

# Town of Acton, Maine

## Planning Board Meeting

### MEETING MINUTES

**DATE:** June 16, 2016 (approved July 7, 2016)

**ROLL CALL:**

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

Also present: Ken Paul, CEO, Brenda Charland, Recording Secretary; Virginia Deboer, Video Recorder, Phil Dupuis, Jennifer Dupuis

The Chairman convened the meeting at 7:00 p.m., declared a quorum and designated Leslie Berlan as the voting Alternate Member.

**Approval of Minutes:** Moved by Yoli Gallagher, seconded by Skip Scott, to approve the Minutes of the Meeting of June 2, 2016 as written. The motion passed 5-0.

**Old Business:**

**Best Practical Location consideration, Phil and Jennifer Dupuis, 65 Fulton Road, Map 118, Lot 024:** The Chairman stated that five of the Planning Board Members visited the site to review the possibility of moving the existing structure as far away from the shoreline as practical.

The CEO noted that the structure is currently approximately twenty-five feet from the septic tank and forty-four feet from the septic system with a ten foot setback which would allow approximately thirty-two feet to relocate the building without moving the septic system. There are also electrical lines across the property.

In response to Tom Cashin's question regarding expansion of a non-conforming structure, Ken Paul answered that any portion of a building that is situated outside of one hundred feet from the shoreland is not subject to the 30% expansion limitation.

Mr. Paul explained that the time frame for the Building Permit that would be written for the relocation would require that the project be started within one year of the date of the permit with a completion within two years.

Moved by Yoli Gallagher, seconded by Tom Cashin, to relocate the existing structure with the following conditions:

- The structure can be no closer than eighty-seven feet from the shoreline and no less than ten feet from the sidelines;
- The relocated building cannot be closer than five feet from the septic tank;
- The ridge pole of the building must be situated perpendicular to the shoreline;

- Storm water mitigation must be addressed including the installation of drip line trenches and disturbed areas revegetated;
- The permit application is to be submitted by July 1, 2016;

The motion passed 5-0.

Mr. Dupruis inquired as to whether they could proceed within the scope of the work outlined in the existing Building Permit. Mr. Paul advised that renovations that could be affected by moving the building should be held until after that is completed but he stated that the decision certainly belongs to the property owners.

#### **Other Business:**

**Resignation:** The Chairman reported that Jess Donnell submitted her letter of resignation from the Planning Board. The Board of Selectmen will consider the resignation and initiate the process to add a new member.

**Annual Town Meeting Relative to 4.2.2.6 a and b:** Board Members discussed points that could be offered at the Town Meeting regarding the Planning Board's stance on Warrant articles numbers 12 and 13.

It was agreed that it is important to stress that 4.2.2.6 a which was submitted by the Board of Selectmen and approved at the Town Meeting in November, 2015 is illegal because it is more permissive than the law of the State of Maine, therefore, the Planning Board recommends repealing that section.

Tom Cashin stated that because 4.2.2.6 b allows development in fragile areas and threatens water quality, the section should be repealed.

**Adjournment:** The Chairman adjourned the meeting at 7:53 p.m.