

Town of Acton, Maine

Planning Board Meeting

MEETING MINUTES

DATE: August 3, 2017 (approved August 17, 2017)

ROLL CALL:

Members Present: Bob Smith – Chairman
Tom Cashin – Vice Chairman
Yoli Gallagher
Gavin Maloney
Lincoln Marston, Alternate
Joyce Bakshi, Alternate

Members Absent: Leslie Berlan, Excused

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

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

Approval of Minutes:

Moved by Tom Cashin, seconded by Yoli Gallagher, to approve the Minutes of the Meeting of July 20, 2017, as written.

Bob Smith raised the question as to whether the conditions required for approval of Brett Martin's Best Practical Location application at 1539 H Road, Map 120, Lot 006, should read "*In order to bring the property into the 20% impervious lot coverage limitation, seven hundred square feet of the existing concrete must be removed and revegetated. The property owner also agreed to remove an additional one hundred square feet of the existing boat ramp and establishing a vegetated buffer at the foot of the ramp.*"

Approval of the Minutes as amended passed 5-0.

Old Business:

- **Moose Pond Sand and Gravel Conditional Use Permit Application for Mineral Extraction, Anderson Cove / H Road, Map 207, Lot 001:** Board Members reviewed the plan changes: Operations Note #1, increasing the bond from \$10,000 to \$15,000, and Reclamation note #5f addressing the seeding plan on the original ten acres. Four Board Members signed the Plan.
- **Richard Labore and Andrea Brown, 250 Milton Mills Road, Map 241-006-04:** The Chairman distributed notes taken at the site walk. Gavin Maloney asked the applicants about the corner of the parking lot that appears to encroach into the wet area of the property. Ms. Brown responded that these plans are very preliminary and when the delineation is final, the parking lot may need to be redesigned. Ken Paul stated that before starting construction, a stormwater mitigation plan will be required.

Mr. Maloney noted that the existing culvert will have to be replaced and asked the applicants to consider using an "open bottle" culvert to allow for wildlife movement.

The Board set Thursday, September 21st for the Public Hearing as required by the Zoning Ordinance.

- **Nancy Maloney d/b/a Camp Bella Soul, 1813 H Road, Map 118, Lot 023-01:** The Chairman distributed notes taken at the site walk. Tom Cashin noted that he has concerns about the adequacy of the septic system when events are scheduled. Board Members set Thursday, September 7th for the Public Hearing as required by the Zoning Ordinance.
- **Steve Bodkin re Timber Harvest:** Mr. Bodkin spoke with the Board about how the recent Ordinance Amendments, as approved at the Annual Town Meeting, affect harvesting in town based on statewide timber harvesting standards. He expressed the opinion that referring to harvesting in the Shoreland, as in the title of Section 5.19, makes the Ordinance in conflict with the Timber Harvesting Statewide Standards. He expressed the opinion that the town should use the State's definition of timber harvesting which is stated in Section 5.19.1 and on.

Tom Cashin wondered what restrictions would exist if timber harvesting is allowed within the Town's defined Resource Protection Districts; what protections would be in place for wetlands less than ten acres. Mr. Bodkin responded that there are standards built within Timber Harvesting Criteria to regulate cutting, such as, forty square feet of basal area per acre and/or four hundred and fifty stems of regenerated trees existing on site. He also stated that unregulated timber harvesting does not exist anywhere in the State; best management practices are required in any approved cut.

Mr. Paul pointed out that if the Board accepts that harvesting can be done in the Town-defined Resource Protection Districts, those areas can be clear cut but even a dog house can't be built on site. He also stated that many of the Town-defined Resource Protection Districts are forested wetlands where wet areas exist only a few months out of the year.

Gavin Maloney stated that he personally doesn't feel that the Board ever intended to allow timber harvesting within the Town-defined Resource Protection Districts.

The Chairman noted that even if the problem is only how the title of Section 5.19 is written, it will be necessary to go back to a Town Meeting to correct it.

Mr. Paul explained that part of the problem is that when a harvester is planning a cut, he would go to the State Resource Protection maps for direction and the Town-defined Resource Protection would not show up; the Town has no notice that the cut is happening, possibly in the Town's Resource Protection Districts, until long after the cut is finished.

Much of the Board's conversation was around whether the average lay person could even recognize if they were standing in the Town-defined wetland area and whether a site visit to one of those sites would be helpful.

Joyce Bakshi recapped the conversation stating that she believes the pertinent questions are: If we change the verbiage in the Ordinance, would we be in compliance with Statewide Standards; is there any protection in the Town-defined Resource Protection districts relative to timber harvesting.

Consensus of Board Members was to defer this discussion to the next meeting, possibly with a State Representative in attendance to answer questions.

Adjournment: The Chairman adjourned the meeting at 8:26 p.m.