

Town of Acton, Maine

Planning Board Meeting

MEETING MINUTES

DATE: April 6, 2017 (approved April 20, 2017)

ROLL CALL:

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

Members Absent: Bob Smith – Chairman (excused)
Skip Scott (excused)

Also present: Ken Paul, CEO; Brenda Charland, Recording Secretary; Virginia Deboer, Video Recorder; Michael Todd, Corner Post Surveyors; William Williams; Paul Poyant

Old Business:

- **Van Hertel, Jr., Four-Lot Subdivision Application, Route 109 / Milton Mills Road, Map 241, Lot 006:** The Vice Chairman asked if Board members would agree to taking the Van Hertel Subdivision Application out of order. Hearing no objections, he requested that Michael Todd from Corner Post Surveyors, representing the applicant, outline the subdivision application:
 - the proposed subdivision, Williard Farm Estates, consists of 169.84 acres to be divided into four lots ranging from 2.24 acres to 85.75 acres;
 - the property falls within the Commercial A District and the Rural District which require two-acre lots minimum, with road frontage of 250 feet; a small portion in the northwest corner of the lot falls within the Shoreland District;
 - the lots will have individual wells and septic tanks and utilize overhead utility service to the individual lots.
 - Lots #1, 3, and 4 will have curb cuts for driveway access, Lot 2 has a proposed driveway approximately in the center of the lot;
 - The Applicant is submitting for five waiver requests: High Intensity Soil Survey, Hydrogeologic Assessment, Stormwater Plan, Phosphorus Impact Analysis, and perimeter monuments as 5/8 inch iron rods

Ken Paul informed Mr. Todd that DOT entrance permits or a letter stating that DOT access is not necessary will be required for all curb cuts.

He also noted that a portion of Lot #2 falls within the Commercial A District and that Section 4.5.2. of the Zoning Ordinance stipulates that residential lots that are part of a subdivision are prohibited in that District. Gavin Maloney inquired if the portion of the lot that falls within a Commercial District can be counted towards minimum lot size. Mr. Paul replied that it can be counted but the building envelope must not fall within the district.

Tom Cashin read Section 2.5 of the Zoning Ordinance which allows a building envelope to extend into the Commercial District by not more than fifty feet: *“Where a zoning district boundary line, other than a boundary line of the Resource Protection District, Little Ossipee River District, or Shoreland District, divides a lot or parcel of land of the same ownership of record at the time such line is established by adoption or amendment of this Ordinance, the regulations applicable to the less restricted portion of the lot may be extended not more than fifty (50) feet into the more restricted portion of the lot.”*

Mr. Cashin explained that the intention of this section was to prevent residential subdivisions from excessively using properties within the Commercial Districts which might inhibit commercial growth within the Town.

Mr. Paul noted that the applicant did not request a waiver for test pits and suggested that because lots #1, 3 and 4 are all large lots, test pits might not be necessary. However, Lot #2, which is about two acres, should have a test pit. He suggested that the list of waivers requested, as number 6, could request waiving test pits on all lots except Lot #2

He also suggested including a note on the plan that no residential use is allowed within the Commercial A District.

Consensus of the Board was that a site walk is not necessary in processing this application. Ken Paul suggested that a Public Hearing should be scheduled for May 18th if all requested changes to the plan and the narrative are submitted.

- **Informational Meeting regarding proposed amendments to the Acton Zoning Ordinance:** The Vice Chairman opened the Informational Meeting asking if anyone was present to discuss the Planning Board’s proposed amendments. Paul Poyant indicated that he had questions and comments.

Mr. Paul outlined the suggested changes to the proposed amendments that came from the Department of Environmental Protection review:

- **1.4.11.3 Reconstruction or Replacement:** . . . *“fifty percent (50%) of the market value of the structure over a five (5) year period before...”* instead of the original proposed verbiage which read *“fifty percent (50%) of the market value over a five (5) year period of the structure...”*;
- **1.4.11.4 Relocation:** . . . *“The Planning Board shall not consider any improvements to the property that have occurred within the preceding five (5) years”* instead of the originally proposed wording *“the preceding five (5) years”*;
- **5.20.6 Revegetation Requirements:** . . . removing the verbiage *“as a Result of a Violation”*;
- **5.20.6 (4)(b) Revegetation Requirements:** . . . *“Replacement vegetation must consist of one-point trees, 2” (two inches) at dbh at a minimum”* instead of allowing saplings to be used for minimum replacement;
- **5.20.6 (6)(a) Revegetation Requirements:** . . . *“a minimum of 3” (three inches) on center”* is added.

Paul Poyant asked, regarding section 1.4.11.3, when the preceding five year period begins. Mr. Paul replied that it would begin on the date of the permit.

Mr. Poyant also suggested changing section **2.7 LAND USE CHART** . . . to read: *“Filling, grading, or other earth moving activity 500 to 9,999 cubic yards per year”*, originally *“less than 10,000 per year”*;

And *“Filling, grading, or other earth moving activity less than 100 to 499 cubic yards per year”* originally *“less than 500 cubic yards per year”*;

Mr. Poyant asked, regarding eliminating the year of the IRC, IBC and IECC Codes in section 6.2, Building or Use Permit, how to prevent an applicant from inadvertently using the wrong version of the Building Code. Mr. Paul replied that when he reviews plans submitted for a project, he would know that the wrong code was used.

Approval of Minutes:

- March 16, 2017: Moved by Gavin Maloney, seconded by Lincoln Marston, to approve the Minutes of the Meeting of March 16, 2017 as written. The motion passed 5-0.

New Business: There was not any new business to discuss

Adjournment: The Vice Chairman adjourned the meeting a 8;15 p.m.