

# ACTON PLANNING BOARD

## Meeting Minutes

**DATE:** May 5, 2016 **(approved May 19, 2016)**

**ROLL CALL:**

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

Absent: Jessica Donnell (excused)  
Skip Scott – Alternate (excused)

Also present: Ken Paul, CEO, Brenda Charland, Recording Secretary; Virginia Deboer, Video Recorder, Sue Walsh, Ed Walsh, Erin Michaud, Mike Michaud

**Public Hearing regarding a Conditional Use Permit Application, 2107 Route 109, Map 229, Lot 016, submitted by Erin and Mike Michaud:** The Chairman opened the hearing stating that the applicants, Mike and Erin Michaud, own a boat marina on Route 109 which has grown out of the home occupation status to the point that a Conditional Use Permit has become necessary. He asked for any questions or comments regarding the application. Ed Walsh, a next door neighbor of the Michauds', spoke in favor of granting the permit stating that their operation has no adverse affects on the neighborhood. He also noted that when he was Fire Chief, he had the opportunity to inspect the facility and found it to be very well run.

The Chairman asked if there were any further comments or questions; hearing none he closed the Public Hearing at 7:10 and convened the regular meeting of the Planning Board, declaring a quorum.

**Approval of Minutes of the meeting of April 21, 2016:** moved by Yoli Gallagher, seconded by Tom Cashin, the approve the Minutes as written. The motion passed 5-0.

**Old Business:**

- **Conditional Use Permit Application, Mike and Erin Michaud, 2107 Route 109:** Bob Smith noted that the facility has a potential to store about 175 boats and asked the applicants if they also typically store boat trailers at the site. Mr. Michaud answered that he doesn't encourage storing trailers because of the difficulty of moving them around when necessary but that they do allow perhaps as few as six over the season.

The CEO noted that the property spans the Rural District, the Transition District and the Commercial A District and that the use is allowed in all three districts. He also reported that several phone inquiries were received by the Office as well as one letter which were all positive expressing support for the application.

Tom Cashin inquired about the disposal of hazardous waste; Mike Michaud responded that waste oil is stored in five-gallon buckets and is picked up as needed by Jim Frasier Industrial Burner Service.

In accordance with Section 6.6.3.7 of the Zoning Ordinance, Board Members reviewed the Standards Applicable to Conditional Use as follows:

- |  |                            |
|--|----------------------------|
| a. The use will not have an adverse impact on spawning grounds, fish, aquatic life, bird, or other wildlife habitat.   | <u>NA</u>                  |
| b. The use will conserve shore cover and visual, as well as actual, access to water bodies.  | <u>NA</u>                  |
| c. The use is consistent with the Comprehensive Plan.  | <u>Yes</u>                 |
| d. Traffic access to the site meets the standards contained in this Ordinance; and traffic congestion has been addressed in accordance with performance standards in this Ordinance.                                   | <u>Yes</u>                 |
| e. The site design is in conformance with all municipal flood hazard protection regulations.   | <u>NA</u>                  |
| f. Adequate provision for the disposal of all wastewater and solid waste has been made.  | <u>Yes with conditions</u> |
| g. Adequate provision for the transportation, storage, and disposal of any hazardous materials has been made.  | <u>Yes with conditions</u> |
| h. A storm water drainage management system capable of handling a twenty-five (25) year storm without adverse impact on adjacent properties has been designed.   | <u>Yes with conditions</u> |
| i. Adequate provisions to control soil erosion and sedimentation have been made.   | <u>Yes with conditions</u> |
| j. There is adequate water supply to meet the demands of the proposed use, and for fire protection purposes.   | <u>Yes</u>                 |
| k. The provisions for buffer strips and on-site landscaping provide adequate protection to neighboring properties from detrimental features of the development, such as noise, glare, fumes, dust, odor, and the like. | <u>Yes</u>                 |
| l. All performance standards in this Ordinance, applicable to the proposed use will be met.  | <u>Yes</u>                 |
| m. Archeological and historic resources, as designated in the Comprehensive Plan, will be protected.   | <u>NA</u>                  |

Moved by Yoli Gallagher, seconded by Tom Cashin, to approve the Application for Conditional Use with the following conditions:

- Either the State DOT or the Applicants will expand the driveway entering the site to twenty-four feet wide by November, 2018. Markers will be placed on each side of the driveway in the interim;

- Paperwork documenting the disposal of waste oil through Jim Frasier Industrial Burner Service will be submitted to the Land Use Office;
- The gravel area that catches run off water will be maintained;
- The edge of the parking lots will be reseeded this season;
- No more than two-hundred boats will be stored on site;
- The tree buffer along the property boundaries will be maintained;
- The sale of boats will be limited to four per year.

The motion passed 5-0.

- **Proposed Resource Protection Exceptions Amendment – 4.2.2.6 (a) and (b):** The Chairman reviewed his notes from the meeting with the Board of Selectmen on May 3<sup>rd</sup> and noted that the inclusion of considering revoking 4.2.2.6 (b) passed with a vote of 2-1.
- **Emergency Repair Provision in Zoning Ordinance:** The Chairman stated that this subject, which arose from a recent accident that occurred when a home was hit by a large truck, was also addressed at the May 3<sup>rd</sup> Selectmen’s Meeting. The Board of Selectmen was concerned that there might be an inability to pull appropriate permits when an emergency occurs. Ken Paul noted that the accident occurred on Saturday, the Fire Chief and other volunteers contacted him and he offered to be in the office on Sunday to help with any paperwork that was needed. Mr. Paul explained that the Town’s Ordinance follows the 2009 International Residential Code (IRC), as adopted by the State of Maine. Section R105.2.1 of the IRC reads: “Where equipment replacements and repairs must be performed in an emergency situation, the permit application shall be submitted within the next working business day to the building official. Those emergency repairs may be conducted, but kept to the original footprint of that building. Upgrades or additions must be dealt with separately.”

Consensus of Board Members was that the Ordinance provides adequate ability to pull permits for emergency repairs.

#### **Code Enforcement:**

**Review Paul Pelletier Best Practical Location approval, 1038 West Shore Drive, Map 125, Lot 026:** Mr. Paul explained that a mistake had been made when the Best Practical Location application for 1038 West Shore Drive was considered at the meeting of November 5, 2015 and the structure that was approved to be 88 feet from the shoreline is actually 68 feet from the shoreline.

Moved by Tom Cashin, seconded by Leslie Berlan, to amend the Best Practical Location permit approved at the meeting of November 5, 2015 from 88 feet to 68 feet from the shoreline. The motion passed 5-0.

The Chairman adjourned the meeting at 7:46 p.m.