

# Town of Acton Planning Board Meeting

MAY 20, 2021 6:00 p.m.

## MEETING MINUTES

**Members Present:** Christopher Whitman, Chairman; Gavin Maloney, Vice-Chair; Dennis Long, Patricia Pearson

**Also Present:** Ben Smith, NorthStar Planning; Joe Stanley, LinePro Land Surveying; Jenna Gilbert, Ashley Flynn, Michael Demers, Jennifer Roux

**Call to Order:** The Chairman opened the Planning Board Meeting at 6pm.

The Chairman opened the meeting by stating the minutes are going to be tabled at this time.

Jennifer Roux asked to make a few updates to the Board, Mrs. Roux is proud to announce tonight that The Town has filled the Land Use Secretary position with Ashley Flynn. The Town has also hired a Code Enforcement Officer, but not releasing his name at this time. Also, a special thanks to Ben Smith with helping us out in this difficult time between staff and learning this department.

### **OLD Business**

- **York County Agricultural Association**, Route 109 and 13<sup>th</sup> Street, Map 241, Lot 003, Site Plan Review: Joe Stanley approached the Board and handed out maps to the members. Joe introduced himself to the Board and stated that he is here for the project that is currently being worked on at the parking space on the northerly side of the Acton fairgrounds. The project is to make over 400 parking spaces for the fairground and any other large events. The goal in mind is to eliminate parking along Route 109. The proposal also wants to add a pedestrian path that leads to a crosswalk with a permanent light on a pole. Temporary lighting will also be available during any major events. Sebago Technics Engineering has provided a set of drain drainage and grading plans to help appropriately create these parking spaces. Gavin asked what the time frame of the project is. Joe stated that it's a slow burn project and it will be a few years to bring to completion. The idea is to start using it right away while keeping up with the revegetation. The plan is also to have help from DOT to make up signs prohibiting parking on Route 109 once the project is closer to completion.

**After discussion regarding the need for another public hearing, Dennis Long made a motion to not require another one for the York County Agricultural Association, as one was held previously.**

**Patricia Pearson seconded the motion; All in favor - motion carried unanimously.**

The Board discussed how to move forward with the site plan. Patricia read from the site plan review process checklist:

- **6.6.4.1 Applicability of site plan review:** Establishment of new use, nonstructural, nonresidential uses.
- **6.6.4.5 Preapplication:** Ben Smith stated that this is in the process right now.
- **6.6.4.7 Approval Standards and Criteria:**
  - **Utilization of Site:** Gavin asks “What is the plan for revegetating those steeper slopes on the north side of the parking lot?” Joe stated that on site they talked about that plan. On the flat surfaces they will put down a small amount of soil to have grass/greenery to reclaim the area and not have a muddy rain event, to retain the integrity of the gravel underneath it. On the slopes that have a field type area as necessary, erosion control mulch and some small ornamental bushes or trees that have been planned.
  - **Adequacy of Road System:** (No Discussion)
  - **Access into the Site:** Dennis asked how many ways in and out there was going to be. Joe stated that there was going to be separate ways in and out.
  - **Access way Location and Spacing:** (No Discussion)
  - **Internal Vehicular Circulation:** Gavin questioned the amount of traffic flow coming from the trucks going to be moving gravel (135,000 cubic yards) from the site. Joe stated that he doesn’t have a number, but doesn’t believe that the number of trucks is going to have an impact of traffic. He is willing to agree to a limit. The Board discussed about the gate and the long road in, but because of how the properties are laid out there is no changing it and agreed to move on.
  - **Parking Layout and Designs:** Gavin asked if the parking spaces and layout are going to be designated on the day by someone. Joe stated, where its mostly going to be grass it will be handled by the parking attendants. Also, in agreement there will be a Do Not Enter sign on the first of the two entrances that most people will encounter. The Board

continued their discussion about the parking layout and implied it best to play it by ear from event to event. Dennis stated that he would like to see a restriction on the parking area so it not to be used as a storage area. The Board discussed permit options, but didn't come to an agreement.

- **Pedestrian Circulation:** (No Discussion)
- **Stormwater Management:** (No Discussion)
- **Erosion Control:** (No Discussion)
- **Water Supply:** (No Discussion)
- **Sewage Disposal:** (No Discussion)
- **Utilities:** (No Discussion)
- **Natural Features:** (No Discussion)
- **Groundwater Protection:** (No Discussion)
- **Water Quality Protection:** (No Discussion)
- **Hazardous, Special and Radioactive Materials:** (No Discussion)
- **Shoreland Relationship:** (No Discussion)
- **Technical and Financial Capacity:** (No Discussion)
- **Soil Waste Disposal:** (No Discussion)
- **Historic and Archaeological Recourses:** (No Discussion)
- **Floodplain Management:** (No Discussion)
- **Fire Protection:** (No Discussion)
- **6.6.4.8 Post Approval Activities:**
  - **Incorporation of Approved Plan:** (No Discussion)
  - **Recording of the Approved Plan:** (No Discussion)
- **6.6.4.9 Improvement Guarantees:**
  - **Improvement Guarantees:** (No Discussion)
  - **Form Of Guarantees:** Gavin stated that its normal for larger mineral extractions to have an escrow account to ensure that there is money for revegetation of the land if the owner doesn't follow up. He asked, if we need an Escrow account? Dennis stated the fairground has applied for a conditional use on the making of the parking lot and doesn't think the same rules apply here where they did not apply for a gravel extraction.

Gavin state that the 135,000 cubic yards is more than some of the other pits and that the Board has looked at these in the past and did require an escrow. Dennis indicated that it should be made as a condition and if not followed the Code Enforcement Officer can revoke the building permit.

- **End of Checklist site plan review:** The Board discussed what the next steps were. Ben stated this is when the Board reviews the findings of the information that the applicants submitted and presented.
- **Conclusion of Law:**
  - The plan for development will reflect the natural capabilities of the site to support development.
  - Vehicular trap access to the site will be on roads which will have adequate capacity to accommodate the additional traffic generated by the development.
  - There will be safe and convenient vehicular access to and from the site.
  - Access ways into the site will meet the standard outline in the ordinance.
  - The layout of the site will provide for the safe movement of passenger service and emergency vehicles through the site.
  - Off street parking will conform to the standards outline in the ordinance.
  - The site will provide for a system of pedestrian ways appropriate to the development.
  - Adequate provisions will be made for the collection and disposal of all storm water runoff.
  - All building site and roadways designs and layouts will harmonize with existing typography and will conserve desirable natural surroundings to the fullest extent possible.
  - The development will/will not be provided with a system of water supply that will provide each use with an adequate supply of water.

- The development will/will not provide for a method of disposing of sewage and compliance with the state plumbing code.
- The development will provide with utilities to meet with the anticipated use of the project.
- The project will minimize disturbance to the natural landscape.
- The proposed site development will not adversely impact the quality or quantity of groundwater.
- The project will not contaminate pollute or harm water quality
- The project will not include or store any hazardous or radioactive materials.
- The development will not adversely affect the water quality of the shoreline of any adjacent water body.
- The applicant has financial and technical capacity to carry out the project in accordance with the ordinance and approved plan.
- The proposed development will provide for adequate disposal of solid waste.
- The proposed development will include appropriate measures to protect historic and archaeological resources.
- The site is consistent with the town's flood plain management provisions
- The site will meet fire protection standards.

As the Board finished reading the list a question regarding portable toilets came up for the parking area. After discussion, the idea was dissolved due to unforeseeable vandalism. The Board was willing to agree to the plans with some conditions and changes be made to the plan. Joe read out the changes and additions going to be made to the plans:

- #4: The date to be fixed from 3019 to 2019
- #6: Grammatical error from the wording from "we" to "were"
- #11: Adding the note #11 to state that: No long-term parking or storage will be permitted in the new parking area without further review of that use by the Acton Planning Board.
- #12: No more than 3 acres of the proposed area to be re-graded will be open without reclamation occurring on the areas that are complete.

**Dennis Long made a motion to approve the parking lot plan from the York County Agricultural Association with the four noted changes that Joe stated on record. Patricia Pearson seconded, All in favor, motion carried.**

- **Kelley Orchards**, Sam Page Road, Map 234, Lot 044, Proposed 15- Acre Solar Array: Jenna Gilbert approached the Board and handed out a paper slide presentation to the members. Jenna started her presentation by telling the Board the project details, the area in which the solar array was going to be sitting. The 15' wide gravel access road that comes off of Sand Page Road, that dose turn into a 12' wide access road at the turnaround. The 7' tall farm fence around the property encompass about 15 acres in the lot. There will be about 6 wooden utility poles with some overhead lines and underground conduit which will go to a concrete equipment pad to house the inverter and transformer equipment for the site. No buildings, lighting, water or sewer utilities will be necessary. Dennis brought up about the transformer and said he would like to see another separate fence around it due to there being no supervision near the solar farm where they believe that someone might jump over the fence. The Board discuss the possibility about the fence, Jenna stated she will look more into it. Jenna went on to say that there is going to be a 50' wide natural buffer facing Sand Page Road, leaving a 50' wide of existing trees facing the roadway. In the 7' farm fence there will be a 20' wide locked gated entrance with a knocks box for emergency crew to have access. Inside the 15-acre fence area the project plans to re-vegetate due to removing 10 acres of woods from the property. The re-vegetating will be done with meadow lake conditions to be maintained under the array mode twice a year. The solar modules will be a max height of 12' and short height of 3'. The solar project has submitted two permits to the Maine DEP:
  - **Natural Resource Protection Act (NRPA) Tier1:** Wetland Alteration (submitted May 2021) Indirect wetland impacts. Jenna explained this is because they are going to be removing trees, but leave the stumps. In doing so they will not be disturbing the ground.
  - **Stormwater Management Permit-by-Rule:** (submitted May 2021)Jenna then began discussing their decommissioning plans. The estimated value is \$50,200. The decommissioning would star within six months after an

array “shut off”. The arrays typically last on between 20 to 30 years estimated. The process would take 6 to 8 weeks for dismantlement, removal, recycling of materials. The decommissioning also includes site stabilization. The Board began asking about an Escrow account. Jenna stated that she did see that it is was a condition of approval. Jenna requested if a bond was possible, but the Board indicated they would prefer an Escrow account. Ben stated that this meeting can be the discussion of the final plan. It’s on the agenda as a final plan, but doesn’t feel that the Board should take any action tonight. Gavin stated that the Board did accept the sketch plan application. Ben said that the Board needed to have things in order in a timely manner for the application to be complete, hold a public hearing and site walk. The Board discussed the logistics of a public hearing and site walk. **Gavin Maloney made a motion to conduct a site walk on June 10<sup>th</sup> at 6pm. Dennis Long seconded. All in favor; motion carried.** The Board continued the discussion on the public hearing and agenda for the site plan and what the site plan needed to be complete. The Board agreed to discuss the site plan tonight to answer as many questions as needed to help move the process forward. Patricia asked if the Board could receive and review information via email to have a better grasp of what is submitted to the Board. Dennis goes into detail that the Planning Board is a public event and the public has a right to know what is going on in the Board and what their agendas are for the meetings. The Board continued the discussion about the conditions of the solar array and Gavin mentioning nesting birds and the fence to be raise just enough for turtles to be able to pass under as examples from past projects. Gavin asked Jenna that after the life of the panels (20 to 30 years) would you reinstall more panels? Jenna stated that they would have to evaluate the efficiency of the panels at that time. If they haven’t degraded down to a certain percent, they could go up to 40-year lifespan. It could be possible to replace the panels. The discussion continued on the lifespan of the panels. The discussion moves to snow removal, but not sure if its necessary where there is no normal upkeep and servicing done to the panels. The Board agrees that they are set with the discussions that they had on this project.

**NEW Business:**

Patricia believes that an ordinance has a definition that needs to be cleaned-up to help better clarify its meaning. There is a conflict with the word “structure”. Dennis interprets her by saying that Mike Gilpatrick with his definitions and things on our ordinance, that he was devote to the belief that we’re supposed to be following this Chapter 1000 but it conflicts with some of our ordinances and definitions. Dennis stated that we haven’t addressed any of these things’ since last summer and its to late to get changes done that should be made for this Town Meeting. Dennis went on to say, the only way you can accomplish things is either by the Planning Board meeting more often, or you’ve got to do workshops and have a subcommittee with Code Enforcement. He went on to say, this is an involving document that we’re working on and there's always changes. In closing, Dennis stated he Hopes the Board will address a lot of these things without him. Ben asks Patricia what definition she was inquiring about. Patricia states it’s the word “structure” in the ordinance that was appealed. Gavin suggests new verbiage for the definition. The Board continued discussion on the definitions and the ordinances. Dennis complemented Ben’s knowledge and the insightful ways to helps get started on the process of revising the ordinances in a way not to overwhelm new members to come to the Board. Dennis stated that he appreciates all the time he has spent with the Board and past Code Enforcement Office staff.

**Pending Projects – No Action to be Taken at This Meeting:**

- **Martel Estates, Arnie Martel, 760 Young’s Ridge Road, Map 217, Lots 028-030,** Application for an 18-lot Subdivision: The Board states that they haven’t seen anything on this plan.

**Dennis makes and motion to adjourn the meeting of May, 20 2021, Patricia Pearson second, All in favor.**

**Adjournment**