

Town of Acton, Maine

Planning Board Meeting Minutes

Date: April 13, 2023

Public Hearing on Proposed Amendments to the Zoning Ordinance.

Members Present:

Chris Whitman (Chairman), Gavin Maloney (Vice Chairman), John Qua, Patricia Pearson, Ryan Gleason,

Also Present:

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

Absent:

Adam Brock (Alternate), Chelsea Kenyon (Alternate)

Pledge of Allegiance

Approval of Minutes:

No Minutes to Approve

Public Hearing on proposed Amendments to the Zoning Ordinance:

Planning Board Chairman Chris Whitman opened the public hearing by starting with the review of the proposed amendment to the Zoning Ordinance relative to 6.6.3.4 - Review Procedure and Public Hearing. Code Enforcement Officer Jason Sevigny read the proposed amendment aloud for those in attendance to hear and provided an explanation for the

proposed change. Following Jason's reading of the amendment, Chris Whitman opened the meeting for public comment. There were no comments.

The Planning Board moved on to the second proposed amendment relative to 6.6.3.2 – Existing Conditional Use or Structure. Jason Sevigny read the proposed amendment a loud for those in attendance and gave a brief explanation for the proposed change. Chris Whitman opened the meeting for public comment. Richard Nass of Milton Mills Road in Acton approached the podium to address the Planning Board. Mr. Nass asked for some clarification around the proposed amendment and if the proposal meant that a new owner of a property would not have to come before the Planning Board for approval. The Code Enforcement Officer stated that the ordinance as it stands does not require a new owner to review the conditions placed on a property but the proposed amendment would. He also stated the proposed amendment would help to ensure a new owner complies with updating the Surety on a property with a Conditional Use. There were no further comments from the public.

The next proposed amendment was read by Planning Board Member Patricia Pearson and was relative to Solar Energy Systems. Following Patricia Pearson, Chris Whitman opened the meeting for questions and comments from the public. Joyce Bakshi approached the podium with a couple of questions about the proposal. One question was about the heights allowed for the solar panels if they are on a roof. The Planning Board informed Joyce that the height requirements discussed were referring to ground mounted solar arrays. Joyce's next question was about the 125% of estimated removal cost mentioned in #10 under standards – e. She wanted to know, if she was an applicant how the estimated cost would be determined? Joyce continued by stating that she did not see anyone on the board who is knowledgeable in this field. The Planning Board explained that in the wording of the proposed amendment it is stated that an engineer could be brought in at the expense of the applicant to provide the professional guidance on what the removal costs should be set at. After Joyce there were no further questions or comments.

The final proposed amendment was read by Jason Sevigny and was in relation to 5.9.2 – Mineral Extractive Industry. After the proposed amendment was read, Chris Whitman opened the meeting to questions and comments from the public. Richard Nass of Milton Mills Road asked about the term topsoil under item number 4 on page three. Mr. Nass asked if there is a definition for topsoil in the Zoning Ordinance to prevent someone from bringing cheap sludge material to a site and calling it topsoil? The Code Enforcement Officer stated to Mr. Nass that there is no definition for topsoil in the Zoning Ordinance but there is a definition for sludge.

Mr. Nass suggested to the Planning Board that they perhaps should include a definition for topsoil into the proposed ordinance change. The Code Officer also informed Mr. Nass that the topsoil section of the proposed ordinance that he commented about was not actually part of a proposed change and was existing language in the Zoning Ordinance.

Scott Stanton of County Road addressed the Planning Board next for some clarification around the section number 4 on page 5 of the proposed amendment to Mineral Extractive Industry. Mr. Stanton felt there may be some confliction between the statement in section number 4 on page 5 and the proposed amendment that was read earlier in the meeting relative to 6.6.3.2 – Existing Conditional Use or Structure. The Planning Board commented that the purpose of section number 4 of page 5, is to make sure that past operations start entering the inspection routine that all new operations have to take part in. They continued by saying the difference is that the inspections these prior approved operations would have, would be to make sure the owner/operator is complying with the Conditions that were set when the operation was granted its Conditional Use Permit.

Matt Pepin provided commentary to the Planning Board following Mr. Stanton. Mr. Pepin commented that the language in the proposed amendment for Mineral Extractive Industry was not clear about “grandfathering” gravel pit operations that were approved prior to the potential Zoning Ordinance change. Mr. Pepin also has concerns around the stop work order if an operator fails to comply with a condition within 90 days. Matt feels that it is too short of a time period for someone to try and gain compliance. After some discussion between Matt and the Code Officer, Matt stated that he feels there should be some further clarification in the proposed amendment around what is considered compliance. Matt continued with stating concerns around required Storm Water Permits that would be a large added expense to gravel pit owners. He also commented about the new requirement for monitoring wells on every 5 acres and that there should be some clarification around the type of monitoring wells that would need to be used. Matt Pepin’s final comment was that he didn’t agree with the increased setback distance from wetlands in the proposed amendment. He feels that the Town of Acton has setbacks in place already that are stringent and he doesn’t feel they should be more stringent.

James Kittredge from West Shore Drive was the final community member to address the Planning Board in relation to the proposed amendment for Mineral Extractive Industry. Mr. Kittredge asked what would be done if an existing pit owner had an operation that had no conditions on file for the Code Officer to follow when doing an inspection? The Planning Board

commented that the scenario presented by Mr. Kittredge could potentially happen. The Code Officer explained to the Planning Board that Mr. Kittredge currently is part owner of a gravel pit that has that particular scenario. Conditions for Mr. Kittredge's gravel pit were searched for but none were found. Following the discussion there was no further comment from James Kittredge. Following James Kittredge there were no further comments from the public. Planning Board Chairman Chris Whitman closed the public hearing.

John Qua – Motion to Adjourn the Meeting.

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