

Town of Acton, Maine

Planning Board Meeting Minutes

Date: December 7, 2023

Members Present:

Christopher Whitman (Chairman), Gavin Maloney (Vice-Chairman), John Qua, Patricia Pearson, Ryan Gleason, Adam Brock (Alternate), Andrew Johnson (Alternate).

Also Present:

Jason Sevigny (Code Enforcement Officer), David Riley (Land Use Assistant), Jamel Torres (NorthStar Planning), Lee Jay Feldman (Southern Maine Planning and Development Commission), Jenna Gilbert (Sevee & Maher Engineers), Stephanie Gill, Stephen Buyck, Charles Crespi

Absent:

N/A

Pledge of Allegiance

Designate Alternates:

Adam Brock was designated as an alternate. Planning Board member Gavin Maloney arrived late and reclaimed his duties from Adam after the Minutes were voted on.

Approval of Minutes:

Adam Brock – “I’ll make a Motion that we accept the Planning Board Minutes for November 2nd, 2023.”

Ryan Gleason – “I’ll second.” Motion Passed 5 – 0.

Patricia Pearson – “I’ll make a Motion that we accept the minutes from November 16th as written.”

Adam Brock – “I’ll second that.” Motion Passed 5 – 0.

Public Hearing:

- **Arthur Kelly: 82 Sanborn Road. Map 234; Lot 044. Application for Site Plan Review for Acton Solar LLC.**

Jenna Gilbert has come to the Public Hearing representing Arthur Kelly and Acton Solar LLC. Jenna began by giving a description of the project details to the Board and members of the public in attendance. She explained that it is a .6-megawatt solar generation project that is about half the size of the original plan from two years ago. She continued to explain the necessary permitting has been acquired from the state and the site plans have been provided to the Board. All requirements from the Maine Inland Fisheries and Wildlife, Maine Historic Preservation Act, and Maine Natural Areas Program have been met and they have no issues with the project. Moving on, Jenna detailed that there is no parking needed for the project, no sewage or solid waste removal, no buildings being built, and no need for a water supply.

Planning Board Chairman Christopher Whitman opened the Public Hearing to questions from the public. There were no questions from the public. Christopher Whitman closed the Public Hearing.

Old Business:

- **Arthur Kelly: 82 Sanborn Road. Map 234; Lot 044. Application for Site Plan Review for Acton Solar LLC.**

Jenna Gilbert from Sevee and Maher Engineers remained at the podium following the Public Hearing for a final review of the project. Jenna and the Planning Board reviewed the updated decommissioning plan as well as the updated safety data sheet. Jenna informed the Board that the solar panels that will be used are non-hazardous and will not have an effect on the environment. Gavin Maloney inquired about whether the solar panels would be recycled. Jenna detailed how most of the components of the panels are recyclable and as much of the panel would be recycled as possible.

CEO Jason Sevigny told the Board that he had been in contact with the Acton Fire Chief and the Fire Chief has no issue with the project so long as he is provided access to

the site via a knox box. Gavin Maloney discussed with the Board possibly making a Condition that the solar panels are recycled and not disposed of in a land fill. Jenna Gilbert mentioned that even if the panels were to be disposed of, they are deemed nonhazardous and they are allowed to be disposed of in a typical landfill. The Planning Board discussed the issue of recycling and determined a Condition around recycling as much of the panel as possible would suffice.

Gavin Maloney inquired about whether the Board would be willing to make a Condition around testing the soil in the project area intermittently to make sure hazardous materials are not leaching into the soil. The Board participated in a round table discussion about this topic from many different vantage points.

Gavin Maloney – “I’ll make a Motion that we have a Condition that the applicant does a soil test of the area previous to installation that includes the element lead and that at the end of the lifetime of the panels there is another soil test done to see what happened.”

Patricia Pearson – “I Second.” Motion Failed 3 – 2. (Christopher Whitman, John Qua & Ryan Gleason voted against. Gavin Maloney and Patricia Pearson voted for the Condition.)

The Board determined that they would like to have a final product safety data sheet for the panels that are purchased for installation by Acton Solar LLC.

John Qua – “I’ll make a Motion we approve the 0.6-megawatt photovoltaic ground mounted solar generation facility on a portion of the Kelly Orchard on Sam Page Road located at Map 234 Lot 44, based on the Site Plan Review and Conditional Use Findings of Fact we made with two Conditions. The first being.”

CEO Jason Sevigny reads the Condition as follows – “In the event that the solar array is decommissioned the applicant shall recycle as much of the materials as possible in accordance with the local state and federal waste disposal laws and rules.”

Planning Board Member John Qua – “The second Condition being that Acton Solar LLC. provide final safety data sheets to the town after the final procurement of the panels.”

CEO Jason Sevigny – “The last page of the NorthStar (memo) has Conditions that we need to put on it too.”

John Qua – “The third Condition is that the applicant is required to submit grid operator records to the Acton CEO every six months to demonstrate that the solar farm is producing

energy for offsite production. Decommissioning and removal of the solar farm is required after six consecutive months of no energy generation. The owner shall remove the system in its entirety no later than 12 months after the end of the six-month period of no energy generation. The final Condition is prior to issuing a building permit the applicant will submit to the town a surety in the form of a bond to be approved by the Planning Board in the amount of 125% of the estimated removal costs which is \$31,711.00 bucks. The surety shall be kept in effect throughout the lifetime of the system and the amount of the financial surety will be reviewed by the Planning Board or designee every ten years and renewed or adjusted as necessary. At the end of the decommissioning, provided the site has been fully reclaimed according to state guidelines as enforced by the Acton C.E.O., the surety will be returned.”

Ryan Gleason – “I’ll Second the Motion.” Motion Passed 5 – 0.

- **Stephanie Gill: 40 West Street. Map 133; Lot 015. Application for Greatest Practical Extent.**

CEO Jason Sevigny introduced Stephanie Gill and informed the Planning Board that he would be helping her navigate the Planning Board procedures. He continued by stating that Stephanie Gill had come to the office to obtain a permit to add an addition to her home. She had intended to build her addition on top of diamond piers which would not have required her to come before the Planning Board for review. After doing some digging and investigation into the soil type on her property, it was determined that the diamond piers were not going to work with the amount of rock in the ground. Jason continued to detail how she is now going to build her addition on top of frost walls which means putting concrete in the ground and Planning Board review. Jason continued to state that the applicant is not constructing anything closer to the water and is going to stay within the allowed 30% expansion of the existing structure and 20% lot coverage.

The Planning Board reviewed the property via pictures on the overhead projector. There will be no trees removed during the construction, and there was a new septic installed last year. There will also be no changes to the existing structure other than the addition. Gavin Maloney inquired as to how far from the water the existing structure is. The Code Officer informed the Board that he was not able to get to the site prior to the meeting to obtain a measurement from the water to the structure. Jason asked that if the Planning Board approves the project, they incorporate a Condition that the addition be no closer to the water than the existing structure. He also explained that the addition

will be 8 feet or more from the water than the existing structure. The Planning Board finished their review of the project and found no issues with Stephanie Gill's proposal.

Gavin Maloney – "I'll make a Motion we accept the Application for Greatest Practical Extent for Stephanie Gill, 40 West Street, Map 133 Lot 015. That the new structure be no closer to the lake than the existing."

Patricia Pearson – "I Second." Motion Passed 5 – 0.

Round Table Discussions:

Jason Sevigny introduced Lee Jay Feldman from Southern Maine Planning and Development Commission, and informed the Board that he is in attendance tonight to provide information on Planning Board procedures as well as answer any questions the Planning Board may have. The Planning Board held round table discussions with Lee Jay Feldman for the remainder of the meeting.

Pending Projects:

None

John Qua – "I move we adjourn Mr. Chairman."

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