

Town of Acton, Maine Planning Board Meeting

MEETING MINUTES

Date: March 12, 2020 (approved June 4, 2020)

Members Present: Joyce Bakshi, Chair
Gavin Maloney, Interim Vice Chair
Yoli Gallagher
Dennis Long
Leslie Berlan
Tom Cashin (Alternate)
Jim Crowley (Alternate)

Also present: Ken Paul, Director of Planning; Kristiina Robinson, Land Use Secretary; Virginia Deboer, Video Recorder; Charles Crespi; Dorothy Steimel-Crespi; Robin Ham; Carol Ward; Susan. Alvino; Anita Harris; Ann Marie Nadeau; John Nadeau; Jane Murphy; David Lynch; Thomas Lynch; Bethany Lebida; Stephen Cellnian; Joseph Ruma; Bruce Bowden; Denise Bowden; Sandra Nichols; Kim S. Horn

Call to Order: The Chair called the meeting to order at 6:00 p.m. and announced that they would be combining the Public Hearing with the Planning Board Meeting.

Public Hearing

- **Timber Harvesting:** The CEO explained proposed changes to Timber Harvesting in the Zoning Ordinance.

Dennis Long moved to recommend the changes to Timber Harvesting to the Selectmen to be included in the Warrant at the Annual Town Meeting. Yoli Gallagher Seconded, motion passed 5-0.

- **Storage Buildings:** The CEO explained proposed changes to the Zoning Ordinance relative to the construction of Storage Buildings. The CEO asked if there were any questions from the public about this change.

Steve Geranian asked if this change included storage buildings for personal use. The CEO explained that this change would be for Commercial Use Storage Buildings.

Dennis Long moved to recommend the changes relative to Storage Buildings to the Selectmen to be included in the Warrant at the Annual Town Meeting. Leslie Berlan seconded; motion passed 5-0.

- **Docks and Other Shoreland Construction:** The CEO the proposed changes to Docks and Other Shoreland Construction. The CEO asked if there were any questions from the Public, hearing none the Chair asked for a motion.

Dennis Long moved to recommend the changes to the Zoning Ordinance relative to Docks and other Shoreland Construction to the Selectmen, to be included in the Warrant at the Annual Town Meeting. Leslie Berlan seconded; motion passed 5-0.

- **Short Term Rentals:** The CEO explained the proposed addition of Short-Term Rentals to the Zoning Ordinance. The Chair asked if there were any questions or comments from the Public. Steve Geranian asked how the short-term rental owners are supposed to be in compliance by July 1st. The CEO explained that currently, short term rentals are not permitted. By adding it to the Zoning Ordinance it is then allowed in the Town of Acton. He also explained that a lot of the items required would just be upgrades to make the dwellings code compliant to make them safe for the people renting.

Sandra Nichols asked about the July 1, 2020 deadline, she asked if there would be a grace period to bring rental units up to code? The CEO stated that if the unit is not in compliance it shouldn't be advertised and no permits will be issued, the property owner is responsible.

Charles Crespi asked the Board to clarify what they meant by owner and agent. The CEO explained they would be looking for a point of contact. The Chair added they would need to clearly post the contact information in the rental unit. Mr. Crespi then asked how the Board decided on July 1, 2020 for a deadline. Dennis Long said that after the proposed amendments get approved at the Town Meeting in June, all changes take effect July 1.

Dennis Long stated none of the changes are set yet, it is up to the town owners to decide at the annual Town Meeting. The reason this change is being proposed was because of complaints from residents on the lake.

Steve Geranian stated that he didn't believe the July 1st deadline is fair, he believes this needs to be looked at more and get more input.

Leslie Berlan referenced article 5-e of the Acton Zoning Ordinance in regards to the question on how much time will be given to bring properties into compliance. Members discussed and consensus of the Board was that the change needed to take effect July 1, 2020 to protect the Town. There were questions regarding whether the smokes needed to be hardwired, Dennis Long said that when the Fire Marshall spoke to the Board about short term rentals, he stated that hard wired smoke detectors are required.

The Chair talked about Short Term Rentals in the Shoreland Zone, she wanted to be clear that currently it is not allowed, but they are trying to make it work and get it under control so property owners on the waterfront can rent if they choose.

A property owner asked about the statement that no property owner shall operate without a permit, he wanted to know who that would apply to. Joyce stated if you rent your property to make money, you will need a permit. Dennis Long pointed out again that renting property on the waterfront is currently not a permitted use and the Board is trying to work with Property Owners to make this possible. Jim Crowley added that if you don't have rental insurance or home owners insurance currently, this isn't covered. This change is to keep everyone protected.

Anita Harris brought up the egress window requirement, she stated one window costs \$2500. Ms. Harris said one window may be affordable but if more than one window is required to bring the building up to code it might be a lot for some property owners.

Leslie Berlan said that she believes that more time is needed. She said she understands the safety issues but the timing is going to be an issue.

Yoli Gallagher stated that it does make sense to put this off for a year. The Chair added that it may need more time.

Gavin Maloney said it may need more time, but suggested the Board move it forward to get input from Warrant and Finance.

Several Members agreed this may need more time to create a rollout that makes sense.

Jim Crowley said that Property Owners should still need to apply for permits to know what changes need to be made to bring their properties up to code. He added he would like this to take effect so people know the problems and have a grace period to fix them. Leslie Berlan agreed that this suggestion sounds reasonable.

Gavin Maloney moved to recommend the Proposed Amendments to the Zoning Ordinance relative to Short Term Rentals to the Board of Selectmen, to be included in the Warrant at the annual Town Meeting in June. Jim seconded; motion passed 4-1.

- **Good Neighbor:** The CEO explained the proposed changes to the Zoning Ordinance regarding the Good Neighbor and Design Standards for Proposed Development. The Chair asked if there were any questions or comments from the Public.

Tom Lynch stated that he does think this would be a small change. He said the wording should state it is Commercial.

Dorothy Crespi stated that this would not be a small change, it would be very much impact development.

David Lynch said the timing of this change is coincidental with subdivision development in the Shoreland Zone.

Tom Lynch agreed that the timing is terrible, many people feel this way.

Dennis Long stated that this change will apply through out Town, not just in the Shoreland Zone. He said development on Great East Lake never was thought about when making this change. He added that there was too much regulation to enforce and moving this into another section and zoning is going to be beneficial to tax payers.

Charles Crespi said that moving this into another section is a good idea, but he doesn't agree that this was intended for just commercial. He then handed out a section from the Maine State Planning Board in regards to the Good Neighbor Policy for the Board to review. Mr. Crespi said he believes Good Neighbor was always intended to apply to Residential properties.

Tom Cashin brought up the wording "applying to all uses"; he said that he agrees with Mr. Lynch that it applies to residential as well.

Mr. Crespi recommended taking this back and working on it, but keep Residential included.

Dennis Long moved to recommend the proposed changes to the Good Neighbor and Design Standards for Proposed Development to the Selectmen, to be included in the Warrant at the annual Town Meeting in June. Leslie Berlan seconded; motion passed 3-2-0.

Approval of Minutes

- **February 27, 2020:** Gavin Maloney moved to accept the Minutes of February 27. Leslie Berlan seconded, Leslie then questioned the wording regarding the motion made for Soltage, LLC. The Board decided to table the minutes to check the wording.

Old Business:

- **York County Agricultural Association, 13th Street, Map 241, Lot 003:** No New Information.
- **Site Plan Review Application submitted by Grammy Rose, LLC, Route 109, Map 233, Lot 004:** No New Information. A Site Walk is scheduled for Saturday, March 14, 2020 at 11:00 am.
- **Subdivision Sketch Plan Application submitted by Martel Estates on the Lake, LLC, 760-776 Youngs Ridge Road, Map 217, Lots 028, 029, 030:** No New Information.
- **Soltage, LLC, 604 H Road, Map 224, Lot 026:** No New Information. A Site Walk is scheduled for Monday, March 16, 2020 at 5:00 p.m. (The Site Walk for Soltage, LLC on March 16, 2020 was postponed due to Covid-19)

Adjournment: The Chair adjourned the meeting at 9:25 p.m.