

**TOWN OF SKOWHEGAN  
PLANNING BOARD  
MEETING MINUTES**

September 6, 2022

7:00 P.M.

Municipal Building, Council Room

**PRESENT:**

Steve Conley, Chairman  
Steve St. Pierre, Vice-chairman  
Jeff McCabe, Secretary  
Stephen Gould  
Harvey Austin  
Matt Smith  
Derek Chretien  
Dan Luce, Alternate  
Joel Greenwood, Planner  
Cynthia Kirk, Recording Secretary

**ABSENT:** None

**PUBLIC PRESENT:**

Bryan Belliveau, CEO

**1) QUORUM:**

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

**2) MINUTES OF THE August 16, 2022 PLANNING BOARD MEETING TO BE APPROVED:**

Motion by Stephen Gould to approve the August 16, 2022 Planning Board meeting minutes, as written. Seconded by Matt Smith. Motion passed 5-0-1. (Harvey Austin abstained)

**3) SITE PLAN / SUBDIVISION:**

**A) Discussion and decision on the proposed buffering agreement between Revision Energy and Dan & Kathleen Gray in regards to the conditions of approval for the Eaton Mountain Solar Project located at 327 Eaton Mountain Road.**

Bryan said that they all have a copy of the proposed agreement. He explained that in lieu of creating a buffer by having Revision planting trees on the Gray's property, Revision has offered the Grays \$19,000.00 so that they can plant their own buffering strip on their property.

Harvey Austin asked if the planting is actually going to get done. Bryan said he can't guarantee that but they could certainly add that as a condition of approval if they accept this agreement.

Steve St. Pierre said he would think it would be up to Revision to make sure it is done since they are the ones paying the Grays all of that money for it. Jeff McCabe said he agrees with that and we would support approving this agreement.

Bryan said going forward with any future solar projects he would like them to have any buffering that is to be planted be located on the project site and not on the abutter's properties.

Joel read the current conditions of approval for this project which states:

- 1) All vegetative buffer planning locations be adjusted as needed to avoid constraints of soil depth / ledge conditions, providing all applicable landowners give permission for the final siting.
- 2.) The southern 40ft of the buffer on Mr. Gray's property be increased in height to 8ft trees.

Joel said they would have to look at the revised plan and decide if they are ok with the revised plan. Bryan said that the fence will still be placed around the solar array which would meet the ordinance for buffering. This vegetative buffer was above and beyond the criteria of the ordinance. Revision is basically asking for an amendment to the conditions of approval. Joel agreed because the site plan itself is not changing.

Motion by Harvey Austin to amend the condition of approval #2 to state "The applicant shall provide the Gray's with compensation of \$19,000.00 to be used to provide a vegetative buffer at their discretion as per the signed agreement between the applicant and the abutters dated 8/19/2022." Seconded by Derek Chretien. Motion passed 5-0-1 (Stephen Gould abstained).

**4) ITEMS BY THE PUBLIC:**

None

**5) COMMUNICATIONS:**

None

**6) NEW BUSINESS:**

- A) Discussion and decision on the Shoreland Zoning Permit application submitted by Stephen Gould of Sackett & Brake on behalf of Suzanne Reider for the property located on Woodcock Lane (Assessor's Map 39, Lot 6)**  
(Stephen Gould removed himself from the Board)

Stephen Gould gave a brief presentation of the Shoreland Zoning application. He said this is a 50' x 100' lot on Oak Pond that has been undeveloped. The owner would like to place a 22' x 50' gravel pad on the parcel for parking purposes. It would be within 100' of the shore. That is why they are asking for a waiver on the setback requirements.

Bryan said there really isn't anything that the Planning Board can do with this application other than deny it so that it can go to the Board of Appeals for a variance for the setback requirements in the Shoreland Zoning ordinance. He said this is a legally nonconforming lot therefore in order for the applicant to take the necessary steps to try and get a variance they would need to be denied by the Planning Board and appeal to the Board of Appeals.

Joel asked if the basis for the variance would be applied for under undue hardship. Bryan said yes. Joel said proving undue hardship can't be difficult and it applies to providing the applicant a reasonable return on the property. It not about maximizing a return on the property.

Steve Conley asked who is on the Board of Appeals. Bryan said currently there is Myron and Brad Corson. He said he believes there are 2 applicants for the Board of Appeals that are on the next Selectmen's agenda to be approved. They are Soren Siren and possibly Michael Richardson. He said we are still looking for more members for the Board of Appeals as well. Steve St. Pierre said that those 2 applicants are currently abutting land owners to piece of property being reviewed. Bryan said they are.

Derek asked if the owner knew about these regulations before she purchased this property. Bryan said she did. Steve St. Pierre asked if other landowners could also apply for variances to do what they would like to do within the Shoreland Zone. Bryan said everyone has the

right to apply for a permit but a lot of people don't realize that every lot within the Shoreland Zone is not treated the same. There are a lot of different circumstances that would apply depending on things such as the size of the lots, what they want to do and other criteria.

Jeff McCabe asked if any of the lot is outside of the 100' setback within the Shoreland Zone.

Stephen Gould said there is just a sliver that is not in the zone.

Steve Conley said it sounds like there really isn't anything they can do tonight with this application other than direct them to the Board of Appeals.

Stephen Gould asked if they would still be able to cut down some of the trees. Bryan said it is for allowed uses of the property therefore they can remove some trees as long as it meets the criteria of the ordinance such as not creating an opening more than 250 sq. ft. and you remain 24 points within that area.

Joel said what the Planning Board would need to do is deny the application before the applicant to apply to the Board of Appeals.

Motion by Jeff McCabe to deny the Shoreland Zoning application submitted by Stephen Gould of Sackett & Brake on behalf of Suzanne Reider for the property located on Woodcock Lane (Assessor's Map 39, Lot 6). Seconded by Derek Chretien. Motion passed 4-0-1 (Harvey Austin abstained)

Steve St. Pierre said he has a concern if this does eventually get approved. He said a lot of owners around Oak Pond could then start selling off small pieces of their properties and there could be all kinds of nonconforming lots with campsites popping up on them. Joel explained that it isn't that easy to get a variance in these situations. He said that the applicant has prove that without a variance it would cause them undue hardship and they wouldn't be able to get a reasonable return on the property. If the property can hold its value as is then it really isn't a hardship. Joel said appeals typically happen very rarely because it is so hard to prove these things. Harvey said there are things that they can use the property for such as just a tent site, and be able to get a return on the property.

(Stephen Gould returned to the Board)

**7) UNFINISHED BUSINESS:**

**None**

**8) COMPREHENSIVE PLAN UPDATE:**

Joel said they don't have a chapter quite ready to review yet but they are close. The next chapter will be the natural resources chapter and it's a pretty big one. He said they should have something for the next meeting.

**9) ITEMS BY:**

• **SELECTMEN:**

None

• **DEPARTMENT HEADS:**

Bryan said he has a couple suggestions for the joint meeting coming up. He said the town will probably be seeing a petition for opting in to the marijuana retail businesses. He said it will probably be on the town meeting warrant next year. He said they will probably want to start looking at our current marijuana and controlled substance ordinances before this comes about. Jeff McCabe asked if the petition is coming from the townspeople or a specific business. Bryan said it is from the townspeople regarding opting in to the State laws. If the town was to opt in then they would be able to come up with an ordinance that would allow them to regulate the number of businesses and possible locations of them.

He also said they will need to do one more update on the Shoreland Zoning Ordinance because the State has had some changes that didn't make it into the last amendment. It has to do with dead and hazardous trees and a few more definitions that need to be added.

- **MEMBERS:**

Harvey said he was glad to see that the banner above Water Street was taken down right after the event took place and he hopes they continue to do that in the future.

- **CHAIRMAN:**

- **STAFF:**

**ADJOURNMENT:**

Motion by Derek Chretien to adjourn at 7:44 p.m., Seconded by Harvey Austin. Motion passed 6-0.

**Minutes approved on September 20, 2022**

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**Chairman**

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