

# Town of Acton, Maine

## Planning Board Meeting

### MEETING MINUTES

**DATE:** October 5, 2017 (approved October 19, 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

The Chairman called the meeting to order at 7:00 p.m. and declared a quorum.

**Approval of Minutes of September 21, 2017:** Moved by Yoli Gallagher, seconded by Tom Cashin, to approve the Minutes as written. Gavin Maloney stated that in the discussion of Richard Labore's Conditional Use Application, the size of the existing oil spill area should be eliminated from the Minutes because the actual size is unknown.

Mr. Maloney also pointed out that the Board requested that the applicant separate the parking area with at least two buffer strips instead of the single buffer strip as recorded in the Minutes.

Approval of the Minutes of the Meeting of September 21<sup>st</sup> as amended passed 5-0.

**New Business:**

- **Adele Stewart, 174 34<sup>th</sup> Street, Map 153, Lot 034:** Mr. Paul explained that the property owner is applying to build a new structure on the existing foundation which is currently thirty-four feet from the center of 34<sup>th</sup> Street and forty-four feet from the shoreline; the existing deck will be reconstructed as part of the project.

Moved by Tom Cashin, seconded by Yoli Gallagher, to approve the application to replace the structure on the existing foundation, thirty-four feet from the center of 34<sup>th</sup> Street and forty-six feet, four inches, as outlined in the plan, from the shoreline using best management practices including drip line trenches, mulches, etc. The motion passed 5-0.

- **Steve and Pauline Perham, 820 Lakeside Drive, Map 117, Lot 025:** Mr. Paul reminded Board Members that they approved the Best Practical Location application at the meeting of July 20, 2017 with the condition that the structure is relocated no closer than fifty-four feet from the shoreline. However, the applicant had not taken into consideration that a lake inlet exists at the southwest corner of the property which would cause the relocation of the structure to be too close to the shoreline.

Moved by Tom Cashin, seconded by Leslie Berlan, to amend the approval of July 20, 2017 allowing the southwest corner of the building to be no closer than forty-five feet from the shoreline. The rest of the structure will be no closer than fifty-four feet from the shoreline. The motion passed 5-0.

**Old Business:**

**Timber Harvesting in Resource Protection Districts:** The Chairman distributed notes taken during the 393 Goding Road site visit on September 28, 2017, attached to this document. Discussion was focused on what the benefits would be in modifying the Ordinance in order to comply with Statewide Timber Harvesting Standards. Mr. Paul stated that having access to the State's knowledge in identifying infractions and mapping resources are both definitely benefits.

Gavin Maloney expressed the opinion that the Town is not so out of compliance with the State and that if a serious enforcement issue should arise, he doubts that the State would stand by without helping. He also reminded the Board that State standards do not require a forester to plan timber harvesting. He stated that he has always felt that any commercial timber harvesting operation should always be managed by a forester no matter in which district the site falls.

Joyce Bakshi suggested conducting a non-binding straw poll to determine if Board Members are interested in seeking more information regarding complying with Statewide Timber Harvesting. The Chairman reminded Board Members that any proposed Ordinance Modification must be submitted to the Board of Selectmen usually in January or February for inclusion on the Warrant to be considered by taxpayers at the Annual Town Meeting in June.

The Chairman did the non-binding straw poll asking how many Board Members favor pursuing more information regarding complying with Statewide Timber Harvesting Standards; all seven Members voted yes.

Consensus of Board Members was that Mr. Paul would proceed with identifying a site that serves as a good example of the definition of 'forested wetlands' as defined by the Ordinance. He will also try to schedule someone from the State Forestry Department to attend a meeting in order to answer Members' questions.

**Adjournment:** The Chairman adjourned the meeting at 8:03 p.m.

## **Timber Harvest Site Visit 09/28/2017**

Purpose of site visit: to see the difference between a harvest using Maine State Standards vs. Town of Acton Standards.

We looked at a site on 393 Goding Rd. which showed a recently harvested track of land. The harvested area was adjacent to an open water wetland and moved into a finger of land which, by town standards, was a forested wetland and therefore protected. Steve Bodkin, a forester, maintained that the forested wetland would have also been cut if Acton followed the Maine State Standards.

As we moved along the trail the loggers used to reach the trees which had been cut, we reached a low point in the forested wetland which had a land bridge separating two small bodies of water. Neither bodies had any signs of movement. I believe Steve's point was to show that this forested wetland would not endanger the larger open wetland if the low point had been cut because none of this water would ever reach the wetland and therefore not erode the soil.

When harvesting a woodland, a question arose as to how a forester is able to determine the 60 sq. feet of timber that is to remain; the answer is that the forester has a "gadget" which he holds to his eye and looks at trees to see if those trees are larger than the minimum requirement. If the tree is wider than the opening in the "gadget", it is 10 sq. feet and that forester now has to move around in a circle and find 5 more trees that are larger than the opening in the "gadget". If he does not find 5 more, he has to adjust the cut.