

Town of Acton, Maine

Planning Board Meeting

MEETING MINUTES

DATE: June 2, 2016

ROLL CALL:

Members Present: Bob Smith - Chairman
Tom Cashin – Vice Chairman
Yoli Gallagher
Gavin Maloney
Skip Scott – Alternate

Absent: Jessica Donnell (excused)
Leslie Berlan, Alternate (excused)

Also present: Ken Paul, CEO, Brenda Charland, Recording Secretary; Virginia Deboer, Video Recorder, Phil Dupuis, Jennifer Dupuis

The Chairman convened the meeting at 7:03 p.m. and declared a quorum.

Approval of Minutes: Moved by Skip Scott, seconded by Yoli Gallagher, to approve the Minutes of the Meeting of May 19, 2016 with the inclusion of a statement made by Tom Cashin that he will abstain from voting on the agreement between Pepin & Sons and Three Rivers Land Trust because he does have a bias regarding that action.

The motion passed 5-0.

Public Comment: Jennifer Dupuis addressed Board Members regarding property at 65 Fulton Road, Map 118, Lot 024. She distributed a plot plan outlining the location of the structure in question. Phil Dupuis explained that the property is sloped especially in the area immediately in front of the dwelling. They noted that a new septic system has been installed behind the structure; also that the building has not been maintained for many years and needed several repairs including the construction of a new roof, new headers over windows and doors and the replacement of interior walls. The Dupuis explained that they have been cited for exceeding the removal of 50% of the market value of the 700 square foot building. Mr. Dupuis admitted that he should have done “better due diligence” but wondered how the fair market value is determined. He noted that the new septic system is approximately thirty-eight feet behind the back corner of the house so moving the structure back further from the water would be limited. There are also Central Maine Power lines that run through the property.

Ken Paul explained to Board Members that Section 1.4.11.3 states that the removal of more than 50% of the market value of a non-conforming structure is one of the three activities that trigger a Best Practical Location consideration by the Planning Board.

Mr. Paul noted that not exceeding the removal of 50% of the market value of the structure is noted as condition #11 on the Building Permit issued to the Dupuis and he had notified the property owners in an email that they were approaching that limit with the renovations that they were doing. He stated that the area behind the building is flat and moving the building could be accomplished very easily.

Tom Cashin suggested that the Board conduct a site visit to be better informed regarding the Conditional Use Permit application. The site visit was set for Thursday, June 16th at 6:16 p.m.

Code Enforcement: The Chairman asked Ken Paul to speak to the Board regarding his update relative to current violations that he made recently to the Board of Selectman. Mr. Paul reported that his office is currently working on forty-seven violations but three of them are priorities; the one the Board just heard and two more:

- A single family structure that has been built in the Resource Protection District: The property owners have been extremely cooperative providing information and records as requested. Mr. Paul expressed the opinion that code compliance will not be difficult to determine because the walls of the structure have not been closed so it will be easy to inspect. However, his concern is that zoning violations exist so a surveyor has been retained by the property owners to delineate the wet areas that exist on the site to determine how much of the structure and the various retaining walls and ponds fall within the Resource Protection buffers.
- Removal of trees and vegetation within one-hundred feet of the shoreline: The property owner, after being issued a permit to remove three trees within the Shoreland Zone, has removed as many as twenty to thirty trees and vegetation and leveled the lot. The Town will seek to return the site to its original revegetated state. The property owner has been very uncooperative stating that he does not intend to restore the site. Mr. Paul expressed the opinion that this issue may have to be taken to court for compliance.

Adjournment: The Chairman adjourned the meeting at 7:47 p.m.