

Town of Acton, Maine Planning Board Meeting

MEETING MINUTES

Date: October 4, 2018 (approved October 20, 2018)

Members present: Joyce Bakshi, Chair
Tom Cashin, Vice Chair
Leslie Berlan
Gavin Maloney
Donovan Lajoie (Alternate)
Dennis Long (Alternate)

Members absent: Yoli Gallagher

Also present: Ken Paul, CEO; Brenda Charland, Land Use Secretary; Virginia Deboer, Video Recorder;

Call to Order: The Chair called the meeting to order at 7:00 p.m. after a brief workshop with Paul Schumacher, Southern Maine Regional Planning and Development, in which Mr. Schumacher discussed rewriting bylaws, reviewing the Comprehensive Plan and upcoming workshops that may be offered with other communities. The Chair declared a quorum.

Approval of Minutes:

- Approval of the Minutes of September 20, 2018: Moved by Gavin Maloney, seconded by Leslie Berlan, to approve the Minutes as written. Gavin Maloney noted that in reviewing Section 6.6.3.7, Standards Applicable to Conditional Use relative to the Pine Ridge Campground Conditional Use Application, item d) does not pertain to the campground project and therefore, should be eliminated.

The motion to approve the Minutes of September 20, 2018 as amended passed 5-0.

Old Business:

- Tom Cashin raised the question regarding the approval of Richard Levesque's Conditional Use Application to Conduct Extraction, Hebo Hybo Road, Map 244, Lot 014, as to whether the Board had set as a condition that there be no retail sales from the site. Ken Paul responded that the condition was noted on the Plan.
- The Chair stated that in the approval of the Minutes of August 16, 2018, two motions were recorded without stating who had made and who had seconded the motions.

Moved by Leslie Berlan, seconded by Tom Cashin, to amend the Minutes of August 16, 2018 with the following changes:

1. *"Moved by Leslie Berlan to approve the minutes of August 2, 2018 as written; Donovan Lajoie seconded" and*
2. *"Leslie Berlan moved to accept the Pine Ridge Campground Conditional Use application; Gavin Maloney seconded"*

The motion passed 5-0.

New Business:

- **Best Practical Location Application:** Ken Paul discussed the application of Randall and Lynda White, 171 Mountain View Drive, Map 131, Lot 025, applying to do renovations which exceed 50% of the appraised value. He explained that because the foundation of the building is in good condition, in his opinion, there is no reason to relocate the structure.

Moved by Tom Cashin, seconded by Leslie Berlan, to approve the application with the following conditions:

1. the project does not cause any encroachment;
2. the structure is renovated on the original foundation;
3. the structure remains no closer than 78 feet of the high-water mark of the lake

The motion passed 5-0.


Housekeeping:

- **Bylaws review:** Board Members reviewed the draft of the proposed Bylaws submitted by the subcommittee. After discussion, moved Tom Cashin, seconded by Dennis Long, to approve the Town of Acton Planning Board Bylaws as rewritten. The motion passed 5-0. A copy of the approved Bylaws is included as an Addendum to these Minutes.

Adjournment:

The Chairman adjourned the meeting at 8:10 p.m.

Approved at the regular Planning Board meeting on October 14, 2018 with amendments:



Joyce Bakshi, Chair
(in the absence of the Executive Secretary)

10-19-18
Date

TOWN OF ACTON, MAINE
BYLAWS OF THE PLANNING BOARD

1. INTRODUCTION

The business of the Planning Board shall be conducted in accordance with Maine Statutes, town ordinances, Roberts' Rules of Order, Planning Board Standards, Regulations and Bylaws.

- 1.2 The Planning Board shall review regulations, ordinances and Bylaws every five (5) years or sooner if necessary.
- 1.3 All proposals shall be examined equally and equitably. If for any reason an individual Board Member feels that he or she has a particular bias or conflict of interest either for or against a particular proposal, he or she shall abstain from discussion and voting in consideration of the proposal
- 1.4 The term "Conflict of Interest" shall be construed to mean direct or indirect pecuniary interest, which shall include pecuniary benefit to any member of the person's immediate family to his or her employer or the employer of any member of the person's immediate family. Refer to: 2017 Maine Land Use Law, State Statute, Conflict of Interest, page 90 – 92.
- 1.5 Members of the Board are expected to know the Bylaws. Workshops will be arranged to update the Board Members on Bylaws as deemed necessary.

2. MEMBERSHIP

- 2.1 Appointments to the board shall be made by the Selectman of the Town of Acton upon the recommendation of the Planning board.
- 2.2 Appointees shall be legal residents of the Town of Acton.
- 2.3 The Board shall consist of five (5) full members and two (2) associate members.
- 2.4 The term of full and associate members shall be three (3) years from the date of their appointment to the Board.
- 2.5 When there is a vacancy of any member of the Board, the Selectmen shall, within seven (7) days of its occurrence, publish the vacancy. Interested persons shall meet with the Planning Board Chair or Vice-chair, two (2) full members and the CEO, who will send its recommendation to the Selectmen for action, within thirty (30) days of

the posting of the vacancy. The appointment shall fill the unexpired term created by the vacancy.

2.6 A quorum shall consist of three voting members.

2.7 A vote of the Planning Board quorum may direct the attention of the Selectmen to conditions recommending termination of a Planning Board Member for just cause as defined in the Town Ordinances.

3. OFFICERS AND THEIR DUTIES

3.1 The officers of the Planning board shall consist of the Chair, Vice-Chair and Executive Secretary. The Chair and Vice-Chair shall be full members of the Board.

3.2 The Chair shall preside at all meetings and hearings of the Planning Board. The Chair has the authority to appoint all committees, to call all work sessions, and to preside over Executive Sessions.

3.3 The Vice-Chair shall act for the Chair in his or her absence.

3.4 The Executive Secretary shall be responsible for approval of all information including but not limited to: conditions set when issuing permits before the Recording Secretary types the minutes and signing Planning Board Minutes after acceptance as is or with corrections.

3.5 The Recording Secretary

3.5.1 Duties are as follows:

- Record the minutes of all Planning Board meetings, public hearings and business of the Board.
- Prepare the agenda for all meetings with the Chair.
- Provide notice of meetings to all Board Members.
- Arrange legal notices of public hearings via newspaper, internet and/or letters to abutters and postings at the Town Hall.
- Keep records of all resolutions, transactions, correspondence, findings, and determinations of the Board.
- Make available all records requested for inspection. Inspections shall take place at a reasonable time as determined by the Chair and Recording Secretary
- The RECORDING secretary is not a member of the voting Board and the position does not require Town of Action residency.

4. ELECTIONS OF OFFICERS

4.1 Nominations of officers shall be made from among full voting members of the Board at the annual organizational meeting which shall be held on the first regular Planning Board meeting in July, and the election shall follow immediately thereafter.

4.1.2. Vacancy of officers created by resignation shall be immediately filled.

5. BOARD MEMBERS

5.1 Associate members shall attend all meetings and participate in the proceedings but may vote only when designated by the Chair to sit for a member. Associate members shall be designated to vote on an alternating basis.

5.2 When a member is unable to act because of conflict of interest, absence or any other reason, the Chair shall designate an associate.

5.3 Any reason a member shall be disqualified from voting on a particular matter shall be decided by a majority vote of the members present.

6. OUTSIDE EXPERTISE

6.1 The Board may call upon or employ such outside expertise as it deems necessary to aid in its work on a particular question or situation. A majority of the Board is required.

7. MEETING ORGANIZATION

7.1 Regular Meetings

7.1.1 Meetings shall be held on the first and third Thursdays of each month at the time specified on the Town Calendar. The standard meeting place shall be the CEO Conference Room located on the ground floor of the Acton Town Hall. The Recording Secretary shall have the responsibility of notifying the members and the public if meeting location and times are changed.

7.1.2 All meetings in which official action is taken shall be open to the public.

7.2 Work Sessions

7.2.1 The Chair may, with the approval of the majority of the Board, call special work sessions for the purposes of updating the Comprehensive Plan, Subdivision Regulations, the Zoning Ordinance, Planning Board Bylaws,

policies and other work items necessary. These meetings are open to the public.

7.3 Executive Sessions

7.3.1 Upon a vote of at least 3/5 of the members present and voting, the Planning Board may call for an Executive Session from which the public shall be barred.

7.3.2 The motion to go into Executive Session shall indicate the precise nature of the business of that session and no other matters may be considered.

No ordinances, regulations, contracts, appointments or other official actions shall be finally approved at such Executive Sessions per MRSA 405, Chapter 13.

7.3.3 Within the Executive Session, it shall be the Chair's responsibility to ensure that only that business for which the session was called will be discussed.

8. BYLAW AMENDMENTS

- 8.1 These Bylaws may be amended by a five-member vote of the entire Planning Board.
- 8.2 The invalidity of any section or provision of these Bylaws shall not be held to invalidate any other section or provision of the Bylaws.
- 8.3 Any prior inconsistent provision or portion of the Planning Board Bylaws of the Town of Acton, as amended, is hereby saved and remains in effect in the event of all or any portion of these Bylaws is found to be invalid.