

ACTON PLANNING BOARD Meeting Minutes

DATE: April 21, 2016 **(Approved May 5, 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

The Chairman convened the Planning Board meeting at 7:17 p.m. after conducting a site walk at 2107 Route 109, declared a quorum and determined that Skip Scott would be the voting alternate for the meeting.

Approval of the Minutes: Moved by Skip Scott, seconded by Tom Cashin, to approve the Minutes of the Meeting of April 7, 2016 as written. The motion passed 5-0.

Old Business – Proposed Resource Protection Exceptions Amendment: Bob Smith reported that he attended the Board of Selectmen’s meeting of April 19th speaking as the Chairman of the Planning Board. He noted that he presented the Board’s request to include a second article on the Annual Town Meeting Warrant in June offering voters the opportunity to revoke section 4.2.2.6 (b) of the Zoning Ordinance in addition to the original proposed article regarding rescinding 4.2.2.6 (a). He reported to the Selectmen that based on findings from the Public Hearing and consensus of voters at the November, 2015 Town Meeting, Planning Board members decided that offering the opportunity for voters to consider both articles is the best way to clear up confusion that has resulted regarding Resource Protection special exceptions.

The Chairman noted that only two of the Selectmen were at the April 19th meeting but that both Ed Walsh and Bill Shields expressed support for offering articles that would help alleviate the discrepancy that currently exists in the Zoning Ordinance. Gavin Maloney noted that the question of whether it would be necessary to hold another Public Hearing in order to add another proposed amendment to the Ordinance was discussed so the subject was tabled to the next meeting. The Chairman’s notes regarding this meeting are added as an addendum to these minutes.

Mike and Erin Michaud, 2107 Route 109, Map 229, Lot 016: Regarding the site walk to review the Conditional Use Permit Application submitted by property owners, Ken Paul stated that his only concern would be the entrance from Route 109 onto the property. He noted that road markers might be a condition for approval. The Chairman reminded Board Members that a Public Hearing has been scheduled for the next Meeting on May 5 as required by the Ordinance.

Code Enforcement: None

Other: Tom Cashin reported that the Three Rivers Land Trust is offering a workshop at the Anderson Learning Center in Springvale on May 4th at 6:00 p.m. regarding the Maine Inland Fisheries and Wildlife report if anyone is interested in attending. Regional Planning Boards and Conservation Committees have been notified.

Adjournment: The meeting adjourned at 7:35 p.m.

MEETING WITH BOS 4/19/2016

I am here to speak with you as the chairman of the Planning Board and will be expressing the opinion of that board throughout my discussion.

As you know, we held a public hearing two weeks ago regarding section 4.2.2.6 (a & b) of the town ordinance. Admittedly, there were only four people in attendance beside the board itself, but the discussion was passionate. It has always been our opinion that after we held the hearing, if the discussion warranted it, we should get back to the BOS with any changes we would like to make to the warrant article. During our regularly scheduled board meeting on that same evening, we discussed the hearing in depth. Based, in part, on the results of that hearing and also on what seemed to be the consensus of the town's people at the town meeting back in November, we moved to add an additional article to the warrant—to also strike (b) from the ordinance—and allow townspeople the opportunity to finally decide if they want (a), (b), or whether they want to eliminate both of the articles. As you may know, the November vote caused much confusion, with some voters thinking they had, in fact, eliminated both of the articles from the ordinance, when, in fact, they had not eliminated anything. Instead, the town went back to square one and still had two competing articles in place, one of which is actually illegal based on state statutes.

Consequently, the PB is requesting the BOS to add Article 13 to the warrant and give voters the chance to voice their choice at the annual June town meeting.

Unfortunately, Ted was absent. It is still not a done deal as the Jennifer has to check to see if a public hearing needed to be held and if there is enough Time to proceed with it. The final, final, final date to see the warrant is 5-17-2016. Essentially the request was tabled until next week (4-26-2016) and will be voted upon then with the three BOS in attendance. Some of the other comments to this point were:

Paul P. Wants (a) to go away especially since it's illegal, but potentially suggested a compromise by setting an additional town meeting to vote on (b) and assure townspeople that an additional vote would be taken

Larissa C. Agrees that both (a & b) should go

Gavin M. Cleared up some confusion as to how the additional article might be written if passed next week

Results of BOS

4/26/2016

BOS had 4.2.2.6 on their agenda again tonight, because it had been tabled last week so that a decision could be made about placing both articles A & b on the warrant when all of the selectmen would be present. I quickly summarized what I had said last week at the meeting, so that Ted would be up to speed, however, he had seen the tape of the meeting and knew what had transpired. He was adamant that he did not want (b) on the warrant and used the excuse that all warrant articles had to be given to the selectmen by the end of January. After more discussion, Ed made a motion to include (b) in the warrant and Bill seconded it. The motion passed 2-1 with Ted voting no. As a result both a & b will be on the warrant in June at the annual meeting. Finally, the townspeople will be able to make an informed choice.