

Town of Acton, Maine

Planning Board Meeting

MEETING MINUTES

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

ROLL CALL:

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

Members Absent: Skip Scott – Alternate

Also present: Ken Paul, CEO, Brenda Charland, Recording Secretary; Virginia Deboer, Video Recorder; Richard Nason; Steve Patterson; Joe Stanley, LinePro Surveying

The Chairman convened the meeting at 7:00 p.m. and declared a quorum.

Approval of Minutes: Moved by Yoli Gallagher, seconded by Leslie Berlan, to approve the Minutes of the Meeting of June 16, 2016 as written. The motion passed 5-0.

New Business:

- **Richard Nason re Resource Protection:** Mr. Nason spoke with the Board Members regarding his property bordering on Sam Page Road and Nason Road, Map 230, Lot 004-002. He noted that he had a sale pending for two house lots to be split from the site but was unable to complete the sale because of the designated Resource Protection and buffer areas on the property. Mr. Nason expressed frustration that so much of his sixty-acre property is now “unbuildable” and therefore worthless. He expressed the opinion that the Town’s maps are inaccurate based on the fact that they show the wet area crossing Sam Page Road but it is actually at least one hundred feet from the road. Also, the maps show one of the sidelines to be 570 feet, however, on the ground it is actually only 427 feet, which, in his opinion, is quite a discrepancy. Mr. Nason does not understand why the Town is so restrictive and asked if he has any recourse. He stated that the CEO had advised him to build a road from Sam Page Road to the back side of the property which falls outside of the Resource Protection District. Mr. Nason felt that a road costing \$40,000 just so he could access the twenty acres on the back of the lot which is outside of the Resource Protection area is cost prohibitive.

Mr. Paul explained to Board Members that the property in question was probably not affected by the change in the Resource Protection District designation from ten acres to two acres, however, the property does include forested wetlands which

might add to the buffered area. He also noted that the property owner can hire a wetland delineator to review the property in order to determine if the maps are inaccurate.

In response to the Chairman's question as to whether the Zoning Board of Appeals could offer any recourse, Mr. Paul explained that the ZBA can only consider a waiver if there is absolutely no building envelope on the property outside of the protected area and that all possible options have been addressed such as approaching abutters regarding the possibility of obtaining more acreage, etc in order to create a compliant building envelope. He noted that the Zoning Board does not have the authority to grant a waiver to allow dividing the property to create buildable lots.

- **Review Building Envelope, Nason Farm Subdivision:** Joe Stanley on behalf of the owner of Lot #8 of the Nason Farm Subdivision, Steve Patterson, requested to amend the rear setback of that lot from the 45 feet as required by the cluster division criteria to 25 feet. The request stems from the misunderstanding of the property owner who assumed the rear setback was the standard 25 feet as required in the Rural District. Also the hammerhead configuration of that particular lot created some confusion as well. The Chairman noted that the 45 foot rear setback requirement was created by the applicant originally in order to standardize the building areas for the lots on Plantation Drive. He also stated that amending the rear setback for this lot should not create an issue because the subdivision open space is directly behind Lot #8 so there would be no encroachment on other lot building areas.

Moved by Yoli Gallagher, seconded by Tom Cashin, to approve the request to amend the rear setback for Lot #8 of the Nason Farm Subdivision from 45 feet to 25 feet. The motion passed 5-0.

The amended plan was signed by the Board Members.

Adjournment: The Chairman adjourned the meeting at 7:41 p.m.