

Town of Acton, Maine

Planning Board Meeting Minutes

Date: May 18, 2023

Members Present:

Chris Whitman (Chairman), Gavin Maloney (Vice-Chairman), John Qua, Patricia Pearson, Chelsea Kenyon (Alternate)

Also Present:

Jason Sevigny (Acton Code Enforcement Officer), Dave Riley (Land Use Assistant)

Absent:

Ryan Gleason & Adam Brock (Alternate)

Pledge of Allegiance

Designate Alternates:

Chairman Chris Whitman designates Chelsea Kenyon as a voting alternate for the May 18, 2023, Planning Board meeting.

- **Public Hearing for Andrew Donovan: 257 Route 109, Map 243; lot 005. Application for Conditional Use for a Ground Mounted Solar Array.**

Planning Board Chairman Chris Whitman begins the meeting with the Public Hearing for Andrew Donovan. Mr. Donovan comes to the Planning Board and gives a brief description of the proposed solar array project at his property. He states he intends to have a 32-panel ground mounted solar array installed on his property to provide energy for his house.

Chairman Chris Whitman opened the Public Hearing to public comment. There were no comments from the public. Chairman Chris Whitman closed the public hearing.

Approval of Minutes:

Gavin Maloney – Motion to accept the Minutes from April 6th, 2023, as written.

Patricia Pearson – Second the Motion. Motion Passed 5 – 0.

Patricia Pearson – Motion to accept the Minutes from April 13th, 2023.

Gavin Maloney – Second the Motion. Motion Passed 4 – 0. (Chelsea Kenyon abstains as she was not present for the April 13, 2023 meeting.)

Patricia Pearson – Motion to accept the Minutes from April 20th, 2023.

Chelsea Kenyon – Second the Motion. Motion Passed 3 – 0. (Gavin Maloney and John Qua abstaining as they were not present for the April 20, 2023 meeting.)

Old Business:

- **Andrew Donovan: 257 Route 109, Map 243; Lot 005. Application for Conditional Use for a Ground Mounted Solar Array.**

Andrew Donovan comes back before the Board to finalize his Conditional Use Permit. The Code Enforcement Officer gave a brief synopsis of where the Planning Board left off with the application in their last interaction with Mr. Donovan. The Planning Board had asked for clarification around the Conditional Use Standards for letters F. and G. The Code Officer stated that the standards in question relate to surety and whose responsibility it is for the appropriate removal and disposal of the solar array at the end of its use. The CEO continued by informing the Planning Board that since the solar array will be utilized for personal use, it is the applicant's responsibility for the appropriate removal at the end of the array's life span and that the application does not require surety.

Planning Board member Gavin Maloney inquired what the life span of the solar array was. Mr. Donovan informed the Board that the solar panels are guaranteed for 25 years. Mr. Donovan continued by letting the Board know that when the solar panels expired it would be his responsibility for disposal of them but that he did not presently know where to dispose of them.

The Planning Board continued with a final review of the Conditional Use Standards in relation to Mr. Donovan’s application as follows:

- The Standards listed in Section 6.6.3.7 have been reviewed and found that:
 - a. The use will not have an adverse impact on spawning grounds, fish, aquatic life, bird, or other wildlife habitat; ✓ Yes No N/A
 - b. The use will conserve shore cover and visual, as well as actual, access to water bodies; Yes No ✓ N/A
 - c. The use is consistent with the Comprehensive Plan; ✓ Yes No N/A
 - d. 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 No ✓ N/A
 - e. The site design is in conformance with all municipal flood hazard protection regulations; ✓ Yes No N/A
 - f. Adequate provision for the disposal of all wastewater and solid waste has been made; Yes No ✓ N/A
 - g. Adequate provision for the transportation, storage, and disposal of any hazardous materials has been made; Yes No ✓ 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; Yes No ✓ N/A
 - i. Adequate provisions to control soil erosion and sedimentation have been made; ✓ Yes No N/A
 - j. There is adequate water supply to meet the demands of the proposed use, and for fire protection purposes; ✓ Yes No 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 No N/A
 - l. All performance standards in this Ordinance applicable to the proposed use will be met; ✓ Yes No N/A
 - m. Archeological and historic resources, as designated in the Comprehensive Plan, will be protected; ✓ Yes No N/A

During the review of the Standards, the Planning Board determined that there should be a condition applied to the application that some form of buffer should be left between the solar array and the road. It was also determined that the Code Office would provide the Planning Board with some type of formal plan with a signature block for the

Planning Board to sign to approve Mr. Donovan's project. The Planning Board continued by determining the details of the Condition to be applied to the project for a visual buffer. The Planning Board determined that a 20' x 130' natural vegetative buffer would remain on the property.

John Qua – Motion to approve the Conditional Use Application for Andrew Donovan at 257 Route 109. Tax Map 247; Lot 005 for a Ground Mounted Solar Array with a Condition that the existing brush buffer between the road, the drainage ditch and the array be maintained at 130 feet long and 20 feet in depth.

Gavin Maloney – Second the Motion. Motion Passed 5 – 0.

New Business:

- **Brian Perry: 668 13th Street. Map 143; Lot 034. Application for Greatest Practical Extent.**

Glenn Griswold, a surveyor for Norway Plains in Rochester, New Hampshire approached the Planning Board on behalf of Brian Perry to discuss the proposed project. Mr. Griswold explained to the Planning Board that his clients wish to demolish the existing structure and replace it with a new larger year-round house. Mr. Griswold explained that his clients wish to utilize their 30 percent expansion for this project. He further detailed that the proposed lot coverages for the project are within the regulations. Mr. Griswold reviewed the site plans with the Planning Board and discussed the distances from the property lines of the proposed structure. He also explained that there presently is no garage located on the property but there would be a garage built during this project. The proposed garage would be located outside the 100-foot mark from the lake and the existing dwelling is located 88.8 feet from the lake. The Perrys are hoping to reconstruct the dwelling in the same location, no closer than 88.8 feet to the lake.

Planning Board member Gavin Maloney inquired if there was anything that stopped the applicant from moving the new structure outside the 100-foot mark from the lake. Mr. Griswold explained that there are two considerations as to why the structure shouldn't be moved outside the 100-foot mark. One of the considerations is that the proposed structure has a walk-out basement and if the structure was moved back there would be an increased amount of excavation needed. The second consideration presented by Mr. Griswold is that there would not be enough distance between the new house and the new garage if the new house was constructed outside the 100-foot mark. The clients are looking to keep the garage detached from the house.

Planning Board member John Qua explained to Mr. Griswold that he was having a difficult time understanding the 30 percent expansion form that was submitted. The expansion form suggests that the existing floor area is 515 square feet but the numbers on the form only add up to 403 square feet. The discrepancy in the square footage would change the amount the building could be expanded significantly. Mr. Griswold stated that he would double-check the numbers that were submitted. The Planning Board determined that they would need to conduct a site walk of the property.

Patricia Pearson – Motion to conduct a site walk for Brian Perry, 668 13th Street, Map 143; Lot 034. Application for Greatest Practical Extent on June 1st, 2023 at 5:00pm.

Chelsea Kenyon – Second the Motion. Motion Passed 5 – 0.

John Qua continued the conversation with Mr. Griswold by inquiring if the applicant intended to reuse the existing septic with the new structure. Mr. Griswold indicated that they do intend to reuse the existing septic system. The Code Enforcement Officer informed the Planning Board that he would look at the calculations that were listed on the 30 percent expansion worksheet and get back to the Board with his findings. The Planning Board did not have any further questions for Mr. Griswold and the Chairman stated that the Board would see him on June 1st at 5:00pm for the site walk.

- **Laurie Streeter: 2633 Milton Mills Road. Map 246; Lot 017-001. Application for Conditional Use of a Ground Mounted Solar Array (Tracking).**

Joe Magri and Ryan Campbell from Bright Spot Solar approached the podium to address the Planning Board on behalf of the applicants for their proposed solar array project. Mr. Magri stated that the solar array consists of 24 panels approximately 21 feet wide and 26 feet wide. The array is about 900 square feet in area and at its highest point stands about 26 feet tall. Mr. Magri also confirmed to the Board that the array would be installed on a concrete post with a concrete foundation below. It would also only be used for the property. Planning Board member John Qua requested Mr. Magri described in better detail the concrete foundation in order to better understand the paperwork that had been provided to the Board. Mr. Magri detailed that the concrete base would be a 5,000-psi mix, with reinforced steel. The Planning Board continued the process by looking at the location of the lot in relation to the Zoning Districts. It was determined that the applicant's lot was part of the Rural District. The Planning Board scheduled a site walk of the property as well as a Public Hearing.

John Qua – Motion to schedule a site walk for the Streeter application for a solar array, 2633 Milton Mills Road, Tax Map 246; Lot 017-001 on June 1st at 4:30pm and that we hold a public hearing for the application on the 15th of June at 6:00pm.

Chelsea Kenyon – Second the Motion. Motion Passed 4 – 0. (Chairman Chris Whitman abstaining due to familial ties to the applicant.)

- **Matt Leck: Nason Road. Map 230; Lot 005-002. 6.6.4.5.1. Pre-application Conference.**

Matt Leck approached the podium to discuss using a small portion of a property on Nason Road for storing some light equipment for his rental company until he locates a more permanent commercial space. Matt explained he was not looking to alter the lot much, there is already a cleared space and entrance that was created previously by a logging operation. He detailed to the Board that he may at some point wish to place a small shed for installing power for charging batteries and storing small equipment. Matt also explained that he did not own the lot, but he does have a Letter of Authorization from the landowner James Kittredge.

After reviewing the lot and where the location of the equipment would be located, the Planning Board determined that Matt should proceed with a Conditional Use Application and put together a packet with all the pertinent information for the Board's review. Mr. Leck will be putting together a packet with the information needed and will return for the June 1st, 2023 Planning Board meeting.

Round Table Discussions:

The remainder of the Planning Board meeting revolved around the proposed Zoning Amendments that had been presented to the Select Board for their recommendation. The Code Enforcement Officer informed that Planning Board that the Select Board had asked him to reach out to legal counsel to provide the Town of Acton with something in writing in relation to how the proposed Zoning Amendment to Mineral Extraction affects existing operations. The Code Officer read aloud an email from the Town's legal counsel which said,

“Good morning Jason,

The proposed amendments will have prospective application only. They will not apply to any existing permitted pits. The PB cannot make changes to existing permits based on the amendments.”

The Planning Board had a brief discussion around the email and agreed that they were not trying to change existing mineral extraction operations. The CEO informed the Planning Board that the Warrant and Finance Committee had only supported 1 of the 4 proposed Zoning Amendments, but the Select Board’s recommendation was to support all four proposed Zoning Amendments. The Planning Board and the CEO continued with a brief review of the upcoming site walks and public hearing.

Pending Projects:

- **Sasha Smith: 660 Hopper Road. Map 235; Lot 036. Application for Conditional Use for In Home Day Care.**

John Qua – Motion to Adjourn Mr. Chairman.

Patricia Pearson – Second the Motion. Motion Passed 5 – 0.