

ACTON PLANNING BOARD

Meeting Minutes

DATE: June 4, 2015 (approved June 18, 2015)

ROLL CALL:

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

Members absent: Jessica Donnell
Art Kelly

Also present: Ken Paul, CEO; Brenda Charland, Recording Secretary; Virginia DeBoer, Video Recorder; Dale Barrows; Tom Gore; Robin Ham; Thomas Harmon, Civil Consultants; Charles Pizzelli, Spectrum Resources, Int'l

The meeting was called to order by the Chairman at 7:02 p.m.

Approval of the May 21, 2015 Minutes: Ms. Gallagher made the motion, seconded by Mr. Smith, to accept the minutes as written with the inclusion of a notation that members delayed discussing the June 9th referendum articles until after 8:00. The motion passed unanimously.

Old Business:

- Thomas Harmon, P.E./, P.L.S, Civil Consultants: Conditional Use Application for Mineral Extraction, Map 207, Lot 001, H Road. Mr. Harmon presented a preliminary application for a Conditional Use Permit. He stated that the plan is to excavate approximately 35 acres of the original 183 acres. About ten acres have previously been mined. DEP has permitted the project as a medium-sized gravel pit allowing 10 acres to be mined at a time which will be reclaimed as soon as possible. The Chairman stated that clearing for a new entrance should be delayed until after the approval of the application. Board Members agreed to conduct a site walk on June 25, 2015 at 7:00 p.m. The required Public Hearing was scheduled for July 2, 2015 at 7:00. The secretary will make the appropriate notices.

New Business:

- Thomas and Elizabeth Goding, 177 Flat Ground Road, Map 236, Lot 003: Best Practical Location application to replace a fire damaged mobile home; Mr. Paul stated that Resource Protection, poor soils, exists on the property. The motion was made by Mr. Cashin, seconded by Mr. Smith to approve the application. The motion passed unanimously.
- David Cabana, 918 West Shore Drive, Map 124, Lot 024, Best Practical Location application to replace an existing pump house with a shed in the Shoreland District. The motion was made by Ms. Gallagher, seconded by Mr. Cashin to approve the application with the condition that storm water mitigation practices including drip line trenches and revegetation be used. The motion passed unanimously.
- Dale Barrows regarding a proposed warrant article relative to historic structures: Tom Gore distributed a list of statements that were made by attorneys in the meeting with the Board of Selectmen relative to the Little Red Schoolhouse warrant proposal with which he disagrees. Mr. Gore asserted that because Board Members voted not to support the article based on the attorney's

stance that it does not comply with the Comprehensive Plan and that, in his opinion problems exist with the attorney's recommendation, the Planning Board should find a mechanism to move the proposal forward. Consensus of Board Members was that they will consider the information provided by Mr. Gore and return to the next meeting

Other:

- Tom Cashin regarding June 9 referendum: Mr. Cashin stated that if Question #1 and Question #3 on the referendum ballot are approved, a conflict would exist. Section 1.5 on page 7 of the Zoning Ordinance addresses this kind of conflict stating that the more restrictive provision shall control. He stated that if this occurs, Planning Board Members should discuss recommending to the Board of Selectmen that Question 3 prevail. Also, if Question #2 is approved, because the word "undeveloped" was omitted, he requested that Board Members recommend to the Selectmen that the ability to request a that a Conditional Use Permit is not extended to owners of undeveloped properties within the Resource Protection Districts. Mr. Paul stated that the DEP has expressed no concern with going forward with considering Conditional Use Permits for these properties because strict conditional criteria is clearly outlined within the article. He also noted that if Question #1 is approved, all Resource Protection outside of the Shoreland Zone would no longer exist so Question #3 would "disappear". Ms. Gallagher pointed out that the approval of both Questions #2 and #3 would create more of a conflict. Consensus of Board Members was that this will be discussed at the next meeting.

Adjournment: The meeting adjourned at 8:40 p.m.