

**TOWN OF SKOWHEGAN
PLANNING BOARD
MEETING MINUTES**

March 16, 2021

6:00 P.M.

Council Room, Municipal Building

PRESENT:

Steve Conley, Chairman

Steve St. Pierre, Vice Chairman

Stephen Gould, Secretary (arrived @ 6:39 pm, left meeting @ 7:26 pm)

Harvey Austin

Kris Laney

Matt Smith

Joel Greenwood, Planner

Cynthia Kirk, Recording Secretary

ABSENT: Brady Chapman

PUBLIC PRESENT:

Bryan Belliveau, Code Enforcement Officer

Justin Vandebroek, Renergetica, USA (via conference call)

Greg Dore (via conference call)

• **QUORUM:**

Planning Board Meeting called to order at 7:00 P.M. Quorum was present.

2) **MINUTES OF THE March 2, 2021 PLANNING BOARD MEETING TO BE APPROVED:**

Motion by Steve St. Pierre to approve the March 2, 2021 Planning Board meeting minutes, as written. Seconded by Matt Smith. Motion passed 3-0. (Harvey Austin abstained)

3) **SITE PLAN / SUBDIVISION**

A) Discussion of the Site Inventory & Analysis submitted by Renergetica USA Corporation for a proposed photovoltaic solar generation facility on approximately 20 acres to be located at 369 West Front Street and 2 abutting properties. (Map 8, Lots 2, 2-2 and 2-3).

Justin Vandebroek from Renergetica was present via conference call and gave a brief description of the proposed project. This project is for a proposed solar array on West Front Street abutting the next town of Norridgewock. He said his company has several projects happening in Maine right now including a bunch in Aroostook county. They are hoping to start construction this summer and have already secured agreements with CMP for this project. He said this project is around 4 megawatts and will have approximately 2500 solar panels installed that will track the sun from East to West.

Kris Laney asked why a company from Florida would be interested in building a solar farm in Skowhegan. Justin said that the primary driver for their decision is because the Maine Legislature has made it possible through policies to allow people to have a choice in where they purchase their power from. He said not a lot of states have that consumer choice option available. Justin also said the cost of construction in some places is much lower than other places.

Joel Greenwood asked if these solar panels are movable or just static and fixed. Justin said that they are the movable and track the sun from East to West throughout the day. Steve Conley asked if there is one motor that runs each line of panels. Justin said that yes approximately every 140 feet there is a motor running the panels. Steve Conley how much maintenance do the motors need. Justin said that there usually is a monthly maintenance check but they can also be monitored remotely. Steve St. Pierre asked how these panels perform with a large amount of snow. Justin said that the tracking panels are able to tilt up to 60 degrees which takes care of most snow buildup. If there is a snow buildup then they have people that go out and clean them off. Harvey asked if they are a tax-free entity and if the town will not get any tax dollars from these projects even though we still have to provide emergency services for them. Justin explained that these types of projects really don't create much of a burden on town resources because they don't need water or sewer and also, they don't add in increase cost to the school budget. He explained that the only services that might be needed is if there is vandalism or something like a brush fire. As far as the taxation goes when the State of Maine opened up for all of the solar arrays to come in, they messed up and they placed the taxation of them under the same statutes as agriculture producers virtually making them tax free. Justin said that from his understanding this upcoming legislature session will be making some changes to those rules and he believes there will be a tax incorporated on the solar array going forward. He said he believes it is something like \$2000.00 per megawatt per year. Justin said that they will also still have to pay any increase in the property taxes that the landowner may incur as well as personal property taxes. Harvey said before they move forward, he would like to have a meeting with the tax assessor to have the taxation explained better and to see if this type of project is beneficial for the community. Steve Conley said that criteria is not within the ordinance to be able to put a project on hold or impact the decisions that they make as a Planning Board.

Kris Laney asked Justin how these solar arrays are going to benefit our town in the future. Kris said he doesn't see any benefit for the town other than for the landowner and developer. Justin said that it provides jobs for local contractors during construction. After the construction it provides a financial benefit for the landowner who typically spends their money within the town. Joel said they also have to remember that these are private landowners doing what they want with the property that they own.

Steve Conley asked Justin if there has been any interaction with the abutting landowners. Justin said that he believes that the landowner has spoken with some of the abutters. Cindy said that she had one abutter come into the office to review the plan and had no issue with it. Steve Conley again reminded everyone that whether they personally want these solar arrays in town or not, as long as the developer can meet the criteria of our ordinances then they really can't deny these projects. He also said that even if these projects don't provide a benefit to the town directly it is still the landowners right to do what they want with the property that they own.

Joel said the next steps in the procedure is if the applicant is requesting any waivers and if and when the Planning Board will be holding a site visit. Justin said he would be happy to meet them onsite for the site visit. He said the requested waivers are in the Site Analysis documents. The first waiver is the requirement for letters from the water company and pollution control department. Justin said that water and sewer are not needed for this project. The second waiver is asking for them to be able to submit the soil erosion/ storm water management plan when they submit the technical drawings for the building permit and not until then. Joel explained for the storm water management plan and soil plan required that it doesn't have to a complete engineered plan just a written plan stating what they will be doing. He said a narrative would be sufficient. Since they don't have to do a DEP permit then they won't have this information available until they submit the building permit. Justin said that they can certainly submit the narrative with the final application so they won't need that waiver. Joel also said that they will need a copy of the DOT permit for the entrance. Steve Conley said so the only waivers they are requesting now is the DEP/ Army Corp of Engineers permit since they are under 20 acres and the statements from the water company and sewer department. Justin agreed. Joel said if they don't trigger the requirement for a DEP permit then they won't need to submit one so they don't really need a waiver.

Motion by Steve St. Pierre to grant the waiver on the statements from the water company and pollution control department. Seconded by Kris Laney. Motion passed 4-0 (Stephen Gould abstained).

Steve Conley said the next step will be to schedule the site visit. Bryan and Cynthia will work on scheduling that so Justin can come up from Florida. Justin thank them for their time and left the meeting.

6:59 pm **Technical difficulty shut down the public viewing on Facebook. Restarted meeting at 7:13 pm.

B) Discussion and decision on the request from KVCAP for another extension on the Mary Street Apartments Site Plan project.

Joel said that Dave Pelton from KVCAP was not able to attend tonight and it was kind of short notice that they were able to get him on the agenda. Joel said that they can still discuss it tonight and make a decision if they want but they can also postpone this until the next meeting so Dave Pelton can be here to discuss it with them.

Motion by Harvey Austin to not grant the extension for the Mary Street Apartments Site Plan project. Seconded by Stephen Gould.

Joel said that unless the Planning Board is completely adamant on not granting the extension then he would suggest allowing Dave Pelton to come to the next meeting and at least be able to speak on his behalf. Stephen Gould asked if they have started the project at all yet. Bryan said based on what was discussed at the last meeting that they had granted the first extension they had started but had to stop. He said they had started moving stuff out of the building but then had to stop which is kind of borderline of what the ordinance says for starting the project. Steve Conley asked what the consequence is of not granting the extension. Bryan

said that since the project hasn't changed and the building codes haven't changed then they will have to resubmit the exact same project all over again and have to go through the whole process again of staff review meetings, fees, public hearings and notifications. Joel said it would all be the same information they have already approved previously. Bryan said that is why the ordinance allows for granting 2 extensions as long as nothing in the ordinance or codes have changed. Steve Conley said it basically costs the Planning Board more time to review all the same information again and it costs the developer more money to resubmit again. Stephen Gould asked how much of their delay is COVID related. Bryan said it probably is. Joel said after they had already placed this on the agenda Dave had contacted him and said he wasn't able to make it so Joel said they would just keep it on the agenda and maybe they could review it at the next meeting when he could be here. Steve Conley asked how it helps them as a board by not granting the extension other than making more work for them especially since nothing has changed with the project.

Harvey said on past projects he has had to keep pushing for things to get done. He said enough is enough and it sounds like they are just waiting to get more grant money from the State. He said they should have to come back to the Planning Board when they are finally ready to start. Harvey said maybe there are new issues with for the abutting land owners that they might not have heard from before or something else that comes up that would allow them not to approve the project. Joel said as long as the project meets the ordinance like before then they would need to approve it again.

Joel asked the Planning Board that before they make a decision that maybe the right thing to do would be to at least let Dave Pelton be here to speak his case. He said in fairness to him he didn't even now that he was on the agenda for tonight until it was too late to take him off it. Harvey said he doesn't want to waste his time being here to wait for the next meeting to decide on this.

Matt Smith asked what happens if they grant this extension and in 6 months, they still aren't ready to start. Joel said the Planning Board has the ability to grant two 6-month extensions per the ordinance. After that they would have to resubmit the project.

Kris Laney said that when they granted the last extension that Dave was told not to come back for any other extensions. Joel asked them if they had read the letter from Dave Pelton explaining why they need the extension. Kris said it doesn't matter and he was told no more extensions the last time.

Stephen Gould said even though he seconded the motion, maybe they should table this until the next meeting so that Mr. Pelton can at least be here and talk about the situation. He said out of respect they should do that. Steve St. Pierre agreed.

7:26 pm- Stephen Gould left the meeting

Steve Conley asked when the first extension expired. Joel said March 17th. Joel said they received the letter from Mr. Pelton on March 11th which was only 5 days ago so in fairness to him that might not have been enough notice for him to be able to be here tonight.

After more discussion, Steve Conley stated as the Chairman he is going to exercise his authority to table this item until the next meeting.

4) ITEMS BY THE PUBLIC:

5) COMMUNICATIONS:

6) NEW BUSINESS:

A) Review the proposed updates to the Floodplain Ordinance.

Bryan reviewed the proposed changes. He said in each of the highlighted areas there have just been some simple word changes or additions that bring this ordinance up to the state minimum requirements. He said there isn't anything changed that would make it stricter than the state minimum. He said it is basically bringing our ordinance in line with state updates. Once they vote on it then it would be brought to the Selectmen for their approval to bring it to town meeting for a vote by the townspeople.

Motion by Matt Smith to recommend and pass the proposed updated Floodplain Ordinance onto the Selectmen for their review. Seconded by Kris Laney. Motion passed 4-0.

B) Review the Ordinance Governing Victualers Licenses.

Joel said they had looked at this ordinance a while ago and then it got tabled since they were so busy with other items. Bryan said this ordinance applies to businesses that serve food with seating. He said the state requires these businesses to get a license from the town every year. Joel said the state can require that permit every year regardless of local ordinance because he works with other towns that don't have this ordinance. Steve Conley said previously it was Jason Gayne that had brought this to them to look at. He suggested tabling this item until Jason can come back in and review it with them. Bryan said from what he remembers they had discussed the reasoning behind businesses needing to do this every year and who it applies to. Steve Conley said they have discussed before about making Skowhegan more business friendly and it doesn't seem like all of the requirements in the ordinance are very business friendly. Kris Laney asked if the town makes any money off of businesses having to do this every year. Bryan said it is \$30 every year to renew the license with the town as well as the cost of advertising for the public hearings he believes. Steve Conley said it doesn't make sense to have a public hearing every year for these businesses to continue operating. It might make sense for a new business coming into town but not established ones.

C) Review proposed changes to the Shoreland Zoning Ordinance

Cynthia said that the only proposed change to the ordinance is marked by a tab for them. Bryan said the proposed change is for the campsite size requirements in the Shoreland zone. The state standards for the size is 5,000 sq. ft and our ordinance currently require 10,000 sq. ft. Joel said there is no reasoning that they have found as to why it was put a such a larger size than the state minimum requirements. Bryan said another thing they should look at in the future is to why certain parcels are zoned one way and then the parcel right next to it is zoned differently even though there is no change in elevations. Steve Conley asked Bryan to look into that more and report back to them.

Motion by Steve St. Pierre to recommend and send the proposed changed to the Shoreland Zoning Ordinance to the Selectmen for their review. Seconded by Matt Smith. Motion passed 4-0.

7) UNFINISHED BUSINESS:

Joel said at the previous meeting they had discussed the parking plan for the Charter School downtown and Travis Works had said that he had spoken with the police chief regarding the need for a parking enforcement officer. Joel said he has spoken with the police chief and was told that there weren't any arrangements between the school and his department to do parking enforcement. He said they should look into this further since this was a condition of approval.

8) COMPREHENSIVE PLAN UPDATE:

A) Review draft of the Transportation section.

Joel said he isn't going to go through the entire section tonight but Greg Dore has provided him a lot of updated information he needed. Joel asked them all to review this section and note anything that doesn't look correct or needs to be changed. He also asked them to generally think about the transportation issues in town and how that might need to be worked on in the future. (Greg Dore joined the meeting via conference call). Joel asked Greg to please review what he has presented and let him know if anything needs to be changed. He said they all should look at the issues that were listed in our current comp. plan and see if they have been resolved and if not then why and how can they be taken care of. Then they can discuss it at the next meeting.

9) ITEMS BY:

- **SELECTMEN:**

- **DEPARTMENT HEADS:**

- **MEMBERS:**

Kris Laney asked where they stand on the solar arrays and if they are going to do anything about them coming into town. Steve Conley asked who would like to look into doing a moratorium in town until they start getting clearer information about taxation and such on these projects. Everyone agreed.

Motion by Kris Laney to send a letter to the Selectmen requesting a moratorium on solar arrays. Seconded by Steve St. Pierre. Motion passed 4-0.

Steve St. Pierre said he is sad that Stephen Gould left the meeting the way he did and hopefully things can get resolved with him.

- **CHAIRMAN:**

Steve Conley said that they need to have civility within their meetings going forward. He said that everyone is going to have their own opinions about things and they all aren't going to always agree. However, they still need to show each other respect.

- **STAFF:**

9) ADJOURNMENT:

Motion by Harvey Austin to adjourn at 8:18 p.m., Seconded by Steve St. Pierre.

Motion passed 4-0.

Minutes approved on April 6, 2021

Chairman
