

# Town of Acton, Maine Planning Board Meeting

## MEETING MINUTES

**Date:** October 18, 2018

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

**Members Absent:** Donovan Lajoie (Alternate)

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

**Call to Order:** The Chair called the meeting to order at 7:00 p.m. and declared a quorum.

### **Approval of Minutes:**

- **Approval of the Minutes of October 4, 2018:** Moved by Leslie Berlan, seconded by Dennis Long, to approve the Minutes as written.

Tom Cashin stated that his question raised at the previous meeting regarding the conditions set by the Board on the Levesque Conditional Use Permit, in reflection, wasn't questioning the condition but questioning if the Board actually has the authority to impose conditions that might fall under the heading of "interference with trade".

Members discussed the question and consensus was that the Board does not have the authority to impose conditions that are not stated within the Ordinance.

Members reviewed Section 6.6.3.8 of the Zoning Ordinance, Conditions Attached to Conditional Uses, which reads:

*"Upon consideration of the factors listed above, the Planning Board may attach such conditions, in addition to those required in this Ordinance, that it finds necessary to further the purposes of this Ordinance."*

The Chair noted that because of the fact that Section 6.6.3.8 does not appear to support the Conditional Use definition as stated in the Ordinance, it is a good example of what the Board needs to address in reviewing and updating the Ordinance.

Gavin Maloney suggested changing the statement reporting Paul Schumacher's discussion with the Board to read: *"Mr. Schumacher discussed rewriting bylaws, reviewing the Comprehensive Plan and upcoming workshops that may be offered with other communities"*.

The motion to approve the Minutes as amended passed 5-0.

#### **Old Business:**

- **Town of Acton Planning Board Bylaws:** The Chair reminded Board Members that the updated Bylaws were approved at the previous meeting and requested that each Member sign the copy provided by the Recording Secretary.

#### **Correspondence:**

Board Members discussed how to respond to an email received from William Gannon regarding a complaint against property at 773 13<sup>th</sup> Street. The Chair stressed that it is very important that Mr. Gannon's email is acknowledged but the response must reflect the Board's neutral position on the subject.

Moved by Tom Cashin, seconded by Leslie Berlan, to forward a response to Mr. Gannon stating:

*"We received your email dated October 10, 2018, and understand your concerns regarding the issues at 773 13th St. We know that the resolution of this situation is currently being addressed by the CEO, Mr. Paul and he has given the property owner until November 3, 2018 to address all issues. As such we would be acting beyond the scope of the authority of the Planning Board if we were to get involved at this time. If after that date you still have concerns, please contact the CEO directly to determine what possible action may still be deemed necessary. The Planning Board will stay informed about the matter."*

The motion passed 5-0.

#### **Housekeeping:**

- **Comprehensive Plan Review:** Dennis Long, in trying to determine how many lots in Town are designated as "Conservation", was given a list by the Town Clerk which he distributed to other Members. He noted that the Comprehensive Plan requires the preservation of land and expressed the opinion that this subject would be a good start in reviewing the Comprehensive Plan.

The Chair agreed that Plan must be reviewed for what might no longer apply but also for what has been accomplished. Tom noted that the Board would need guidance from the Director of Planning.

#### **Adjournment:**

The Chair adjourned the meeting at 7:58 p.m.