

Town of Acton, Maine

Planning Board Meeting

MEETING MINUTES

DATE: August 18, 2016 (approved September 1, 2016)

ROLL CALL:

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

Members Absent: Yoli Gallagher

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

The Chairman convened the meeting at 7:00 p.m., declared a quorum and stated that Leslie Berlan would be the voting Alternate Member.

Approval of Minutes: Moved by Skip Scott, seconded by Leslie Berlan, to approve the Minutes of the Meeting of August 4, 2016 as written. The motion passed 5-0.

Old Business: The Chairman reminded Board Members that Steve Bodkin, the Town Forester, had attended the meeting on August 4, 2016 and told the Board that enforcement of Timber Harvesting standards had changed several times over the past few years from the Town's overseeing those harvesting, to the State overseeing those projects and then back to timber harvesting being the Town's responsibility. He stated that he is concerned that how Timber Harvesting is currently handled by the Town might not be in compliance with the Zoning Ordinance.

Mr. Smith informed the Board that he had met with the Board of Selectmen and the Town Administrator and that the conversation determined that no conflict with the Ordinance actually exists. He assured Mr. Bodkin that going forward, if the Planning Board addresses issues that involve timber harvesting, he will be notified so that he can provide any appropriate input.

Gavin Maloney noted that the Zoning Ordinance Land Use Chart shows four Districts in which timber harvesting requires a forester, Resource Protection, Shoreland, Little Ossipee and Aquifer Protection Districts, but that the following footnote only speaks of two, the Shoreland and the Resource Protection Districts. Mr. Paul stated that footnotes generally are only meant to be guidelines so what is stated in the Chart would be the enforceable criteria. Tom Cashin expressed the opinion that the note is more clear than the chart so it would have more

bearing. Consensus of Board Members was to address this issue at the next meeting after reading more of the Ordinance and considering the difference. The CEO will contact the DEP for direction as to how the State addresses timber harvesting in these districts. Mr. Cashin requested that Steve Bodkin be informed when the Board considers the issue.

New Business:

- **Acton Zoning Ordinance Section 1.4.11.2:** Ken Paul informed Board Members that this section of the Zoning Ordinance specifically addresses allowing a 30% expansion over the lifetime of structures that existed prior to 1989 in the Shoreland Zone within one-hundred feet of the shoreline, which is in line with State shoreland criteria. However, because the Town's Ordinance expanded Resource Protection to areas outside of the Shoreland Zone in 2011, there is no allowance for possible expansion to existing structures in those areas. He suggested that the Board consider allowing possibly the 30% expansion not to exceed 1500 square feet.

The Chairman asked the CEO if stormwater mitigation would be a condition to affect the entire site or just the construction area of the property. Mr. Paul replied that stormwater mitigation is currently an automatic permit condition for the entire site when a project is done. Mr. Smith noted that this Conditional Use consideration could give the Planning Board an opportunity to set conditions that could improve situations where erosion control is a problem.

Board Members will review the Ordinance and consider the issue at the next meeting.

Code Enforcement:

- **Best Practical Location Consideration:** Paul and Janet Manzer, 30 Avenue C, Map 145, Lot 020, are applying to demo the existing structure and rebuild a 2100 square foot home on a full foundation within the allowable 30% expansion.

Mr. Paul stated that the structure is currently twenty-three feet from the shoreline, thirty-seven feet from the road. The proposed relocation of the building would be twenty-nine feet from the shoreline and still thirty-seven feet from the road. He noted that the septic system is fairly new and though the Manzers own property across the road, the terrain would not support relocating the structure there.

Moved by Tom Cashin, seconded by Skip Scott, to approve the application to demo the existing structure and to rebuild a 2100 square foot home no closer than twenty-nine feet from the high water mark and thirty-seven feet from the road and installing approved stormwater mitigation practices. The motion passed 5-0.

Adjournment: The Chairman adjourned the meeting at 8:05 p.m.