

**TOWN OF SKOWHEGAN  
PLANNING BOARD  
MEETING MINUTES**  
March 1, 2022  
7:00 P.M.  
Municipal Building, Council Room

**PRESENT:**

Steve Conley, Chairman  
Harvey Austin  
Jeff McCabe  
Derek Chretien  
Dan Luce, Alternate  
Joel Greenwood, Planner  
Cynthia Kirk, Recording Secretary

**ABSENT:** Steve St. Pierre, Vice Chairman, Stephen Gould, Secretary, Matt Smith

**PUBLIC PRESENT:**

Bryan Belliveau, Code Enforcement Officer  
Nate Niles, Revision Energy  
Jim Henshaw

• **QUORUM:**

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

2) **MINUTES OF THE February 1, 2022 PLANNING BOARD MEETING TO BE APPROVED:**

Due to unforeseen circumstances these minutes were not available for review tonight. They will be reviewed at the March 15, 2022 Planning Board meeting

3) **SITE PLAN / SUBDIVISION:**

**A) Discussion and decision on the request from Revision Energy for a second extension on their Site Plan approval for the Eaton Mountain Rd. Solar Project which was approved on December 1, 2020. The first extension was granted on May 18, 2021.**

Nate Niles gave a brief explanation of why they are looking to obtain the second extension to start this project. He explained that because of the CMP transmission studies that they had to do, they have been waiting on the approval from them to hook into the current power grid. After CMP completed their studies, almost 12 months behind schedule, there was a new regulatory approval that needed to be obtained by them. Nate said that they are hoping to have that approval wrapped up by May of 2022. The current extension that they have expires in June of 2022 so therefore they are requesting the second extension in case there is anymore delay in getting that regulatory approval.

Harvey Austin asked how this extension relates to the extension they gave to KVCAP. Steve Conley said not at all.

Bryan Belliveau said that they had received some comments and questions from Kim Gray if they would like to hear those or wait. Steve Conley said they can hear them now.

Bryan read her questions and comments as followed:

1. She asked if it is normal to give extensions on permits 7 months prior to their expiration

- date. Referring to the first extension that was given in 2021
2. She stated that Revision has never approached them to come up with an agreement regarding the buffering.
  3. She stated that she had considered appealing the first extension that was granted but she never went through with it. If this extension is granted tonight, she plans on appealing it.
  4. She made a statement that she is concerned about PFAS on the land that they are putting this solar array on.
  5. She asked if Revision has received CMP approval yet.
  6. She also stated that they are 4 months early in requesting this extension.

Nate Niles said that this is a very large and expensive project so as soon as they received word from CMP about the delay in the studies, they decided to file for that first extension to make sure everything was in place for when they were ready. That was the only reason they filed at that time. The same reasoning goes for the request for this 2<sup>nd</sup> extension.

Nate said in regards to her questions about the buffering, the Planning Board had approved a buffering plan with its original review. He said that at the time that they are ready to implement that buffering plan they will certainly be meeting with the abutters to put an agreement in place and work it out with a local contractor.

Nate stated that solar projects are not associated with elevated levels of PFAS. He said they have done environmental studies on the site and they are not aware of any elevated levels of PFAS on the site currently. He said the soil depths out there are well beyond 8 feet which is the depth they put the piles into the ground for the solar panels. Bryan said that the site is listed as a site for sludge spreading. He asked Mr. Henshaw if any sludge had ever been spread out there. Mr. Henshaw said no.

Nate Niles said they have undergone the full distribution study and they had gotten the interconnection agreement with CMP at the initial approval of this plan and just recently they received CMP's signoff on the transmission levels. Harvey asked where they will be hooking on with CMP. Nate said the 3-phase power will run from Route 2 all the way down to the site. Then the transmission of power will run back into town he believes.

Steve Conley said that since the initial approval of this project the Town of Skowhegan has adopted a new Solar Ordinance. He asked Nate if this project still meets all of the requirements within that new ordinance. Nate said they reviewed the new ordinance and wrote a response to the Planning Board showing that they feel that this project does in fact meet the new standards.

Harvey asked again what is the difference between granting a 2<sup>nd</sup> extension for this project but not granting the 2<sup>nd</sup> extension for the KVCAP project. Steve Conley said that the Site Plan Ordinance does say that the Planning Board may grant up to 2 extensions. He said just because they chose not to give KVCAP the 2<sup>nd</sup> extension because they were late, doesn't mean they can't grant one on this project. This project has been delayed because of studies that came up from CMP that needed to be done before they could move forward. Harvey said he just doesn't want previous applicants coming back to them and arguing that we didn't do the same for them. Steve Conley said that any decision that they make that is allowed to them by the ordinance is theirs to make and it is based on a per project criteria.

Bryan asked if Revision had provided any new information in the current letter, they gave them that was not in the original application when it was reviewed. Nate said that they did provide a visual impact analysis that was done by their consultants for the State which was to show them that they will meet the new visual criteria within the new ordinance. Bryan said he just wanted to make sure any new information provided now should have been included in the original review. Joel Greenwood said that if they are considering the extension request for the original application with no changes then there isn't any reason to be following the new ordinance because the Site Plan was originally permitted off of the existing Site Plan

Ordinance at that time. He said the only reason that they would have to consider the new Solar Ordinance is if they had a substantially changed application/ project in front of them which they don't.

Motion by Jeff McCabe to grant the 2<sup>nd</sup> extension request from Revision Energy for the Eaton Mountain Rd. Solar Project. Seconded by Harvey Austin. Motion passed 4-0.

**4) ITEMS BY THE PUBLIC:**

None

**5) COMMUNICATIONS:**

None

**6) NEW BUSINESS:**

**A) Discussion of letter received by Christine Almand from Novel Energy Solutions regarding the Intergovernmental Review Request for the Front Street Solar Farm LLC.**

Steve Conley asked what in particular are they looking for from the Planning Board. Bryan said from what he has gathered is that they are making sure that this project meets the current Comprehensive Plan guidelines. He said as of right now our current plan does not have anything in it about solar arrays. He said once the Planning Board gives their input then they can pass it along to the next group to review it. Joel asked if this is a solar project that they are already aware of. Bryan said it is the West Front Street Solar project that has already been approved by the Planning Board. Joel said this request must be from one of their funding services and they are looking to just make sure that it meets the current Comprehensive Plan.

Steve Conley said he doesn't know of any issues with this solar array and our current Comprehensive Plan.

Joel said that this project is located outside of the growth area and would not interfere with what is stated within the Comprehensive Plan.

Steve Conley asked if they are looking for a letter from the Planning Board. Bryan said he believes that they are just looking for a statement that it meets our current Comprehensive Plan. He said they don't really have to make a written comment unless they want to. Steve said that works for them.

**7) UNFINISHED BUSINESS:**

**A) Discussion of the proposed changes to the Property Maintenance Ordinance.**

Joel said from what he remembered from the last meeting there were just a few things to finalize in this ordinance before they pass it onto the Selectmen for review. He said he has made all of the formatting changes that the Selectmen had requested. He said one of the things they need to decide on is in section 8. He said there was a question if they wanted to separate out the concept of vacant land from vacant structures and premises. Bryan said in his opinion he would like to see it all grouped together. Joel said the idea of this ordinance is for property maintenance so they want to consider that a hazard on a vacant parcel in town would probably be different than outside of town. After further discussion it was decided to remove vacant land from section 8.

Jeff McCabe said there was a question about submitting the violations to the Registry of Deeds and who would incur the costs of that. Joel said after doing some research on this it was found that it would cost the town a substantial amount of money. Bryan said it would make more sense to just register any court orders that are received on violations only.

Otherwise, it would be a constant stream of going up there to register every violation letter. Everyone agreed.

Definition was added for “unsanitary”.

Joel will make the changes and email it to everyone to look at.

Motion by Derek Chretien to pass this draft of the Property Maintenance Ordinance unto the Selectmen for their review after Joel makes the discussed changes. Seconded by Dan Luce. Motion passed 4-0.

## **B) Discussion of the proposed changes to the Sign Ordinance.**

Joel explained that the change they are looking to make in this ordinance is to define a “public way”. Bryan said there have been some back-and-forth discussions with the State of Maine regarding this issue. He said this board was asked to try and make some changes to this ordinance to ease the regulations. Adding this definition is kind of the only way to do that with all of the other State regulations that are in place. He said until the state makes changes then they can’t make any changes. Bryan said by adding this definition it would cut down the number of people that this applies to.

Harvey said it seems that whenever an ordinance doesn’t suit certain people’s needs then we just go ahead and make changes to it. He believes that what is fair for one person should be fair for everyone. He disagrees with making changes to this for one particular person. Joel said he agrees with Harvey and you can’t be making changes to ordinances to just help one particular issue.

Motion by Harvey Austin to leave the Sign Ordinance the way that it is currently. Seconded by Jeff McCabe for discussion purposes.

Jeff McCabe said that he worries that the public way definition is too narrow and that public ways also include roads that are outside of town. Bryan said that this definition aligns with our Leaf and Yard Waste policy. He said our current Sign Ordinance regulates every sign in town on every property. By adding the public way definition that would make this ordinance apply to signs only on those public roads. Steve Conley said he doesn’t see why we are regulating signs that individuals place on their own private property anyway. Harvey agreed. Bryan found the state statute definition of public way. He said it is “any road capable of carrying motor vehicles including but not limited to any state highway, municipal road, county road, unincorporated territory road or other road dedicated to the public”. He said if they add the public way definition then essentially it would bring the sign ordinance back to the way it already is. He also found that anything within the urban compact is his responsibility to enforce. Joel said that is the state’s definition but they can make their own definition for the purpose of the ordinance.

Harvey asked why they are so anxious to change this ordinance. Bryan said that there has been a lot of pushback and comments made to the Selectmen about this ordinance and that is why they have been asked to make some changes.

Derek asked if this would affect the booster signs at the high school. Bryan said it depends on who you talk to at the state level. He was told by one person it would and then he was told it wouldn’t. Harvey said you don’t drive through the football and baseball fields but you do drive through Walmart’s parking lot.

Joel said that Bryan has been tasked with making some changes to the ordinance by the Selectmen and this is what he has come with as far as adding the definition for a public way. He said this is what they need to decide on.

Motion failed 1-3.

Motion by Jeff McCabe to add the definition of a public way to the current Sign Ordinance and pass it onto the Selectmen for review. Second by Derek Chretien. Motion passed 3-1.

**8) COMPREHENSIVE PLAN UPDATE:**

**9) ITEMS BY:**

- **SELECTMEN:**

- **DEPARTMENT HEADS:**

- **MEMBERS:**

Harvey said the electronic sign in front of the Municipal Building doesn't look very professional when most of the items on it have expired weeks ago. He doesn't understand why that thing can't be kept up to date. Steve Conley asked who is in charge of that sign and Cynthia told them it is run by the Town Manager's office.

- **CHAIRMAN:**

- **STAFF:**

**ADJOURNMENT:**

Motion by Harvey Austin to adjourn at 8:44 p.m., Seconded by Jeff McCabe.  
Motion passed 4-0.

**Minutes approved on March 15, 2022**

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Chairman

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