

Town of Acton, Maine

Planning Board Meeting

MEETING MINUTES

DATE: March 1, 2018 (approved March 15, 2018)

ROLL CALL:

Members Present: Tom Cashin – Vice Chairman
Yoli Gallagher
Joyce Bakshi
Gavin Maloney
Leslie Berlan
Donovan Lajoie
Members Absent: Bob Smith, - (Excused)

Also present: Ken Paul, CEO; Dawn Harwood, Recording Secretary; Virginia Deboer, Video Recorder;

Also In attendance for the Public Hearing on the Subdivision Regulations – **Paul Poyant** and **Joseph Ruma**

The Vice Chairman called the Public Hearing to order at 7:01 pm

Paul Poyant wanted the board to explain in laymans terms what the regulations meant. Ken Paul explained to him what changes were being made to the ordinance because there was an inconsistency between our zoning and our ordinance to comply with the state.

Joseph Ruma was concerned that if a lot was split in two then it would be considered a subdivision. Ken Paul explained the ruling on a subdivision is more than two lots split off from the main lot within the five year period.

Tom Cashin, Vice Chairman, closed the Public Hearing at 7:13 p.m., called the regular meeting to and declared a quorum.

Approval of Minutes of February 15, 2018: Moved by Tom Cashin to accept the minutes as written. Yoli Gallagher seconded. The motion passed 5-0.

Old Business:

- **Review Subdivision Regulations:** The Subdivision Regulation modification as follows was voted on by the Board with Yoli Gallagher motioning and Leslie Berlan seconding. The changes were approved 5 – 0.

ARTICLE 3 - DEFINITIONS

Subdivision: The term shall be defined as in Title 30-A M.R.S.A. §4401, sub-§4, as amended. ~~Optional addition to this definition: A lot of 40 or more acres shall not be counted as a lot for the purposes of this definition when the parcel of land being divided is located entirely outside any shoreland areas as defined in the Town of Acton Shoreland Zoning Ordinance.~~

Title 30-A M.R.S.A. §4401, sub-§4

4. Subdivision. "Subdivision" means the division of a tract or parcel of land into 3 or more lots within any 5-year period that begins on or after September 23, 1971. This definition applies whether the division is accomplished by sale, lease, development, buildings or otherwise. The term "subdivision" also includes the division of a new structure or structures on a tract or parcel of land into 3 or more dwelling units within a 5-year period, the construction or placement of 3 or more dwelling units on a single tract or parcel of land and the division of an existing structure or structures previously used for commercial or industrial use into 3 or more dwelling units within a 5-year period.

- A. In determining whether a tract or parcel of land is divided into 3 or more lots, the first dividing of the tract or parcel is considered to create the first 2 lots and the next dividing of either of these first 2 lots, by whomever accomplished, is considered to create a 3rd lot, unless:

- (1) Both divisions are accomplished by a subdivider who has retained one of the lots for the subdivider's own use as a single-family residence that has been the subdivider's principal residence for a period of at least 5 years immediately preceding the 2nd division; or
- (2) The division of the tract or parcel is otherwise exempt under this subchapter. [2001, c. 359, §1 (AMD).]

- **Warrant Article Regarding Additional Dwelling Units:** Joyce Bakshi motioned, Yoli Gallagher seconded, to recommend to the board of selectman to include the amendment on the warrant for the Annual Town Meeting in June as follows:

5.14.1.1 Additional Dwelling Units (ADU)

- a. Only one accessory dwelling unit (ADU) located within an owner-occupied single-family dwelling shall be permitted;
- b. The lot on which the accessory dwelling unit is situated shall meet all current dimensional requirements within the district;
- c. The unit shall contain no more than eight hundred (800) square feet;
- d. The construction of the unit shall meet all applicable building codes and subsurface wastewater disposal rules.

The motion passed 5 – 0.

- **Warrant Article Regarding Vacant Lots:** Yoli Gallagher motioned, Leslie Berlan seconded, to recommend to the Board of Selectman to include the amendment on the warrant for the Annual Town Meeting as written The motion passed 5 – 0.

1.4.7 Non-Conforming Vacant Lot –

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1.4.7.2 – If two or more contiguous lots are in single or joint ownership of record at the time of or since adoption or amendment of this Ordinance, if any of these lots do not individually meet the dimensional requirements of this Ordinance or subsequent amendments, and if one or more of the lots are vacant or contain no principal structure, the lots shall be combined to the extent necessary to meet the dimensional requirements.

~~In the Shoreland Zone, this provision shall not apply to 2 or more contiguous lots, at least one of which is non-conforming, owned by the same person or persons on the effective date of this Ordinance and recorded in the registry of deeds if the lot is served by a public sewer or can accommodate a subsurface sewage disposal system in conformance with the State of Maine Subsurface Wastewater Disposal Rules; and the following:~~

~~a) Each lot contains at least one hundred (100) feet of shore frontage and at least 20,000 square feet of lot area; or~~

~~b) Any lots that do not meet the frontage and lot size requirements of , 1.4.7.2 (a) are reconfigured or combined so that each new lot contains at least 100 feet of shore frontage and 20,000 square feet of lot area.~~

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- **Warrant Article Timber Harvesting in Resource Protection Districts:** Ken noted the change that the DEP advised removing all references to Statewide Standards Criteria, therefore Section 5.19 will read: “ *All commercial timber harvesting shall be in accordance with the State of Maine timber harvesting regulations.*”

Leslie Berlan motioned, Yoli Gallagher seconded, to recommend to the board of selectman to include the amendment on the the warrant for the annual town meeting as written. The motion passed 5 – 0.

- **Warrant Article Mineral Exploration:** The board discussed the Mineral Exploration Article. Joyce Bakshi has concerns on the 10,000 sq ft area. Ken Paul explained the requirements to her. The board wanted the wording changed on 5.9.2 – Permit Required to include **ledge** as part of the materials; also in 5.9.2 (1) Wording to change to: **(1) Exception: the removal or transfer of less than one thousand (1,000) cubic yards of material from or onto any lot in any twelve (12) month period, (as permitted in the Land Use Chart).**
- Joyce Bakshi motioned to approve as changes are written, Yoli Gallagher seconded, approved 5 – 0.

Code Enforcement: Monarch Mountain Minerals is applying to expand their existing Conditional Use Permit – a site walk is set for March 15, at 6:00 pm. Packages will be available at the next meeting.

Adjournment: Tom Cashin, Vice Chairman, adjourned the meeting at 8:28 p.m.