

# Town of Acton, Maine Planning Board Meeting MEETING MINUTES

**DATE:** February 16, 2017 (approved March 2, 2017)

**ROLL CALL:**

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

Members Absent: Skip Scott

Also present: Ken Paul, CEO; Virginia Deboer, Video Recorder; Joe Stanley, Line Pro Surveying; Carl Davis; Robert Mann; Dexter Lazenby; Vicki Erickson; Bill Shields; Steve Bodkin, Town Forester

The Chairman convened the Public Hearing to discuss the Three Rivers Land Trust / Town of Acton Subdivision Plan at 7:00 p.m. Joe Stanley explained that the plan creates nearly 190 acres of the site to be designated as unbuildable conservation land to be used by the public for recreational purposes and 217 acres to be reserved as an easement for farmland and related structures.

The Chairman opened the Hearing for questions or comments; hearing none, he closed the hearing and opened the regular meeting at 7:07 p.m.

**Approval of Minutes:** Moved by Yoli Gallagher, seconded by Tom Cashin, to approve the Minutes of the Meeting of February 16, 2017 as written. Tom Cashin requested that relative to the Three Rivers Subdivision plan, his statement regarding ensuring that development of the site for recreational use does not adversely affect neighbors be amended to read for "agricultural use" instead. The motion to approve the Minutes as amended passed 5-0.

**Old Business:**

- **Three Rivers Land Trust / Town of Acton Subdivision Application, Portion of Map 220, Lot 002:** Tom Cashin raised the issue of exterior lighting as outlined in Section 5.11 of the Zoning Ordinance, Good Neighbor and Design Standards for Proposed Development, and supports including that as a condition of approval of the Subdivision Application. Ken Paul reminded the Board that all sections of the Zoning Ordinance are applicable so it wouldn't be necessary to repeat that criteria as a standard.

Mr. Cashin questioned if it would be wise to address the speed limit in the area based on the change of property use. Vicki Erickson stated that traffic is typically fast on that road and possibly posting signs advising that a parking area and trails heads exist might be suitable. Consensus of the Board Members was that the Board of Selectmen is responsible for posting traffic signs.

Dexter Lazenby asked Board Members if they have discussed restricting hours of operation. His concern was that juvenile partying has occurred in the past. Ken Paul reminded the Board that the property will fall under the management of the Town and the Board of Selectmen will have to determine hours of operation.

Board Members reviewed the standards outlined in Section 6.6.3.7 of the Zoning Ordinance and found the following:

1. **Pollution:** will not result in undue water or air pollution. Yes
2. **Sufficient water** has sufficient water available for the reasonably foreseeable needs of the subdivision; Yes
3. **Municipal water supply:** will not cause an unreasonable burden on an existing water supply; N/A
4. **Erosion:** will not cause unreasonable soil erosion or a reduction in the land's capacity to hold water; (Carl Davis confirmed that the Three Rivers Trust will monitor the management of both the recreational and agricultural portions of the property annually; Yes
5. **Traffic:** will not cause unreasonable highway or public road congestion or unsafe conditions with respect to the use of the highways or public roads; (it was determined that this will be addressed by the Board of Selectmen) Yes
6. **Sewage disposal:** will provide for adequate sewage waste disposal and will not cause an unreasonable burden on municipal services; (it was determined that this will be addressed by the Board of Selectmen) Yes
7. **Municipal solid waste disposal:** will not cause an unreasonable burden on the municipality's ability to dispose of solid waste; (it was determined that this will be addressed by the Board of Selectmen) Yes
8. **Aesthetic, cultural and natural values:** will not have an undue adverse effect on the scenic or natural beauty of the area; Yes
9. **Conformity with local ordinances and plans:** conforms with a duly adopted subdivision regulation or ordinance, comprehensive plan; Yes
10. **Financial and technical capacity:** The subdivider has adequate financial and technical capacity to meet the standards of this section; Yes
11. **Surface waters:** outstanding river segments. Whenever situated entirely or partially within the watershed of any pond or lake or within 250 feet of any wetland, great pond or river N/A
12. **Ground water:** will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water; Yes
13. **Flood areas** principal structures in the subdivision will be constructed with their lowest floor, including the basement, at least one foot above the 100-year flood elevation; N/A
14. **Freshwater wetlands.** All freshwater wetlands within the proposed subdivision have been identified Yes
15. **River, stream or brook.** Any river, stream or brook within or has been identified on any maps submitted Yes
16. **Storm water:** will provide for adequate storm water management; Yes
17. **Spaghetti-lots prohibited.** If any lots in the proposed subdivision have shore frontage on a river, stream, brook, great pond or coastal, none of the lots created within the subdivision have a lot depth to shore frontage ratio greater than 5 to 1; N/A

18. Lake phosphorus concentration. The long-term cumulative effects of the proposed subdivision will not unreasonably increase a great pond's phosphorus concentration during the construction phase and life of the proposed subdivision;

Yes

Carl Davis stated that the baseline data relative to any easements established will be provided to the Town of Acton Code Enforcement Office.

Moved by Tom Cashin, seconded by Yoli Gallagher, to approve the Subdivision Plan dated February 16, 2017 which includes the conditions that a 15 foot paved apron be established at the entrance and that any primary structures constructed on either Lot #1 or Lot #2 have individual fire suppression sprinkler systems installed that meet State and Local standards. The motion passed 5-0.

The approved Plan was signed by Bob Smith, Tom Cashin, Gavin Maloney, Yoli Gallagher and Leslie Berlan.

**Acton Zoning Ordinance Proposed Amendments:** Steve Bodkin reminded the Board that discussion at the previous meeting was relative to addressing adopting the Statewide Timber Harvesting Standards. He reported that the State Forestry Department confirmed that if the Town retains forestry standards that supersede the State's, the State Forester will enforce only State standards in ten-acre wetlands and shoreland areas adjacent to a 300-acre point of a stream. Therefore, forestry that occurs in resource protection areas less than the ten acres, would be enforced by the Town.

Mr. Bodkin also confirmed that if the Town approves the proposed amendments to the Ordinance relative to forestry as recommended by Ken Paul, the Town would be in compliance with State Standards.

Mr. Paul noted that the State's Standards apply only to harvesting within shoreland areas as defined by the State. In order to ensure that the enforcement of these standards occurs only in those areas and not in the Town's Shoreland and Resource Protection Districts, Section 5.19 of the Ordinance should be amended to read shoreland and resource protection areas and the word District would be eliminated, to read:

**5.19 TIMBER HARVESTING** – *The following standards shall govern Timber Harvesting within the shoreland areas and resource protection areas.*

Moved by Yoli Gallagher, seconded by Tom Cashin, to recommend the proposed Group E including the change to Section 5.19 TIMBER HARVESTING to the Board of Selectmen for consideration on the Warrant at the Annual Town Meeting in June. The motion passed 4-1.

Moved by Tom Cashin, seconded by Yoli Gallagher, to recommend the proposed Group A to the Board of Selectmen for consideration on the Warrant at the Annual Town Meeting in June. The motion passed 5-0.

Moved by Tom Cashin, seconded by Yoli Gallagher, to recommend the proposed Group B to the Board of Selectmen for consideration on the Warrant at the Annual Town Meeting in June. The motion passed 5-0.

Moved by Tom Cashin, seconded by Yoli Gallagher, to recommend the proposed Group C to the Board of Selectmen for consideration on the Warrant at the Annual Town Meeting in June. The motion passed 5-0.

Moved by Tom Cashin, seconded by Yoli Gallagher, to recommend the proposed Group A to the Board of Selectmen for consideration on the Warrant at the Annual Town Meeting in June. The motion passed 5-0.

- **12<sup>th</sup> Street Acres Subdivision Driveway Modification:** Ken Paul reported that the subdivision owner will submit a modified Plan for consideration at the next meeting.

**Old Business:**

- **Moose Pond Sand and Gravel Conditional Use Permit Application for Mineral Extraction, Anderson Cove / H Road, Map 207, Lot 001:** The Chairman reminded Board Members that they received packets outlining this application at a previous meeting. Tom Harmon from Civil Consultants will attend the next meeting to answer any questions the Board may have.

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