

# Town of Acton, Maine Planning Board Meeting

## MEETING MINUTES

**Date:** May 16, 2019 (approved 6-20-19)

**Members Present:** Joyce Bakshi, Chair  
Yoli Gallagher  
Gavin Maloney  
Leslie Berlan  
Donovan Lajoie, Executive Secretary (Alternate)  
Dennis Long

**Members Absent:** Tom Cashin, Vice Chair

Also present: Ken Paul, CEO; Brenda Charland, Land Use Secretary; Virginia DeBoer, Video Recorder; Marc Boise, The Whole Nine Yards; Joe Stanley, Line Pro Surveying; Bruce Bowden, Denise Bowden, Karen McKeon, Michael McKeon, Richard Nass

**Call to Order:** The Chair called the Public Hearing to order at 7:05 p.m.

The Chair stated there would be no public hearing for Mineral Extraction at this meeting because the proposal relative to this subject will not be included on the referendum ballot; she explained that the change was made after the notices were published.

### **Public Hearings:**

- **Changes to the Zoning Ordinance regarding Timber Harvesting:** The Chair explained that the State of Maine is asking all towns to be uniform in their rules for Timber Harvesting. She stated that the verbiage in Article 2 and Article 3 will be struck from the Ordinance, if the changes are approved, the Town of Acton would be in full compliance with the State of Maine.

Richard Nass asked why the State is asking for these changes. The CEO explained that the State would like the same rules in each town; he also stated that there is no help from the Forest Service in harvesting enforcement if the Town is not in compliance. Mr. Nass asked if this applied to Resource Protection Areas. The CEO stated that the Forest Service doesn't have separate regulations for Shoreland Zoning or Resource Protection areas.

Hearing no other questions, the Chair ended the Public Hearing on Proposed Changes to the Zoning Ordinance regarding Timber Harvesting.

- **Sawtelle, 11<sup>th</sup> Street, Map 147, Lot 003-001; Extractive Use:** Joe Stanley of Line Pro presented the plan for the Sawtelle property; he explained the plan shows a 2 ½ - 1 slope with light grading to funnel the stormwater to the center of the property to keep it onsite,

establishing a row of trees along the road planted every 20 Ft, and two rows of trees for a wind break. The CEO pointed out that the existing berm along Route 109 will stay as it is. Denise Bowden asked how close this property was to 12<sup>th</sup> Sreett. The CEO pulled up a map so Ms. Bowden could see. Hearing no other questions, the Chair closed the Public Hearing for the Sawtelle application.

- Boise, Route 109, Map 241, Lot 006-02; Site Plan Review (Retail / Storage Facility):**  
 Marc Boise explained that his company, The Whole Nine Yards, has outgrown the space at his home in Shapleigh and he was able to purchase this property located on Route 109. He stated that he is planning to place a 100'. x 81' steel building on this property where he will relocate his dock sales and property maintenance business and include seasonal storage. Mr. Boise stated he has obtained the approved Entrance Permit from the DOT and is working with his engineers on a stormwater plan; they are still working on a detention area and will have a plan by next week.

Richard Nass asked if there is any change in ownership, could there be marijuana grown in the facility. The Chair stated that any change in ownership would require the new owner to apply for an updated Conditional Use. Mr. Boise read some notes on his plan, number 3 and 4 which explained if a change in ownership or use occurs, a Conditional Use application must be reviewed by the Planning Board. Hearing no further questions, the Chair closed the public hearing for Boise.

Hearing no more questions nor comments, the Chair closed the Public Hearing portion of the meeting.

**Call to Order:** The Chair called the regular Meeting to order at 7:35 p.m. and declared a quorum.

**Approval of Minutes, May 2, 2019:** Leslie Berlan pointed out that the minutes listed her as absent for the May 2 meeting, she said she was present. Moved by Yoli Gallagher to accept the minutes as amended; seconded by Leslie Berlan. The motion passed 4-0.

**Old Business:**

- Sawtelle, 11<sup>th</sup> Street, Map 147, Lot 003-001; Conditional Use Application** Joe Stanley of Line Pro distributed new plans and explained that he added #9 to the notes which states the plan for replanting the trees. They are currently spaced 20 Ft. apart and if less than 80% of the trees do not survive in the next 5 years, they will be replanted.

Board Members reviewed the Standards Applicable to Conditional Use as outlined in Section 6.6.3.7 of the Zoning Ordinance:

<b>a</b>	The use will not have an adverse impact on spawning grounds, fish, aquatic life, bird, or other wildlife habitat; <i>Proper erosion control measures will be taken to prevent such impact.</i>	Yes
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<b>b</b>	The use will conserve shore cover and visual, as well as actual, access to water bodies; <i>use is not within Shoreland Zone.</i>	N/A
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<b>c</b>	The use is consistent with the Comprehensive Plan; Use is allowed by zoning and is consistent with Comprehensive Plan	Yes
<b>d</b>	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; <i>Access to site is from a private road and will not cause traffic congestion.</i>	Yes
<b>e</b>	The site design is in conformance with all municipal flood hazard protection regulations; <i>Site is not within a Flood Hazard Zone and will NOT create such hazard.</i>	Yes
<b>f</b>	Adequate provision for the disposal of all wastewater and solid waste has been made; Not applicable to this use.	Yes
<b>g</b>	Adequate provision for the transportation, storage, and disposal of any hazardous materials has been made; <i>Not applicable to this use.</i>	N/A
<b>h</b>	A storm water drainage system capable of handling a twenty-five (25) year storm, without adverse impact on adjacent properties, has been designed; <i>Final grading will retain stormwater on site which should reduce runoff below the current levels.</i>	Yes
<b>i</b>	Adequate provisions to control soil erosion and sedimentation have been made; <i>Proper erosion control measures and "Best Management Practices" will be utilized.</i>	Yes
<b>j</b>	There is adequate water supply to meet the demands of the proposed use, and for fire protection purposes; <i>Not applicable to this use.</i>	Yes
<b>k</b>	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; <i>Provisions will be made to prevent such detriments.</i>	Yes
<b>l</b>	All performance standards in this Ordinance applicable to the proposed use will be met;	Yes
<b>m</b>	Archeological and historic resources, as designated in the Comprehensive Plan, will be protected.	N/A

Moved by Donovan Lajoie to accept the final plan dated May 16, 2019. Seconded by Leslie Berlan; motion passed 5-0.

The Chair stated that there was no need to record, just have the members sign the Plan.

- **Boise, Route 109, Map 241, Lot 006-02; Site Plan Review (Retail / Storage Facility)**  
The Chair explained that during the Public Hearing the mention of vehicle storage caught her attention; she said that it would require the fuel to be drained. Mr. Boise stated that the draining of equipment to be stored at his facility is mentioned in his rental agreement, which is on file. Vehicles were not mentioned on his current plan; Mr. Boise will revise the plan to contain the same verbiage in note number #7 as well as note #11 on his application regarding vehicle storage.

Gavin Maloney pointed out in the application Mr. Boise stated the Retail/ Storage Facility will start initially with a gravel parking lot. Gavin asked Mr. Boise to just notify the town if he plans to change to a pavement so they can make sure the storm water plan is adequate.

Yoli Gallagher moved to accept a Conditional Site Plan Approval with the conditions of updated Final Plans dated June 6, 2019 showing modifications to notes 7 and 11 and measurements from Corner post Land Surveyors. Leslie Berlan seconded; motion passed 4-0-1.

The Chair added they would need to see the final updated plans, but this would allow for a building permit to be issued.

- **Whitman, 3000 Milton Mills Road, Map 247, Lot 026; Conditional Use Permit (Daycare):** A Public Hearing is scheduled for June 6, 2019 at 7:00 p.m.
- **Darlene Ham, Blueberry Hill Farm, Blueberry Hill Farm Road, Map 260, Lot 014; Conditional Use Modification:** A Public Hearing is scheduled for June 6, 2019 at 7:00 p.m.
- **Timber Harvesting:** Gavin Maloney moved to approve the proposed modifications to the Zoning Ordinance relative to Timber Harvesting which will be included on the Annual Town Meeting Warrant. Leslie Berlan seconded; motion passed 5-0.

#### **New Business:**

- **Best Practical Location Application:** The CEO discussed the application of Warren and Gwendolyn Feeley located at 2838 Route 109, Map141, Lot 009, applying to demo an existing structure located 10' from the shoreline and with existing concrete from the structure to the water. They will rebuild a structure 56 feet from the shoreline, removing most of the concrete between the structure and water but leaving about 3 feet because it is attached to a retaining wall that they want to keep in place. A new septic system will be installed.

Gavin asked about replanting; the CEO explained in this situation trees would be replaced in a one to one ratio rather than basing the replanting on the points system.

Moved by Leslie Berlan to accept the Application for Best Practical location allowing Feeley to rebuild a structure no closer than 56' from the water and no closer than 12' from the property line. Seconded by Yoli Gallagher; the motion passed 4-0.

**Code Enforcement:** There will be an Erosion Control class offered by Acton Wakefield Watershed Alliance on May 29, 2019 at 8:00 AM at the Acton Town Hall.

**Adjournment:** The meeting was adjourned at 9:50 p.m.