

**Town of Arrowsic
Minutes of Planning Board Meeting
May 3, 2021 at ~ 7:00 PM
Video Conference via Zoom**

Attending: Jennifer Geiger (PB Chair); Matt Caras (PB Secretary); Roger Heard (PB); Vicky Stoneman (PB); Stan Lane (PB); Chris Wilcoxson (CEO).

Spear Conditional Use Permit Application for Standby Generator

Consideration of Conditional Use Permit Application for Standby Generator (the “Application”) by Thomas and Sheila Spear (the “Applicants”) on property owned by them (the “Property Owners”) and located at 11 Sirois Road, Arrowsic, Maine (Tax Map/Lot Number 6/18) (the “Property”). The Property is in the Shoreland Zone and the Special Protection District. The Property Owners and Applicants, Tom and Sheila Spear, were in attendance for this portion of the meeting.

A site walk was taken by the Planning Board on the day prior to this meeting. Reference is made to the 05-02-2021 Minutes of Spear Site Walk. The Property is within the Shoreland Zone and the Special Protection District so the Property Owners can’t meet the Ordinance’s setback requirements for a standby generator, which is a structure. There is no conforming location to place the standby generator as the distance from the Sasanoa River (east of the Property) to the marsh (west of the Property) is about 255 feet, making the 150 foot setback required in both directions impossible. The distance from the house to the side lot line to the north is about 22 feet and to the south is about 22 feet. For safety reasons, standby generators should be located more than 2’ from a house. Hence the reason the Application is before the Planning Board. The Applicants have proposed alternative locations for the proposed generator. One location is a few feet to the south of the house; and the second location is about 20’ to the south of the house (up against the side lot line).

The Planning Board reviewed the Application, which includes the deed to the Property and sketches showing the proposed alternative locations of the standby generator on the Property and all applicable setbacks. Upon motion by Stan Lane, which was seconded by Roger Heard, and it appearing that the Conditional Use Permit Application satisfies the provisions of Section 4.2.2 of the Ordinance, all Board members in attendance voted in favor of the motion approving the completeness of the Application.

The Applicants then presented the project as set forth in the Application. There was significant discussion regarding the safety of locating the standby generator near the house. The Applicants stated that the manufacturer recommends that the generator be located not closer than 5 feet from the house. The Town CEO referenced potentially relevant state fire provisions recommending that generators, because they exhaust carbon monoxide, be located 15 feet from a house. It was also noted that there are windows on the section of the house near the proposed location of the generator. The Applicants stated that the windows on this section of the house are fixed windows, *i.e.*, they don’t open. After considering the options, the Planning Board concluded that the standby generator, which is 2 feet wide, should be placed between 15 and 17 feet from the house to the south of the house. This location would appear to address safety concerns. And this location places the generator in an area that “conforms to all applicable setbacks to the greatest extent possible” and that is “no closer than the principal structure to the high water line[s]” on the Property (*see* Ordinance Section 3.6.1.9).

The Board then reviewed Section 4.2.3 of the Ordinance, which requires the Planning Board to find, based on the information provided by the Applicants, that the proposed standby generator:

- *Will not result in unsafe or unhealthy conditions*—based upon information provided by the Applicants from the manufacturer regarding that distance from the house that is safe to place the generator, the Planning Board finds in the affirmative on this factor.

- *Will not result in erosion or sedimentation*— based upon information provided by the Applicants, including that the area upon which the generator will be placed will not be disturbed, that the generator will be placed on a concrete slab on a crushed stone base, and that there is no slope where the generator will be placed and thus no runoff, the Planning Board finds in the affirmative on this factor.
- *Will not result in water pollution*—based upon information provided by the Applicants, including that the area upon which the generator will be placed will not be disturbed, that the generator will be placed on a concrete slab on a crushed stone base, that there is no slope where the generator will be placed and thus no runoff, and that the only emission from the generator will be exhaust into the air when it is running, the Planning Board finds in the affirmative on this factor.
- *Will not result in damage to spawning grounds, fish, aquatic life, bird and other wildlife habitat*—based upon information provided by the Applicants, including that the area upon which the generator will be placed will not be disturbed, that the generator will be placed on a concrete slab on a crushed stone base, that there is no slope where the generator will be placed and thus no runoff, and that the only emission from the generator will be exhaust into the air when it is running, the Planning Board finds in the affirmative on this factor.
- *Will conserve shoreland vegetation*—based upon information provided by the Applicants, including that there will be no clearing or cutting of any vegetation in connection with the project that is the subject of the Application, the Planning Board finds in the affirmative on this factor.
- *Will conserve the visual points of access to waters as viewed from public facilities*—because the project contemplated by the Application does not involve visual points of access to waters as viewed from public facilities, the Planning Board finds in the affirmative on this factor.
- *Will conserve actual points of public access to the water*—because the project contemplated by the Application does not involve actual points of public access to the water, the Planning Board finds in the affirmative on this factor.
- *Will conserve natural beauty*—based upon information provided by the Applicants, because the project contemplated by the Application will not diminish the natural beauty of the environment around it, the Planning Board finds in the affirmative on this factor.
- *Will avoid problems associated with flood plain development and use*—based upon information provided by the Applicants, because the project contemplated by the Application will not create any problems associated with flood plain development and use, the Planning Board finds in the affirmative on this factor.
- *Is in conformance with the provisions of Section 3.0 Performance Standards*—based upon the information provided by the Applicants, the Planning Board finds in the affirmative on this factor because, among other things, by locating the standby generator between 15 and 17 feet to the south of the house, it “conforms to all applicable setbacks to the greatest extent possible” and is “no closer than the principal structure to the high water line[s]” on the Property (see Ordinance Section 3.6.1.9).

By unanimous agreement of its members, the Board made a positive finding that the proposed use satisfies the requirements of 4.2.3, including the requirement that the proposed use is in conformance with the provisions of Section 3.0 Performance Standards. The Board, on its initiative, imposed a condition on the Permit, to wit: At all times during and after construction, provision shall be made to prevent soil erosion and sedimentation of surface water. Motion was made by Roger Heard, which was seconded by Vicky Stoneman, to approve the Application, subject to the condition described above and subject to the requirement that it be located between 15 and 17 feet to the south of the house. All Board members in attendance voted in favor of the motion.

Approval of Minutes

The Board reviewed the draft Minutes of its April 5, 2021 Meeting. After discussion regarding the Planning Board's role in reviewing proposed revisions to approved subdivisions, it was decided, unanimously, to table review of these draft Minutes until the Planning Board members can review them more thoroughly and until the Planning Board Chair can obtain further advice with respect to the role of the Planning Board in reviewing proposed revisions to approved subdivisions.

Town Comprehensive Plan

The Planning Board Chair provided a brief update on the Select Board's desire to form a committee to organize a process for updating the Town's Comprehensive Plan.

Miscellaneous

The Planning Board Chair advised that Don Kornrumpf has stated his intention to resign from the Planning Board due to the demands of his work on the Town's broadband project. The CEO, Chris Wilcoxson, provided an update regarding noncompliance of a project that commenced on the west side of Arrowsic Road across from Sewall Pond. And the Planning Board Chair provided an update regarding the warrants for this year's Town Meeting.

Adjourned at about 9:05 PM.