

# Town of Acton, Maine

## Planning Board Meeting

### MEETING MINUTES

**DATE:** April 19, 2018

**ROLL CALL:**

Members Present: Bob Smith  
Leslie Berlan  
Yoli Gallagher  
Gavin Maloney

Members Absent: Joyce Bashki (excused)  
Tom Cashin (excused)  
Donovan Lajoie (excused)

Also present: Ken Paul, CEO; Brenda Charland, Recording Secretary; Virginia Deboer, Video Recorder; Jason Roy; Tyler Matthews, Lake Living Consultants; Richard Nass, Chairman, Marijuana Committee; Carol Ward, Marijuana Committee; Mike Macrum, Marijuana Committee; Michael Berlan

The Chairman called the meeting to order at 7:01pm. and declared a quorum

Approval of Minutes April 5, 2018: Moved by Leslie Berlan, seconded by Yoli Gallagher, to approve the Minutes of the Meeting of April 5, 2018 as written.

Gavin Maloney requested that his motion regarding the Monarch Mountain Conditional Use Permit modification, "to impose the condition that the original extraction area, which is approximately 11 acres, be replanted or reseeded with native species, 20' x 20' spacing, within 5 years" be amended to state:

"to impose the condition that the original extraction area, which is approximately 11 acres, be replanted or reseeded with native tree species, 20' x 20' spacing, within 5 years."

Mr. Maloney noted that this change should also be made to item i. of the Standards Applicable to Conditional Uses.

The motion to approve the Minutes as amended passed 4-0.

**New Business:**

- **Marijuana Committee:** Richard Nass, Chairman of the Committee, introduced two members of the Committee, Carol Ward and Mike Macrum. He explained to the Board that the committee requested to be on the agenda as a result of Tom Cashin contacting him inquiring as to whether the Planning Board has a role in drafting an ordinance relative to commercial marijuana.

Mr. Nass informed the Board Members that the Board of Selectmen voted to offer a referendum question on June 12<sup>th</sup> to ban commercial marijuana operations in the Town of Acton and they are holding a Public Hearing on May 15<sup>th</sup>.

He expressed the opinion that because the State changes its stance on commercial marijuana so often, it might be a good idea to hold off addressing drafting an ordinance until things settle down.

Yoli Gallagher wondered if the criteria that falls under the Good Neighbors Policy section of the Zoning Ordinance may address some of the concerns that have been expressed.

Mr. Nass stated that based on dialog that has occurred in recent meetings of the Board of Selectmen, the Ordinance apparently can't be enforced now so what makes anyone think that a Medical Marijuana Ordinance can be enforced.

- **Emily Fullerton, 63 Eagle Road, Map 135, Lot 001:** The property owner is applying to demo the existing structure and rebuild within the 30% expansion allowance. Installation of an updated septic system is planned. Ken Paul stated that the 30% expansion for this site has been used but the proposed building would actually be less than what was used.

In response to Gavin Maloney's question, Tyler Matthews stated that the property owners intend to keep the stairs down to the lake. He pointed out that currently the lot coverage is about 24% and the new project will decrease the lot coverage to about 18%.

Moved by Gavin Maloney, seconded by Leslie Berlan, to approve the application to demo and rebuild with the new structure no closer than 21' of the shoreland within the 20% allowable lot coverage using all responsible stormwater mitigation practices. The motion passed 4-0.

- **Kate Johnson, 184 East Shore Drive, Map 149, Lot 084:** The property owner is applying to demo an existing mobile home and construct a storage shed within Shoreland District setbacks within the 30% expansion allowance. The project includes installing an updated septic system.

Moved by Yoli Gallagher, seconded by Leslie Berlan, to approve the application to demo the mobile home and construct a storage shed with the condition that the remaining area where the mobile home was situated be revegetated. The motion passed 4-0.

- **Richard Bleakney, 971 Hopper Road, Map 235, Lot 011:** The Board Chairman recapped the site walk stating that the property owner is applying to establish an auto repair facility, which would not be a full-time operation initially.

Gavin Maloney noted that there is an aquifer protection strip through the property and suggested that any cars that are stored on the site should be outside of that area. The Chairman stated that this is certainly a condition that can be included if the application is approved.

Board Members set up a Public Hearing at the beginning of the Planning Board meeting on May 17<sup>th</sup>.

### Old Business:

- **Jason Roy, 63 Stonewall Drive, Map 112, Lot 012:** The Applicant, Jason Roy, noted that there is about a 10' drop between the existing structure and the lake. He also informed the Board that the roof of the proposed structure would be about an additional twelve feet further from the lake and he added that he intends to install a gutter drainage system as well. He also stated that if the project to expand the structure in place is not approved, he will just repair the foundation with no expansion.

Mr. Paul cautioned that removing more than 50% of the value of a structure within 100' of the water also triggers Best Practical Location consideration.

The Board Chairman reminded the applicant that the Board's mandate is to relocate structures as far as possible from the line whenever possible. He asked the applicant what the problem would be with relocating the garage to another location on the property outside of the 100' line. The Applicant responded that he is trying not to limit any possible future expansion of the house. He stated that he spoke with Colin Clark of the DEP and Mr. Clark expressed the opinion that

changing the roofline of the structure to redirect water away from the lake is adequate storm water mitigation and should serve ok in this instance.

Ken Paul stated that he had a conversation with DEP about whether repairing one wall of a structure triggers Best Practical Location consideration. He explained that the verbal response was that while it is a “slippery slope”, they would consider this proposed project as a trigger.

Gavin Maloney reminded Board Members that the application is to expand the existing structure not to just repair the foundation and in all fairness to other property owners that have come to the Board for BPL consideration, it can be relocated and therefore, should be relocated.

Gavin moved, seconded by Mrs. Gallagher, to require that if the garage is expanded that it be relocated somewhere on the property behind the 100’ like. The motion passed 4-0.

**Other:** The Chairman asked Board Members if they want to move forward on drafting a Commercial Marijuana Ordinance or if they want to look at the existing Ordinance to determine if the concerns are already addressed in the Ordinance. Discussion was around the fact that may be true and that the Board should review existing sign regulations within the Ordinance as well as the “Good Neighbor” section especially relative to noise in the coming year with the possibility of offering proposed amendments at the Annual Town Meeting in June, 2019. Consensus of Board Members was that they should read the report that was written by the committee.

**Adjournment:** The Chairman, adjourned the meeting at 8:34 p.m.