

Town of Acton, Maine Planning Board Meeting MEETING MINUTES

DATE: January 19, 2017 (approved February 2, 2017)

ROLL CALL:

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

Also present: Ken Paul, CEO; Virginia Deboer, Video Recorder

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

Approval of Minutes: Moved by Skip Scott, seconded by Tom Cashin, to approve the Minutes of the Meeting of January 5, 2017 as written. The motion passed 5-0..

Old Business:

- **Pepin, Conditional Use Permit to Expand Mineral Extraction Operations at Map #207, Lot #005, H Road:** no action

- **Three Rivers Land Trust / Town of Acton Subdivision Application, Portion of Map 220, Lot 002:** no action

- **Acton Zoning Ordinance Proposed Amendments:** Ken Paul outlined the amendments to the Ordinance that he is proposing:
 - 1.4.10.4 Expansion of Use – correcting the reference number;

 - ~~1.4.11.4~~ Maintenance or Enlargement – removing the section numbers to make the paragraph an explanation of the heading including a reminder that permits must be obtained;

 - 1.4.11.2~~1~~ Expansion in Shoreland District or Resource Protection District within the Shoreland Zone: changing the numbering to allow for the addition of 1.4.11.2;

 - 1.4.11.2 Expansion in Resource Protection District Outside of the Shoreland Zone: proposing to allow the 30% expansion of structures that existed prior to the changes to the Resource Protection District in September, 2011. This proposal is based on the 30% expansion allowance that currently exists for structures in the Shoreland District within 100 feet of the waterline;

Discussion: Tom Cashin wanted to be certain that this section would prohibit expansion to structures built after September 29, 2011. Consensus of the Board was that the date could clearly be stated within the heading.

- 1.4.11.3 Reconstruction or Replacement – stipulating that the 50% removal of the market value of structures within 100 feet of the shoreland can be calculated over a five (5) year period;
- 1.4.11.4 Relocation – including the limitation that the Planning Board shall not consider any improvements to the property that have occurred within the past five (5) years
- 1.11.1 Effective Date, Section B – removing State verbiage because the Town adopted State standards;
- 2.1.4 Little Ossipee District – reducing the district from 750 feet to 500 feet from the normal high water mark of Balch Pond and the Little Ossipee River based on Saco River dimensional criteria;
- 2.6.2 ~~Flag and other odd shaped lots in which narrow strips are joined to other parcels in order to meet lot size requirements are prohibited.~~ - eliminating the section from General Lot Standards regarding the shape of building lots because lots must meet setback and road frontage criteria, this section is not necessary;
- 2.6.3 ~~2~~ changing numbering;
- 2.6.4 ~~3~~ changing numbering;
- 2.6.5 ~~4~~ Minimum Lot Standards – changing numbering;
- 2.7 LAND USE CHART:
 - Timber Harvesting for Commercial – changing from CEO Review based on Footnote #4 to be a permitted use to eliminate the conflict between the Land Use Chart and the footnotes;

Discussion: Gavin Maloney expressed the opinion that because the Town has chosen to follow State standards, all timber harvesting projects must involve the oversight of a forester. Steve Bodkin will be invited to attend the next meeting for discussion.
 - Public Utilities ~~including sewage collection~~ – removing the inclusion of sewage collection;
 - Filling, grading, or other earth moving activity less than 10,000 cubic yards per year – adding the “per year” limitation and changing the permitting from Conditional Use Permit to not permitted in the Shoreland, Resource Protection and Little Ossipee Districts;
 - Filling, grading, or other earth moving activity less than 500 cubic yards per year – adding this activity to the Land Use Chart, permitted in all Districts but Shoreland, Resource Protection and Little Ossipee Districts, which will require a Conditional Use Permit;
 - Filling, grading, or other earth moving activity less than 100 cubic yards per year - adding this activity to the Land Use Chart, permitted in the Village, Rural, Transition and Aquifer Districts, permitted with CEO review in the Critical Rural, Commercial A, B and C, Mixed Use, Shoreland and Little Ossipee Districts and requiring a Conditional Use Permit in the Resource Protection Districts;

Discussion: Consensus of Board Members was that a Conditional Use Permit would be required for this activity in the Resource Protection District.

Gavin Maloney noted that the “Filling, grading, or other earth moving activity more than 10,000 cubic yards (Mineral Extraction Industrial)” activity had inadvertently been omitted from the Land Use Chart used in this proposal.

- Individual, private campsites, Road construction, Land management roads and Parking facilities – moving these activities to the “Other Uses” Section of the Land Use Chart to the “Essential Services”;
 - Renewable energy installed on an existing structure – adding this activity to the Land Use Chart to be allowed in all Districts with a CEO Review;
 - Renewable energy not installed on an existing structure – adding this activity to the Land Use Chart requiring a Conditional Use Permit in all Districts except the Resource Protection District which will not be allowed;
- 3.2 DEFINITIONS:
- **Basement** – Removing “Outside the Shoreland and Resource Protection District, this term shall mean a portion of the building partly underground but having less than half its clear height below the average grade of the adjoining ground. Within the Shoreland and Resource Protection District, this term shall mean “ to read “any portion of a structure with a floor-to-ceiling height of 6 feet or more and having more than fifty percent (50%) of its volume below the existing ground level”;
 - **Foundation** – Removing the current definition “Outside the Shoreland and Resource Protection Districts, the term shall mean the supporting substructure of a building or other structure including, but not limited to, basements, slabs, sills, posts, or frost walls. Within the Shoreland and Resource Protection Districts, the term shall mean the supporting substructure of a building or other structure, excluding wooden sills and post supports, but including basements, slabs, frost walls, or other base consisting of concrete, block, brick, or similar material” to read “Anything that meets the adopted Building Code”;
- Discussion:** Consensus of the Board was to define “foundation” as any substructure that meets the adopted Building Code.
- 4.3.2.1 DEFINITION – deleting verbiage that confuses the section ~~and that is not within the Resource Protection District;~~
- 4.4.1 PURPOSE – The Little Ossipee River District reducing the district from 750 feet to 500 feet from the normal high water mark of Balch Pond and the Little Ossipee River based on Saco River dimensional criteria;
- 5.4 DIVIDUAL PRIVATE CAMPSITES – adding the requirement that the lot size is per use - (When an individual private campsite is proposed on a lot that contains another principal use and/or structure, the lot must contain the minimum lot dimensional requirements for the principal structure and/or use, and the individual private campsite separately);
- 5.4 f – reducing the days per year from 120 to 30 ~~(120)~~ (thirty) days per year, all requirements for residential structures shall be met, including the installation of a subsurface sewage disposal system in compliance with the State of Maine Subsurface Wastewater Disposal Rules unless served by public sewage facilities.
- 5.19 TIMBER HARVESTING – because the Town is adopting State Standards for timber harvesting activities, these sections that address local standards should be removed;
- ~~5.19.2.1~~ 5.19.1 Shoreline Integrity and Sedimentation – correcting numbering;
- ~~5.19.2.2~~ 5.19.2 Slash Treatment – correcting numbering;

- ~~5.19.2.3~~ 5.19.3 correcting numbering;
- ~~5.19.2.4~~ 5.19.4 **Skid Trails, Yards and Equipment Operation** – correcting numbering;
- ~~5.19.2.5~~ 5.19.5 **Land Management Roads** – correcting numbering;
- ~~5.19.2.6~~ 5.19.6 **Crossings of Waterbodies** – correcting numbering;
- ~~5.19.2.7~~ 5.19.7 **Slope Table** – correcting numbering;
- **6.2.3** increasing the time to process a permit application from seven (7) days to thirty (30) days based on State criteria;
- **6.2.7** Eliminating the date of the International Residential Code as adopted by the State so that it is no longer necessary to change the Ordinance when a new Code is adopted.

Moved by Skip Scott, seconded by Leslie Berlan, to move forward with the proposed amendments as modified. The motion passed 5-0.

Code Enforcement: None

Adjournment: The Chairman adjourned the meeting at 9:05 p.m.