

# Town of Acton, Maine Planning Board Meeting

## MEETING MINUTES

**Date:** June 25, 2020 (Approved 7/2/2020)

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

**Members Absent:** Yoli Gallagher (excused)

Also present: Ken Paul, Director of Planning; Kristiina Robinson, Land Use Secretary; Jennifer Roux, Town Administrator; Brad Jones; Brett Pingree; Ben Smith; Jim Morin; Charles Crespi; Zoom Meeting, Open to the Public with no questions or comments

**Call to Order:** The Chair called the meeting to order at 6:30 p.m., Jim Crowley was selected as alternate.

**Approval of Minutes, June 18, 2020:** Leslie Berlan moved to accept the minutes of June 18, 2020 as written. Jim Crowley seconded; motion passed 5-0.

**Chair's Notes:** The Chair talked about the Addendum attached to the Agenda referencing the February 2017 edition of MMA Legal Services, Manual for Land Use Appeals Board, regarding Public Participation and Participation by Board Members who miss Meetings.

### **Old Business:**

- **Soltage, LLC, 604 H Road, Map 224, Lot 026, Conditional Use Application for an 18-Acre Solar Array:** Jim Morin said that during the Public Hearing an error in the original survey was discussed, he said that the survey company went over the information again and have fixed the error. The Survey Company has corrected and reissued the survey and plans.

Board Members reviewed the Standards Applicable to Conditional Use as outlined in Section 6.6.3.7 of the Zoning Ordinance and found the following to be true:

<b>a</b>	The use will not have an adverse impact on spawning grounds, fish, aquatic life, bird, or other wildlife habitat;	YES
<b>b</b>	The use will conserve shore cover and visual, as well as actual, access to water bodies;	N/A
<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;	YES

e	The site design is in conformance with all municipal flood hazard protection regulations;	N/A
f	Adequate provision for the disposal of all wastewater and solid waste has been made;	N/A
g	Adequate provision for the transportation, storage, and disposal of any hazardous materials has been made;	N/A
h	A storm water drainage system capable of handling a twenty-five (25) year storm, without adverse impact on adjacent properties, has been designed;	N/A
i	Adequate provisions to control soil erosion and sedimentation have been made;	YES
j	There is adequate water supply to meet the demands of the proposed use, and for fire protection purposes;	N/A
k	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;	YES
l	All performance standards in this Ordinance applicable to the proposed use will be met;	YES
m	Archeological and historic resources, as designated in the Comprehensive Plan, will be protected.	N/A

Jim Morin explained that he and Brett Pingree met with direct abutters to discuss the access road. He said Soltage agreed vegetate along the access road to create some additional buffer for them.

Brett Pingree requested that the Board make a condition for establishing a decommissioning escrow on the Conditional Use Permit. Mr. Pingree explained that Soltage uses a formula to determine an appropriate amount for the escrow which is reviewed by a third party and then approved by the Town. Ben Smith added that a decommissioning escrow is an appropriate condition and can be approved after the Conditional Use Permit is approved. The Board discussed the decommissioning escrow and the possibility of requesting a performance escrow as well. Brett Pingree said they do not usually create performance escrows for these types of projects.

Dennis Long moved to approve the Conditional Use Application with a condition that they establish a decommissioning escrow to be determined and approved by the Town of Acton. Leslie Berlan seconded; motion passed 4-0-1.

The CEO requested that Soltage submit three copies of the final plan with signature blocks.

- **Martel Estates, Arnie Martel, 760 Young's Ridge Road, Map 217, Lots 028-030, 18-Lot Subdivision Application:** Brad Jones reviewed the notes from Ben Smith, submitted June 16, 2020 with the Board. Mr. Jones will submit his responses to Mr. Smith and the Board will receive a copy with updated plans at next week's meeting.

**New Business:**

- **Jennifer Bickford, 153 Buzzell Road, Map 216-002:** Conditional Use Application to process and sell firewood. Ms. Bickford was unable to attend and this item will be discussed at the next meeting.

**CEO:**

- **Robert Jones, 187 7<sup>th</sup> Street, Map 151 Lot 016:** A Best Practical Location was approved for Mr. Jones' property on September 5, 2019 to demo the existing house and rebuild no closer than 48 feet from the lake. Mr. Jones was told by the excavator that because of the location of the retaining wall, he needed to move the foundation 4 feet closer to the lake to allow for drainage. Mr. Jones asked the Board for approval to move the foundation to 42 feet from the lake. The Chair asked the CEO if he agreed with the excavator's recommendation to move the foundation. The CEO agreed that the extra space will help capture the water runoff.

Dennis Long moved to approve the modification to the original Best Practical Location approved September 5, 2020, to relocate the house no closer than 42 feet from the water. Leslie seconded; the motion passed 5-0.

**Adjournment:** The Chair adjourned the meeting at 8:42 p.m.