

ACTON PLANNING BOARD

Meeting Minutes

DATE: September 17, 2015 (approved October 1, 2015)

ROLL CALL:

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

Members Absent: Art Kelly

Also present: Ken Paul, CEO; Virginia DeBoer, Video Recorder; Chip Venell, Liaison; Dale Barrows; Paul Poyant

The Chairman convened the meeting at 7:45 p.m.

Approval of Minutes, September 3, 2015: Tabled until the next meeting.

Historical Structure Special Exceptions: In reviewing the draft proposed by Joe Lenkowski, the Director of Planning, Ken Paul, expressed concern that the amendment to the Ordinance would be difficult to enforce based on the following:

- The draft exempts historical structures outside of the Shoreland District; there are a few structures, as defined by the proposal, within that district that would not be covered by this section as written;
- Structures could never be expanded even if conforming;
- The use could never change which discourages responsibly using the property possibly causing deterioration;
- Historical buildings must be repaired in the original location which prevents the property owners from relocating it to a more desirable location if they wish;
- Town Meeting could approve designating a building as historical which can become more emotional than practical;
- The definition is based on measuring by “significant”:
 - Significant historical / cultural aspects,
 - Significant activity,
 - Significant contribution to the town,
 - Significant architectural type,
 - Significant history.

This could be subjective; an inventory of Historical Buildings might be preferable to using criteria.

Motion by Skip Scott, seconded by Yoli Gallagher, to schedule a meeting with the Board of Selectmen to discuss the proposed amendment. The motion failed 2-3-1.

Motion by Yoli Gallagher, seconded by Skip Scott, to recommend that the article “out to pass” at the Special Town Meeting. The motion failed 1-3-2.

Ken Paul distributed a Conditional Use Permit Application submitted by Monarch Mountain Minerals and Aggregates to expand the mineral extraction at Route 109, Map 225, Lots 002 and 003, to be considered at the next meeting.

Adjournment: the meeting adjourned at 8:20 p.m .

PROPOSED ARTICLE FOR TOWN MEETING WARRANT
REGARDING HISTORICAL STRUCTURES - SPECIAL EXCEPTIONS
ARTICLE ____

Shall the Town of Acton Zoning Ordinance be amended as follows?

To add the following language after the first paragraph of Section 1.4.11.3 Reconstruction or Replacement:

An "Historical Structure" as defined in Section 3.2 of this ordinance, which is not located in the Shoreland Zone, shall be exempt from the setback requirements of the preceding paragraph provided that:

1. The use of the structure after reconstruction and replacement is the same as the use of the structure prior to reconstruction or replacement.
2. The architecture and general appearance of the structure are not altered.
3. The dimensions of the structure are not increased.
4. The structure is reconstructed or replaced in its original location.

In the event that a reconstructed or replacement structure has not previously been designated an Historical Structure under the ordinance the Planning Board shall apply the criteria set forth in the definition of "Historical Structure" in Section 3.2 to determine whether the reconstructed or replacement structure qualifies for the exemption from setback requirements provided herein.

To add the following definition to Section 3.2:

Historical Structure-A structure which has been designated as an historical structure or landmark by a governmental agency such as the Maine Historic Preservation Commission or other comparable state or federal entity or which appears in the National Register of Historical Places or has been designated an historical structure by a majority vote of the Town Meeting or by a majority vote of the Planning Board in a proceeding under Section 1.4.11.3 of this Ordinance based upon a determination that the structure meets **any one** of the following criteria:

- a) it is a significant example of the cultural, historic, architectural or related aspect of the heritage of the Town of Acton, State of Maine, New England region or the United States; **or**
- b) it is the site of a significant historic event or activity; **or**
- c) it is identified with a person or persons who significantly contributed to the cultural, historic, architectural or related aspect of the development of the Town of Acton, State of Maine, New England region or the United States; **or**
- d) it exemplifies a significant architectural type, style or design; **or**
- e) it is identified as the work of an architect, designer, engineer or builder whose individual work is significant in the history or development of the Town of Acton, State of Maine, New England region or the United States; **or**
- f) it represents a significant cultural, historic, architectural or related theme.