

Town of Acton, Maine

Planning Board Meeting

MEETING MINUTES

DATE: August 17, 2017 (approved September 7, 2017)

ROLL CALL:

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

Also present: Ken Paul, CEO; Brenda Charland, Recording Secretary; Virginia Deboer, Video Recorder; Steve Bodkin; Oliver Markowicz, State Forester

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

Approval of Minutes:

- **August 3, 2017:** Moved by Tom Cashin, seconded by Yoli Gallagher, to approve the Minutes of the Meeting of August 3, 2017, as written. The motion passed 5-0.
- **July 20, 2017:** Gavin Maloney moved, seconded by Yoli Gallagher, that the motion for approval of Brett Martin's Best Practical Location application at 1539 H Road, Map 120, Lot 006, should read "*Moved by Yoli Gallagher, seconded by Leslie Berlan, to approve the application with the condition that all stormwater mitigation practices are followed including removing and revegetating seven hundred square feet of existing concrete and removing an additional one hundred square feet of the existing boat ramp and establishing a vegetated buffer at the foot of the ramp, for a total of eight hundred square feet.*" The motion passed 5-0.

Old Business:

- **Richard Labore, 250 Milton Mills Road, Map 241-006-04:** Public Hearing set for Thursday, September 21, 2017
- **Nancy Maloney d/b/a Camp Bella Soul, 1813 H Road, Map 118, Lot 023-01:** Public Hearing set for Thursday, September 7, 2017
- **Steve Bodkin / Oliver Markewicz, Maine State District Forester re Timber Harvest:** Steve Bodkin introduced Oliver Markewicz, the Maine State District Forester. In response to Tom Cashin's question regarding what factors prevent the Town from meeting Statewide Standards compliance, Steve Bodkin stated that his understanding is:
 1. the Town's requirement that a forester manage harvesting outside the Shoreland Zone in order to avoid Planning Board review; and
 2. the Town's definition of Resource Protection Districts as being two acres instead of the State ten acres; and
 3. the Town's requirement that the Notification of Intent to Cut form is submitted to the Land Use Department when submitted to the State for approval.

Oliver Markewicz expressed the opinion that the major problem with the Town's definition of wetlands is the inclusion of the forested wetland areas. This standing makes the Town an Option #3 town which means

that the Town is “on its own”. Gavin Maloney expressed disbelief that the state would refuse to help the Town in the event of a violation. He cited a situation where Mr. Markewicz assisted Ken with a violation; he couldn’t remember the property owner’s name. Mr. Markewicz explained that he helped the Town with that situation only because he didn’t realize at that time that Acton is an Option #3 town.

Ken Paul explained that one of the major problems with being an Option #3 town is that he gets notification of intent to cut several weeks after the cut actually takes place.

Bob Smith noted that the Board’s efforts in June to gain approval from the voters to modify the Zoning Ordinance in order to achieve Statewide standards “was for not.” Ken Paul stated that it was a step in the right direction. Tom Cashin felt that the voters clearly expressed support for protecting the two acre wetlands in June, 2016. The Chairman noted that it’s also the responsibility of the Planning Board to ensure that the Land Use Department has the necessary resources to protect wetlands and if compliance with Statewide Standards is mandatory to gain the State’s enforcement support, the Board should investigate all options.

Ken said that he thinks it’s important that Board members see first hand what thirty square feet of basal area per acre, which is the allowed rate of cut within the buffer area, looks like. The Chairman asked Mr. Bodkin and Mr. Markewicz if they would be available to join the Board members on a site visit to a property that represents this factor. Both agreed that they would. Consensus of Board members was to table discussion of this subject until this can be arranged.

New Business:

- **Shawn Glidden, 123 7th Street, Map 151, Lot 006:** applying to replace an existing foundation and increase the structure within the 30% expansion allowance, same location, the Board scheduled a site visit on August 31, 2017.
- **Donato Tramuto, 159 Chipmunk Run, Map 118, Lot 042:** applying to rebuild within the 30% expansion allowance on existing foundation, the Board scheduled a site visit on August 31, 2017.
- **Robbie and Ellena Orr, 526 West Shore Road, Map 126, Lot 011:** applying to demolish the existing structure and rebuild within the 30% expansion allowance. The Board scheduled a site visit on August 31, 2017.

Code Enforcement:

Adjournment: The Chairman adjourned the meeting at 8:07 p.m.