwarded to the Maine Department of Environmental Protection for review who will determine if it is in violation of that requirement or not.

**Other:** None

**Adjournment:** The meeting adjourned at 8:50 p.m.