

**TOWN OF SKOWHEGAN
PLANNING BOARD
MEETING MINUTES**

March 2, 2021

7:00 P.M.

Council Room, Municipal Building

PRESENT:

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

ABSENT: Harvey Austin, Kris Laney

PUBLIC PRESENT:

Bryan Belliveau, Code Enforcement Officer
Joe Tierney, Sunrise Energy Ventures, LLC
Brad Ames
Travis Works, CRCS

1) QUORUM:

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

2) MINUTES OF THE January 19, 2021 PLANNING BOARD MEETING TO BE APPROVED:

Motion by Steve St. Pierre to approve the January 19, 2021 Planning Board meeting minutes, with the correction to a couple words being swapped around on page 3. Seconded by Stephen Gould. Motion passed 4-0.

3) SITE PLAN / SUBDIVISION

A) Discussion of the Site Inventory & Analysis submitted by Sunrise Energy Ventures for a proposed new 4.99MW AC, 33-acre Solar Garden to be located on Stevens Rd. (Map 9, Lots 14-1 & 14).

Joe Tierney from Sunrise Energy gave a brief description of the project. He said this is a 5-megawatt solar project that will be accessed from the Stevens Road.

Stephen Gould asked if the company has approached or spoken with any of the abutting land owners. Mr. Tierney said the only communication with them so far has been the abutter's notices that were mailed out by the Planning Office. He asked if there had been any comments from the abutters yet. Stephen Gould said there have been several emails received about this project and potential screening that the company may do. Joe said they currently don't have a screening plan in place right now but the company would be happy to come up with one and if the Planning Board has any specifications that they have used on other projects they would like to look at them. Cynthia provided copies of the emails to the company. Stephen Gould recommended that the company have a discussion with the abutters that have concerns and that has helped in the past with other projects to come up with a screening plan that works for everyone.

Joel said the two things they need to do tonight is schedule a site visit if the Planning Board wants to do one and act on any waivers that they might be requesting. Mr. Tierney said they aren't requesting any waivers.

Steve Conley asked when they might be coming back to the Planning Board with their full application. Mr. Tierney said they are hoping as soon as possible. Steve Conley said in the past similar projects they have had the solar companies have worked out an acceptable screening plan with the abutters and then presented that plan with their full application to the board. Joel said this would help move the project forward faster instead of going back and forth.

Steve Conley said that in one of the emails they received from an abutter, there was mention of a snowmobile trail that runs through the property. He asked if there will be any accommodations made for that trail. Mr. Tierney said they have not planned on moving the trail but it is something they can look into. Stephen Gould said the trail does not go through the whole property but kind of skirts around it so it wouldn't take much to accommodate it. Steve St. Pierre asked about the wetland that is on the property. Mr. Tierney said they will have a wetland consultant review that and submit any requirements into Fish and Wildlife and Army Corp of Engineers.

Stephen Gould asked if they have a connection agreement with CMP yet. Mr. Tierney said they do have a signed agreement with them but they still have some steps to still complete as part of the process.

Steve Conley mentioned the decommissioning plan and asked if there is any way that it would not happen in the future and the property owners are responsible for the equipment. Mr. Tierney said they have conditions in their lease with the property owner which would guarantee the decommissioning plan to be followed. He said in other cities they have even done decommissioning bonds.

Stephen Gould said another concern of the abutters seems to be the decrease in their property values once the solar array is put in. Mr. Tierney said there have been a lot of studies and cost analysis done on property values and it has been found that it does not affect abutting property values.

Steve Conley noticed that it says that these solar panels being proposed are tracking panels. Joel said they are and that means that they move toward the sunlight. Mr. Tierney said that the tracking panels take up a little bit more space but they are positioned lower to the ground than fixed panels. They also help with the glare being directed toward the sun at all times. It produces more energy for not much more cost. Steve St. Pierre asked if the abutters will be able to hear the motors that will be moving the panels. Joe said that the loudest part of the solar panels is the fan for the invertors and the sound from that fan is about the same amount as an air conditioner wall unit. They really should not be able to hear it from their homes. Steve Conley asked if there are any substances in the solar panels that people need to be concerned about getting into the water tables. Mr. Tierney said there isn't. He said that if you were to break open one of the panels you would find a substance that is like really dense sand. Joel asked if regular inspections are done on the panels. He said there are warranty inspections that they have to do on a regular basis.

Joel asked if they just use fencing for security or if they have any other security measures such as cameras. Mr. Tierney said they do not use cameras, only fencing.

Joel stated for the public that the Town of Skowhegan does not have any geographical zoning in town. Without having zoning, they are not able to tell these types of projects that they aren't able to build in certain areas of town. The Planning Board is only able to review these projects under the Town of Skowhegan Site Plan Ordinance and if a project meets all of the standards of this ordinance then they need to approve it. Joel also reviewed the process that the Planning Board will go through to review this project.

4) **ITEMS BY THE PUBLIC:**

5) **COMMUNICATIONS:**

6) **NEW BUSINESS:**

A) Discussion and decision on a Flood Hazard Permit application submitted by Bradley Ames for the property located at 942 Waterville Rd. (Map 14, Lot 19).

Brad Ames said that they have just purchased this property and are hoping to open a campground there. Steve Conley asked Mr. Ames if he is aware of the criteria for individual campsites within the Resource Protection Shoreland Zone. Brad said that he is aware that those sites have to be 10,000 sq. ft. in size per campsite. He said he isn't really sure why that is. He said there are other campgrounds on the river with much smaller campsites. Steve Conley asked when the Shoreland Ordinance came into effect. Joel said it was definitely before 1997 which is when the first map amendment took place, but he isn't sure exactly when. Joel went on to explain that all of the land along the Kennebec River is in Shoreland Zone. Most of it is in Resource Protection.

Typically, campgrounds are not allowed within the Resource Protection zone, however if the only reason this property is within that zone is because it is in a Flood Hazard area then campgrounds are an allowable use with restrictions and certain criteria that must be met. Therefore, within the Resource Protection zone each campsite has to be 10,000 sq. ft. and in any other Shoreland zones they would need to be at least 5,000 sq. ft. in size. Mr. Ames said that he could not find any campsites along the Kennebec River that even meet the 5,000 sq. ft. size requirements. He asked if this is a town ordinance or a state law. Joel said this is a town ordinance that they have to follow. Mr. Ames said that they wish they could get around that 10,000 sq. ft. requirement so that they could have the number of campsites that they wanted but he understands that it isn't possible and will work within the guidelines. Joel explained that the only way around it would be if the Planning Board denied the application and they took it to the Board of Appeals. However, there are very strict standards that they would have to prove to the Appeals Board in order for them to consider it and he feels that they wouldn't really qualify to meet that criteria.

Steve Conley asked how the require site size affects what they wanted to do at the campground. Mr. Ames said that originally, he wanted to have 52 campsites. With the size requirements he will only be able to have 26 sites. He said he really doesn't want the 52 sites he had originally thought now because it made it too crowded but if he could maybe have around 36 it would be great.

Stephen Gould said maybe they should look at changing the ordinance to make it more business friendly in the future. Steve Conley said he is all for updating the ordinances if need be but it is a little bit of a process to do so. Steve St. Pierre said if they did make changes to the ordinance then it might allow for an expansion in the future for them. Bryan said this is something they are also going to want to look at while updating the Comprehensive Plan because there is a lot of land on that 201 corridor along the river that is available for growth and building, however they are going to run into this issue every time someone wants to build in that Shoreland Zone. Steve Conley asked why isn't development allowed in the Shoreland Zone to begin with especially since there are ways to build structures now that wouldn't allow for polluting the river. Stephen Gould said the Maine DEP has the final say as to what happens in those zones. So even if they want to change the ordinance the State has to give their approval as well for the changes and they might not. Bryan said that Chapter 1000- Shoreland regulations from the State do not make any reference to campsites having to be 10,000 sq. ft. in size within Resource Protection. So, these criteria are only stated within the town's local ordinance. Joel said

he does not know when or why the town of Skowhegan chose that size for campsites. If the town was to request that change to the ordinance then the State would approve it because it would not make the ordinance any less strict than the State standards. Matt Smith asked if any other towns other than Skowhegan follow the 10,000 sq. ft. restrictions. Joel said he isn't sure but he can check.

Brad Ames asked what the process was for changing the ordinance. Stephen Gould said the Planning Board would change the ordinance then present it to the Selectmen for their approval. Once they approve it then a public hearing would be held and then it would go on the warrant for Town meeting vote. Bryan said also after the town meeting the changed ordinance would need to be sent to the state for approval as well which can take up to 45 days.

Steve Conley asked if the current application from Mr. Ames meets the current standards with 26 sites. Joel said it does. They could approve this application and then down the road if they are able to change the ordinance then Mr. Ames could come back with an amendment to his plan and add more sites. Mr. Ames said he would be happy with that.

Motion by Stephen Gould to approve the Flood Hazard Permit application submitted by Bradley Ames for the property located at 942 Waterville Rd. Seconded by Matt Smith. Motion passed 4-0.

B) Discussion and decision on a Shoreland Zoning Permit application submitted by Bradley Ames for the property located at 942 Waterville Rd. (Map 14, Lot 19).

Motion by Steve St. Pierre to approve the Shoreland Zoning Permit application submitted by Bradley Ames for the property located at 942 Waterville Rd. Seconded by Stephen Gould. Motion passed 4-0.

C) Discussion and decision on a Flood Hazard Permit application submitted by Matt Smith for the property located at 10 Whitten Court. (Map 30, Lot 107).

Matt Smith explained that the structure is existing and in order to do renovations he needs to obtain a Flood Hazard Permit because of where it is located next to Whitten Brook.

Motion by Steve St. Pierre to approve the Flood Hazard Permit application submitted by Matt Smith for the property located at 10 Whitten Court. Seconded by Brady Chapman. Motion passed 2-0. (Stephen Gould and Matt Smith abstained from voting)

D) Review the proposed updates to the Floodplain Ordinance.

This discussion was postponed until the next meeting.

7) UNFINISHED BUSINESS:

A) Discussion of the Charter School parking plan for downtown.

Travis Works from the Charter School spoke regarding the parking plan. He wanted to give the Planning Board an update of what's been happening since the school has been open. He said they are looking at having the staff park in the municipal parking lot. All students that are driving park elsewhere whether it is in the park and ride on the island or over on South Factory Street and shuttled to the downtown. If any students are caught parking in the municipal parking lot downtown, they will face strict penalties including up to a \$250.00 fine. He said they haven't had any complaints on student parking. Now that they are at full capacity, they can now judge how many spaces they need for staff in the parking lot. He said they need 25 spaces.

Stephen Gould asked if Travis had discussed with the current police chief about needing a parking attendant for the downtown. Travis said he had discussed it with the previous chief but at that time it wasn't needed. He said he is open to discussing it with the new chief as well.

Stephen Gould also said this morning the flashing lights at the crosswalk by the school weren't working and they might want to look into that. Travis said that neither the town or the state wants to claim ownership of those light and they are actually run on solar instead of being hardwired. He said that they periodically go out and clean off the solar panels so they will charge.

Travis said they are currently restricted to 8 parking spots in the municipal parking lot and would like to increase that to the 25 needed for staff. Stephen Gould said that it would really be the Selectmen that would need to approve more spots being used there. Joel reviewed the 4 conditions of approval that were on the Site Plan at the time of approval. He said they would need to look if they have met those conditions. Travis said when they reviewed the Site Plan the major concern was about having all of the students parking downtown. It was never really about the staff parking there. They have eliminated students parking anywhere near the school.

Steve Conley says the way he sees it is that if they are looking to change one of the conditions of approval, they would need to come back and do an amendment to an existing site plan.

Joel said that for an amendment they would just need to submit a formal request for the proposed changes to the original site plan. The Planning Board would just need to review that portion with the changes. Stephen Gould said they would need to discuss this with the Selectmen as well to see what would be allowed in the municipal parking lot.

Steve St. Pierre asked if they base it on the total number of people in the school now. They were approved for 8 spaces in the town parking lot and now they are looking for 25 if he understands correctly. Travis said that is correct but they don't need those 25 spaces right now. They are just trying to plan ahead for when they are at full capacity at the school. Those spaces still would only be used for staff and not any students. Steve Conley said they wouldn't be able to reserve those spots specifically for the school so it is still a first come, first serve situation in the parking lot. Travis understands that and said that his staff primarily parks down on the High Street side of the parking lot so they really aren't taking up any spaces for the downtown business customers. He said he can't speak for where the employees of the other businesses in the downtown park in the municipal lot. Steve Conley said can they not worry about it until there is an issue then. Joel said they still have to meet the conditions of the approved site plan. So, if they can show that they have made the arrangements for the 64 spaces that was on the plan then they would meet that condition which it sounds like they have already done by providing other locations for the students to park. Joel said as far as the additional spaces being requested in the municipal parking lot, he thinks that Travis could just submit a formal letter making that request for them to vote on.

Steve Conley reviewed their plan which is using 25 spaces in the municipal parking lot for staff which will need to be reviewed by the Selectmen as well. Steve said right now there is no issue and they don't need all of those spaces right now but they will down the road. Travis Works said he can provide them with a plan showing how they are accommodating for the student parking at remote sites. Joel explained that when they need additional spaces in the municipal parking lot (above the 8 they were approved for) then he will need to submit a formal request to the Planning Board at that time.

Bryan asked how the parking enforcement officer will be handled. Stephen Gould said Travis should contact the police chief and have him write a letter if he feels that an additional parking enforcement officer is needed. Travis said he will contact him and send the parking plan to Joel.

8) COMPREHENSIVE PLAN UPDATE:

9) ITEMS BY:

a) SELECTMEN:

b) DEPARTMENT HEADS:

c) MEMBERS:

d) CHAIRMAN:

e) STAFF:

9) ADJOURNMENT:

Motion by Steve St. Pierre to adjourn at 8:57 p.m., Seconded by Stephen Gould.

Motion passed 4-0.

Minutes approved on March 16, 2021

Chairman
