



Town of Eddington

906 Main Road Eddington, Maine 04428

PLANNING BOARD

July 26, 2022

6:00 pm

MINUTES

CALL TO ORDER: David Peppard called the meeting to order at 6:01 pm.

ROLL CALL: Members present were David Peppard, Scott Newhart, Heather Grass, Craig Knight and Susan Dunham-Shane.

MINUTES: Motion that we accept the minutes of July 7, 2022 as presented

By Susan DS/Scott N 2nd. Vote 5-0

NEW BUSINESS:

UNFINISHED BUSINESS: The Board will review Charles Gilbert's response to his review of the proposed Solar Energy Ordinance.

1. & 2. Mr. Gilbert pointed out that state law stresses that ordinances cannot prohibit a person from installing or using a solar energy device on residential property. He suggested that they take into consideration the scenario of a structure which is a non-conforming use or non-conforming structure and whether it is their intent to forbid solar installation. Susan DS and Scott N pointed out that if an individual has a nonconforming structure or use there is a process in place to take care of it. Scott N thinks that what Mr. Gilbert is referring to they have already addressed in the Ordinance. Susan DS and Scott N do not feel that the process for ASESS's is too difficult. David P feels that they may want to put something in the references for this.
3. Charles Gilbert feels that the definition of Owner is not adequate because it does not differentiate between land ownership and equipment owner. David P feels the definition of Owner is for the owner-operator of the SES equipment and is fine. Scott N feels that they should take "operator" out of the entire document and the Board agreed.
4. Mr. Gilbert said they defined "good utility practices" in detail, but there is still some vagueness about what these practices are. The Board agreed to leave in the reference to "good utility practices."
5. Charles G pointed out that Section 105.7 cites the National Electric Code and National Fire Protection Association Standards and these both change over time so he suggested adding clarification that they meet the code as it then exists. Scott N will add "per current edition" anywhere either of the documents is referenced.
6. The Board agreed with Mr. Gilbert to replace "restricted" with "prohibited" in Sections 106.2.1 and 106.2.2.

7. Charles G suggested adding wording to specify when the agreement between the landowner and operator is filed at the registry of deeds. Susan DS explained that it is in the Submission Section of the Ordinance so it would need to be recorded at the Registry at the beginning before the license is granted.
8. Charles G recommended adding a requirement that the owner make a filing and/or disclosure to the Town regarding what they have done for the removal and disposal of the project materials in order to prove that they have in fact complied with the section. Scott N will add a Section in 107 to address this.
9. Per Charles Gilbert's suggestion, they will add the word "final" before the word decision in Section 110.3.4.6.
10. Susan questioned 104.1 which stated a minimum setback of 100 feet because everything she has found has said the setback in the Shoreland Zone is 250 feet. The Board would like Susan to research this more because both Rick Leavitt and Charles G have both okayed 100'.

AGENDA FOR FUTURE MEETINGS – HOUSEKEEPING

DATE OF NEXT MEETING: The next meeting will be August 9, 2022.

PUBLIC ACCESS: Bruce Griffiths, 178 Davis Road addressed the Board regarding the possibility of the proposed solar project using the Davis Road to access their Solar Array. He had pictures of the road now. Road work and paving are scheduled for when the bridge is done. David P explained that he has dealt with this in another town and prior to the construction the foreman photographed the road and there was an agreement signed with the company that when the construction was done the road would be put back into a better shape than it was before they started. Mr. Griffiths questioned why they would even allow them to access their project from the Davis Road when it could be accessed from Rt. 178. The company has not said they will do this so the Board will have to wait to address it with the application. He asked if there will be a public hearing and Susan DS explained the procedure where everyone could attend, the developer would explain the project and audience comments will be addressed. The Board would then review the application taking all of the concerns into consideration.

Carolyn Griffiths stated that her concern is for the safety of everyone that rides bikes, walks their dog, walks or runs on the road. She would like the alternate route taken into consideration when the application comes before them. David P said that hopefully they could possibly steer the developer to Rt. 178 instead of this small country road. She continued that the road is not wide enough to allow passage in one area of the road for a tractor trailer and a school bus without one of them pulling over.

David P explained that when the Planning Board completes the Solar Energy Ordinance, they will forward it to the Selectmen who will vote on whether or not to have a Town Meeting to vote on the ordinance. Then they will have a Public Hearing which anyone can attend and then the Town Meeting that residents can speak at also. Once the Ordinance is enacted and the Planning Board receives an application, there will be Public Hearings by the Planning Board in regards to the application, making for a total of 3 Public Hearings.

Susan DS explained that after the attorney review and the Planning Board considers the Solar ordinance complete, they will schedule a Public Hearing. The Ordinance will be available for everyone to review. The Planning Board then decides if they are going to make any changes

to the ordinance. If they make major changes, they then decide if they are going to have another Public Hearing. After that, they send a letter to the Selectmen with the Ordinance for their review. Susan DS continued that when they have the Public Hearings for the Ordinance, it has nothing to do with a project that might happen. It will be about the elements of the Ordinance and if people have any suggestions on the Ordinance. After the Ordinance is approved, they will accept applications and those will be reviewed to meet the regulations of the new Ordinance. Once the Board deems the application complete, there will be a Public Hearing on the application, and then a complete review of the application.

The Griffith's are speaking for other residents on the Davis Road with the same safety concerns. Another resident explained that this came about when a neighbor contacted the developer and offered his property as an access point. Scott N explained that the process of constructing an access road would have to come before the Planning Board also. Bruce Griffith explained that Mrs. Dennison, an abutter on Davis Road, had her daughter contact the Griffiths, and ask why there were men walking around her yard. Mr. Griffiths told her they were surveying for the solar project out back and she was not aware of the solar project. David Pooler also said that they may have been surveying for the turn around on the Davis Road. David P said it was inappropriate for surveyors to go onto people's property without talking to the owner. David P will call the Solar Company tomorrow to make them aware of a couple concerns that were raised tonight. Susan DS explained that she understood their concern for safety and damage to the road especially with a new box culvert and paving work set for the near future. She assured them that the town did not want any damage to the road either.

ADJOURNMENT: Motion to adjourn at 7:35 pm.

By Scott N/2nd Craig K. Vote 5-0

Respectfully Submitted,

Denise M. Knowles
From Meeting Recording