

# Town of Acton, Maine Planning Board Meeting

February 18, 2021, 6:00 p.m.

## MEETING MINUTES

**Members Present:** Christopher Whitman, Chairman; Gavin Maloney, Vice-Chair; Dennis Long, John Qua, Patricia Pearson (Alternate)

**Absent:** Jim Driscoll, Frank Kunkel (excused)

**Also Present:** Michael Gilpatrick, Director of Planning; Kristiina Robinson, Land Use Secretary; Virginia Deboer, Video Recorder; Ben Smith, NorthStar Planning; Gregg Martinez, Iron Tails Saloon

**Call to Order:** The Chairman opened the Planning Board Meeting at 6:01 p.m.

**Designate Alternate:** Pat Pearson was named the Alternate for the meeting.

**Approval of Minutes:** Dennis Long moved to approve the minutes of January 7, 2021 as written. Seconded by John Qua, motion passed 5-0.

### **New Business:**

- **Iron Tails Saloon, 559 Route 109, Map 148, Lot 001, Modification to an existing Conditional Use Permit:** Gregg Martinez, owner at Iron Tails Saloon, explained to members that the previous CEO notified him in 2020 that his existing Conditional Use Permit from 2011 did not allow outdoor music and events at his business. Mr. Martinez is applying to modify his Conditional Use permit to include outdoor entertainment on Friday nights ending at 10 p.m. and Saturdays and Sundays between 1 p.m. and 5 p.m. Mr. Martinez also talked about hosting up to ten larger shows a year.

Mr. Martinez explained to members that he is waiting on engineered plans for a knee wall and 12-foot perimeter fence with a 3-foot noise deflector, which he says will help to mitigate sound as well as provide security.

John Qua asked Mr. Martinez what the rationale for the 12-foot fence was. Mr. Qua stated that there must be some calculations to be made regarding the distance between the stage and the wall.

Mr. Martinez explained that he decided on a 12-foot height and he had not hired a sound engineer.

Mr. Qua stated that he would like to see some engineered proof that twelve feet is the right height for sound mitigation.

Mr. Martinez explained to members that additional lighting will be installed within the 12-foot perimeter fence where it runs along Milton Mills Road, he added that it will be placed so that that the light will not leave the property.

Ben Smith, Planner for NorthStar Planning, noted that the original Conditional Use Permit for Iron Tails that was issued in 2011 stated that there is a 300-person maximum capacity, inside and outside of the building combined. He asked Mr. Martinez what he believed the capacity could be at these events. Mr. Martinez stated that for larger events there could be up to 1000 people in attendance, which would require a mass gathering permit, security, insurance and porta potties. Mr. Martinez added that events that large would only be held a couple of times a year. For regular daily operations, Mr. Martinez stated that the 300-person maximum will still be adequate.

Dennis Long moved to table the application until Mr. Martinez submits to the Code Enforcement Officer, plans from a structural engineer for the perimeter wall and knee wall, and consults with a sound engineer. Seconded by Gavin Maloney, motion passed 5-0.

John Qua moved to hold a public hearing for the Iron Tails Conditional Use Application. Gavin Maloney Seconded; motion passed 5-0.

The Chair set the date for the public hearing for April 1, 2021.

- **Denis Long, 197 Flat Ground Road, Map 236, Lot 004, Best Practical Location Application:** Dennis Long explained to members that he is applying to create an 8 foot by 26-foot kitchen addition, and remove a 6-foot by 8-foot deck and replace with a 6-foot by 16-foot deck. The house is located in the buffer area of the resource protection area.

Gavin Maloney moved to waive the certified plot plan requirement. Seconded by Pat Pearson, motion passed 4-0. Dennis Long abstained.

John moved to approve the Best Practical Location application submitted by Dennis Long. Seconded by Gavin Maloney, motion passed 4-0. Dennis Long abstained.

#### **Proposed Changes to the Town of Acton Zoning Ordinance:**

- **Timber Harvesting:** Gavin Maloney moved to recommend to the Selectmen the Proposed Changes to the Zoning Ordinance relative to Timber Harvesting, to be included on the warrant at Town Meeting in June. Dennis Long Seconded, motion passed 5-0.
- **Structures Over Water:** Dennis Long moved to recommend to the Selectmen the Proposed Changes to the Zoning Ordinance relative to Structures over Water as written, to be included on the warrant at the annual Town meeting in June. Seconded by Gavin Maloney, motion passed 5-0.
- **Storage Buildings:** Dennis Long moved to recommend to the Selectmen the Proposed Changes to the Zoning Ordinance relative to Storage Buildings as written, to be included on the warrant at the annual Town meeting in June. Seconded by Pat Pearson, motion passed 5-0.
- **Good Neighbor:** Dennis Long moved to recommend to the Selectmen the Proposed Changes to the Zoning Ordinance relative to Good Neighbor and Design Standards as written, to be included on the warrant at the annual Town Meeting in June. Motion Failed.  
Pat Pearson moved to not move the Good Neighbor and Design standards to the Selectmen. Seconded by John Qua, motion passed 3-1-1.
- **Short Term Rentals:** Dennis Long moved to not move Proposed Changes to the Zoning Ordinance relative to Short Term Rentals to the Selectmen. Motion failed.  
John Qua moved to recommend to the Selectmen the Proposed Changes to the Zoning Ordinance relative to Short Term Rentals, amending the effective date to be January 1, 2022. Pat Pearson seconded, motion passed 4-1-0.

**Adjournment:** Dennis Long moved adjourned the meeting at 8:35 p.m. John Qua seconded; motion passed 5-0.