

**TOWN OF SKOWHEGAN
PLANNING BOARD
MEETING MINUTES**

April 6, 2021

7:00 P.M.

Council Room, Municipal Building

PRESENT:

Steve Conley, Chairman
Steve St. Pierre, Vice Chairman
Stephen Gould, Secretary
Harvey Austin
Brady Chapman
Matt Smith
Joel Greenwood, Planner
Cynthia Kirk, Recording Secretary

ABSENT: Kris Laney

PUBLIC PRESENT:

Bryan Belliveau, Code Enforcement Officer
Dave Pelton, KVCAP
Michelle Prince, KVCAP
Ted Kellaheer, KVCAP Attorney

• **QUORUM:**

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

2) **MINUTES OF THE March 16, 2021 PLANNING BOARD MEETING TO BE APPROVED:**

Motion by Stephen Gould to approve the March 16, 2021 Planning Board meeting minutes, as written. Seconded by Steve St. Pierre. Motion passed 5-0.

3) **SITE PLAN / SUBDIVISION**

A) Discussion and decision on the request from KVCAP for another extension on the Mary Street Apartments Site Plan Project

Dave Pelton from KVCAP spoke regarding the proposed affordable housing project and extension request. He said the hurdle that they have run into is regarding moving the current offices that they have at Mary Street into another building so they can start the housing project. The site that they were supposed to moving into is no longer available to them since it is still being used for COVID testing. He said this extension would allow them to find another location for their offices and get them moved out.

Stephen Gould asked if any construction has started yet. Mr. Pelton said no they haven't started anything yet because their offices are still being used in the building.

Steve St. Pierre asked if COVID has affected the funding for this project. Mr. Pelton said it did early on in the project but right now all of the funding is secured and they have gotten a letter from Maine Housing to move forward with the project. Steve St. Pierre said that they could then start tomorrow. Dave said they wouldn't be able to proceed until they move their offices out of the building. He said they are looking at other spaces to move their offices to now.

Steve Conley said that he reviewed the minutes of the meeting when they came in for the first extension and Mr. Pelton had clearly said that if they had to come back for another extension, he would just resubmit the application again and go through the process. He asked why they want an extension after telling them that back then. Dave said that he recalls saying that he really didn't want to have to come back before them. He said a lot of projects have been completely scrapped because of COVID and it has been amazing that they have been able to keep their funding for this project. He doesn't think that delaying the project will benefit the town at all.

Steve Conley said that at the last meeting of the Planning Board there was a motion by Harvey Austin to not grant the extension for the Mary Street Apartments Site Plan project and it was seconded by Stephen Gould. He had then used his authority as Chairman to table the vote until Mr. Pelton was able to speak on his behalf tonight. Steve said that they now have the option to vote on that motion, amend the motion, or vote that motion down and allow for the extension. He said the only thing that will happen if they don't grant the extension is the applicant will have to resubmit the same application to them again and go through the whole process. This will take up a lot of the board's time as well.

Steve Conley stated that since there is no further discussion, they are going to vote on the motion made on March 16, 2021 by Harvey Austin and seconded by Stephen Gould to not grant the extension for the Mary Street Apartments Site Plan project. Motion passed 4-1.

Steve Conley asked if there is an appeal process for the denial of an extension. Joel said he will have to look into it. Mr. Kellaher said that they would like to confer with the town's attorney on what options they have regarding this decision before they start the appeal process and waste time if they aren't allowed the use it. He said they would rather use that time to resubmit their application instead.

4) ITEMS BY THE PUBLIC:

5) COMMUNICATIONS:

6) NEW BUSINESS:

A) Review the proposed Solar Moratorium.

Bryan said that the Selectmen voted to go ahead with a moratorium at their last meeting and this document is what Joel has come up with. Once the Planning Board reviews it, it will go back to the Selectmen for their vote to put it on the Town Meeting warrant. Steve Conley said that a moratorium won't be necessary if they are able to come up with an actual solar ordinance though. Joel said it depends on if they submit a solar ordinance to the town's people and they vote it down then they can still approve the moratorium to put a hold on solar projects until they come up with a solar ordinance or put something in the Site Plan Ordinance about solar projects.

Harvey said that he would like to have a workshop on this before they go much further so that everyone understands and agrees on what they should have for restrictions on solar projects.

Bryan said that the quickest way to get something onto the town warrant would be to add a section into the existing Site Plan ordinance instead of going through a process of creating a whole new one. Joel said he kind of disagrees with just putting something into the Site Plan ordinance because they should not just rush to get something on the books. He said that is sort of the point on having the moratorium to give them time to come up with a proper ordinance. He said the draft that he had shared was by no means complete and still needs work. Bryan said that the stand-alone draft ordinance does take a lot more into consideration than just the small sections being added to the Site Plan.

Jason Gayne said that after talking to a couple Selectmen, the reason they want to go ahead with the moratorium is because right now there are two bills in the legislature to put a full statewide moratorium on solar projects in effect. Bryan said that the bills at the state level are also retroactive so any projects that have been approved by the Planning Board could possibly be halted.

Motion by Stephen Gould to pass the Solar Moratorium onto the Selectmen with a recommendation for approval. Seconded by Harvey Austin. Motion passed 5-0.

Steve Conley asked everyone's opinion on if they should work on a stand-alone solar ordinance or just put language into the existing Site Plan Ordinance. Everyone agreed that it should be a stand-alone ordinance.

B) Review the proposed Solar Ordinance

This was discussed along with the Solar moratorium.

C) Review the Ordinance Governing Victualers Licenses.

Steve Conley asked if our current ordinance follows along with what the States currently has for rules and regulations. Bryan said that it matches with the state requirements except for the fee that is charged by the town. Steve Conley asked Jason Gayne how we can make this ordinance more friendly to local businesses. Jason said that he had some questions about the definitions and where does air -bnb fall into any of these categories. He also asked about lunch wagons since it doesn't mention them in the definitions. Jason also said that it states in the ordinance that fees can be waived in some instances for doesn't define those reasons and who this might apply to. There also isn't an appeals process if someone's license is denied or revoked. He also mentioned why a public hearing is required every year for the established businesses in town. He understands that it should apply to any new ones but not really the ones that have been in operation for many years.

Steve Conley said that maybe they should speak with the town attorney as to why they have to do a public hearing every year.

Steve Conley also asked where air-bnb's would fit in. He said this ordinance pertains to places that provide meals/food. You don't typically serve meals when you rent out your place as an air-bnb.

Bryan said he has looked at the current legislature and parts of the requirements may have been repealed. So, they might have to look into this further before they make any decisions on this ordinance.

Steve Conley suggested that they all take the ordinance home and review it at their next meeting.

7) UNFINISHED BUSINESS:

Joel said they haven't really finished up with the parking plan for the Charter School. He said from what has been submitted to them they have not met the requirements of the conditions of approval on there site plan. Steve Conley said that they should send them a letter telling them this and see if we can get this resolved.

8) COMPREHENSIVE PLAN UPDATE:

Joel said he hasn't heard from anyone regarding the transportation section yet so he is assuming that it is good to go. Please let him know if anything needs to be changed before the next meeting.

9) ITEMS BY:

• **SELECTMEN:**

• **DEPARTMENT HEADS:**

Bryan said that he and Cindy will be sending out public notices regarding the update to the Shoreland Zoning Ordinance that they have already sent to the Selectmen. According to statutes they were supposed to hold a public hearing before they forwarded it to them. So, a public hearing will be held at the next Planning Board meeting.

• **MEMBERS:**

• **CHAIRMAN:**

• **STAFF:**

Cindy said that they have received an email from Justin at Renergetica regarding the Front Street Solar site visit this week. Unfortunately, due to a family emergency he is not going to be able to make it up from Florida for it and asked if they can reschedule it. Steve Conley said he also heard from the property owner and he has some concerns with public going all over his property. He said he has no problem with the Planning Board looking at it but prefers that they be the only ones. Joel said that shouldn't be an issue. He also said that the 15th of April would work for him. It was decided to schedule it for 8:00 am on April 15, 2021

Joel also said that they have not received a formal application from the Stevens Rd. solar project or the West Front Street one.

9) ADJOURNMENT:

Motion by Harvey Austin to adjourn at 8:44 p.m., Seconded by Stephen Gould.
Motion passed 5-0.

Minutes approved on April 20, 2021

Chairman
