

# Town of Acton, Maine

## Planning Board Meeting

### MEETING MINUTES

**DATE:** September 7, 2017 (approved September 21, 2017)

**ROLL CALL:**

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

Members Absent: Lincoln Marston, Alternate

Also present: Ken Paul, CEO; Brenda Charland, Recording Secretary; Virginia Deboer, Video Recorder; Shawn Glidden, Mark Demers

**Public Hearing:** The Chairman opened the Public Hearing at 7:00 p.m. Regarding the Conditional Use Application at 1813 H Road, Map 118, Lot 023-01 to establish a workshop facility, Mrs. Maloney explained that she purchased the lot, which is next door to her home, and she now wishes to use the existing 35' x 40' structure, currently used for storage, as a workshop for "starving artists".

The Chairman asked for comments, questions or concerns; hearing none he closed the Public Hearing and convened the regular meeting 7:05 p.m. and declared a quorum.

**Approval of Minutes for August 17, 2017:** Moved by Gavin Maloney, seconded by Leslie Berlan, to approve the Minutes as written which includes approval of the modifications to the Minutes of July 20, 2017.

Tom Cashin noted that Steve Bodkin's statement #1 under Old Business, Timber Harvest, regarding Resource Protection areas that comprise less than ten acres should be clarified. Footnote #4 of the Land Use Chart in the Zoning Ordinance says: *"If the applicant has retained a forester to manage ALL AREAS to be harvested in the cut (not just in the Shoreland District and Resource Protection), no Planning Board review (i.e. Conditional Use Permit) shall be required"*.

The motion to approve the Minutes with that clarification passed 5-0.

**Old Business:**

- **Nancy Maloney d/b/a Camp Bella Soul, 1813 H Road, Map 118, Lot 023-01:** The Chairman asked Mrs. Maloney about the bathroom facilities and the septic. She responded that the camp house has three stalls served by a septic that was installed in 2011.

Board Members reviewed the Standards as outlined in Section 6.6.3.7 of the Zoning Ordinance:

- a. The use will not have an adverse impact on spawning grounds, fish, aquatic life, bird, or other wildlife habitat; N/A
- b. The use will conserve shore cover and visual, as well as actual, access to water bodies; N/A

- c. The use is consistent with the Comprehensive Plan; Yes
- d. Traffic access to the site meets the standards contained in this Ordinance; and traffic congestion has been addressed in accordance with performance standards in this Ordinance; Yes
- e. The site design is in conformance with all municipal flood hazard protection regulations; N/A
- f. Adequate provision for the disposal of all wastewater and solid waste has been made; Yes
- g. Adequate provision for the transportation, storage, and disposal of any hazardous materials has been made; N/A
- h. A storm water drainage system capable of handling a twenty-five (25) year storm, without adverse impact on adjacent properties, has been designed; N/A
- i. Adequate provisions to control soil erosion and sedimentation have been made; the Acton Wakefield Watershed Alliance group previously designed stormwater mitigation for the site; Yes
- j. There is adequate water supply to meet the demands of the proposed use, and for fire protection purposes; Yes
- k. The provisions for buffer strips and on-site landscaping provide adequate protection to neighboring properties from detrimental features of the development, such as noise, glare, fumes, dust, odor, and the like; Yes
- l. All performance standards in this Ordinance applicable to the proposed use will be met; Yes
- m. Archeological and historic resources, as designated in the Comprehensive Plan, will be protected. N/A

Moved by Tom Cashin, seconded by Leslie Berlan, to approve the Conditional Use Application application to establish a workshop facility at 1813 H Road with the following conditions:

- The use will be seasonal;
- Hours 8:00 a.m. to 8:00 p.m. seven days per week;
- Legally dispose of all waste materials.

The motion passed 5-0.

- **Richard Labore, 250 Milton Mills Road, Map 241-006-04:** Public Hearing set for Thursday, September 21, 2017
- **Shawn Glidden, 123 7<sup>th</sup> Street, Map 151, Lot 006,** applying to replace an existing foundation and increase the structure within the 30% expansion allowance, same location. The CEO explained that this is a unique site because moving the structure back causes a rotation of the building which would encroach on the neighbor's retaining wall and there is a lake inlet that runs along the sideline of the property.

Mr. Glidden noted that a new septic system will be installed and that no healthy trees will be cut.

Moved by Nancy Bakshi, seconded by Leslie Berlan, to approve the application to replace the foundation and build the addition with the condition that all proper stormwater mitigation practices are followed and the structure is situated no closer than within forty feet of the shoreline. The motion passed 4-0-1.

- **Donato Tramuto, 159 Chipmunk Run, Map 118, Lot 042,** applying to rebuild within the 30% expansion allowance on the existing foundation. Moved by Nancy Bakshi, seconded by Leslie Berlan, the approve the application based on the conditions that:

- all proper mitigation practices are followed,
- the aprons are removed and the areas revegetated,
- at least 750 square feet of impervious surface is reclaimed prior to the issuance of the Occupancy Certificate.

The motion passed 4-0-1.

- **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. Ken Paul noted that the proposed location of the new building would be thirty-three feet from the shoreline; the original structure was within fourteen feet. The shed will be removed from the site.

Moved by Yoli Gallagher, seconded by Leslie Berlan, to approve the application with the conditions that:

- the building is relocated no closer than thirty-three feet of the shoreline,
- all proper stormwater mitigation practices will be followed,
- erosion control mulch will be spread to within six feet of the shoreline
- the berm that is worn will be reinstalled.

The motion passed 4-0-1.

- **Timber Harvesting in Resource Protection Districts:** Tom Cashin noted that Steve Bodkins has identified a lot on Goding Road that would be a good example of how timber harvesting practices are used in Resource Protection areas. Board Members scheduled a site walk on Thursday, September 28<sup>th</sup> at 6:00 p.m.

#### **New Business:**

- **Peter and Christine Aufiero, 115 Moose Pond Road, Map 208-009**, applying to place the existing structure on a full foundation, raise the roof and increase the structure within the 30% expansion allowance, same location.

Moved by Yoli, seconded by Leslie Berlan, to approve the application with the condition that all proper stormwater mitigation practices are followed. The motion passed 4-0-1.

**Code Enforcement:** Ken Paul reported to Board Members that he is processing Conditional Use Applications that will come before the Board soon including a proposed campground, a cluster subdivision and an auto repair facility.

**Adjournment:** The Chairman adjourned the meeting at 8:51 p.m.