

ACTON PLANNING BOARD
Meeting Minutes

DATE: April 7, 2016 (approved April 21, 2016)

ROLL CALL:

Members Present: Bob Smith - Chairman
Tom Cashin – Vice Chairman
Yoli Gallagher
Gavin Maloney
Leslie Berlan, Alternate
Skip Scott – Alternate

Absent: Jessica Donnell (excused)

Also present: Ken Paul, CEO, Brenda Charland, Recording Secretary; Virginia Deboer, Video Recorder; William Williams, Paul Poyant, John Flood, Bertha Flood

Public Hearing
Proposed Amendment to Section 4.2.2.6 (a)
of the Acton Zoning Ordinance

Chairman, Bob Smith, opened the Public Hearing at 7:00 p.m. He explained that currently two conflicting sections exist in the ordinance 4.2.2.6 (a) and 4.2.2.6 (b) which allow the Planning Board to approve special exceptions in certain circumstances in Resource Protection Districts. He noted that Planning Board Members voted to request that the Board of Selectmen includes a proposal to rescind Section 4.2.2.6 (a) which allows these exceptions in the Shoreland District which is contrary to State DEP requirements.

William Williams expressed disfavor with the proposal and requested that Planning Board Members consider rescinding both 4.2.2.6 (a) and (b) and return to the requirements in place prior to the vote in 2012. He suggested that an efficient appeals process could provide recourse for property owners who experience limitations caused by restrictions on Resource Protection and buffer areas. He also suggested that consideration resulting from this process include the requirement that an assessment by a hydrologist or an environmental engineer be included in the application process, and that all future amendments to sections that oversee Resource Protection and buffer areas require this expert assessment provision.

Paul Poyant expressed the opinion that there was a contingent at Town Meeting that intended to remove both 4.2.2.6 (a) and (b) and thought that they were voting to do that. He urged the Board to make serious consideration based on that fact or he cautioned that this issue will continue to reoccur. He stated that good communication and transparency are the keys to resolving the problems caused by the confusion created by the warrant at the last Town Meeting.

John Flood stated that he concurs with rescinding section 4.2.2.6 (b).

Hearing no further questions nor comments, the Chairman closed the Public Hearing and convened the regular meeting at 7:50 p.m., declared a quorum, and stated that Leslie Berlan would vote in the absence of Jessica Donnell.

Approval of the Minutes:

- February 18, 2016 : Moved by Skip Scott, seconded by Tom Cashin, to approve the Minutes of the Meeting of February 18, 2016 as written. The motion passed 5-0.
- March 17, 2016: Motion by Yoli Gallagher, seconded by Skip Scott, to approve the Minutes of the Meeting of March 17, 2016 as written. The motion passed 4-0-1 (Tom Cashin left the meeting).

Old Business - Discuss Public Hearing Regarding the Proposed Resource Protection Exceptions

Amendment: Skip Scott asked Ken Paul if there are many properties that are adversely affected by the Resource Protection limitations. Mr. Paul responded that there are many lots that have Resource Protection someplace on the lot but the requirement that a structure can only be built within the buffer if there is no other location on the property to situate the building reduces the number to perhaps twelve.

Tom Cashin stated that based on the results from the November 10, 2015 Town Meeting in which he felt that voters expressed their preference to return the sections of the Zoning Ordinance relative to Resource Protection Districts to the status of September 29, 2011, he made the motion to request that the Board of Selectmen include an additional amendment to the Ordinance on the Annual Town Meeting Warrant in June asking if the voters would approve rescinding 4.2.2.6 (b). This article would be in addition to the article previously submitted by the Planning Board regarding 4.2.2.6 (a). The motion was seconded by Leslie Berlan.

Yoli Gallagher stated that retaining 4.2.2.6 (b) allows Planning Board members to review an application and impose conditions based on individual situations and again reminded the Board that there are only about twelve lots that are in question.

Ken Paul reminded Board Members that the Selectmen decided on a deadline of January 30th to submit warrant articles.

The Chairman called for the vote and the motion passed 3-2.

New Business:

Conditional Use Application:

Mike and Erin Michaud, 2107 Route 109, Map 229, Lot 016: submitting a Conditional Use Permit application relative to marina and boat storage activity at 2107 Route 109. Board Members set a site walk to review the application on Thursday, April 21st at 6:45 p.m. and a Public Hearing on May 5th at 7:00 p.m. The Secretary will make all required notices.

Code Enforcement: None

Other: None

Adjournment: The meeting adjourned at 8:43 p.m.