



# Town of Eddington

906 Main Road Eddington, Maine 04428

## PLANNING BOARD

August 23, 2022

6:00 pm

## MINUTES

**CALL TO ORDER:** David Peppard called the meeting to order at 5:58 pm.

**ROLL CALL:** Members present were David Peppard, Scott Newhart, Heather Grass, Craig Knight. Susan Dunham-Shane has an excused absence.

**MINUTES:** Motion to table the minutes of July 26, 2022.

By Craig K/Heather G 2<sup>nd</sup>. Vote 5-0

**NEW BUSINESS:** David Peppard turned the meeting over to David Pooler for Darric Hammond's review for the revised site plan for Hammond Mobile Repair. The Board had received an email with the copies of the new information he submitted which addressed the items needed from the meeting a year ago. He also submitted a phosphorus report. Mr. Pooler has the Inland & Fisheries wildlife habitat report that shows they have no issues. There are also no archeological or historic issues from the state of Maine. (He is awaiting that letter) Mr. Pooler said that now they are waiting to see if the Board will hold a public hearing. They feel they have all of the information now and he will answer any questions they may have. (Scott N would like Denise K to send him the minutes of the original meeting) Denise K made copies of the information emailed to the Planning Board for the residents in the audience.

David Peppard recommends to the Board that they postpone acting on this tonight to give everyone a chance to review everything so that they understand what they have been given. David P said they will review it at the next meeting to make sure everything is addressed. There were 4 or 5 issues that needed to be addressed; storm water, phosphorus, (Our ordinance requires a storm water report for anything 10,000 square feet) Mr. Pooler will email Denise when he receives the paperwork from the natural areas program and archeological site. The other things were minor which Mr. Pooler said they took care of.

Motion that we postpone to September 13, 2022 the review of the application

By Scott N/Heather G 2<sup>nd</sup>. Vote 4-0

They can have the Public Hearing for the application and the Solar Energy Ordinance on September 27, 2022 if they choose.

**PUBLIC ACCESS:** Sally Harrison, has some concerns about the information submitted. 1. The existing garage shown has not been approved for shrink wrapping. It is a proposal that has never been approved. 2. He is not supposed to be operating at all since January because he is under a cease and desist order from the CEO. She added that he continues to operate his boat service in

the garage. She has sent pictures of this to the CEO and her attorney. She wants them to keep this in mind as he applies for a permit for another activity. David Peppard said that they will make sure Rick Leavitt is at the August 13, 2022 meeting so he can respond.

Terry Grant, asked what the purpose of the Public hearing is. David P said it was to seek input just like they are saying. David Pooler explained that the purpose is so that the abutters can be notified and can speak and give information that may be missed by the applicant, developer or the Planning Board that could help with the decision making process. The developer will be able to address any issues brought up. He continued that it is not the Planning Board's responsibility to keep track of what is going on at the property. It is the CEO's responsibility. Mr. Pooler said that they are looking to get an application accepted so he can reopen his business. Sally H said that he never had approval to start. He continued that this was brought up at the last meeting because he was not aware that he needed a permit to do it. He is not sure if it is his mistake or the Town's mistake to give him a permit to do it. Sally H said the town never gave him a permit to do anything.

John Pottle, attorney for Terry Grant and Sally Harrison said they have significant concerns on the proposal that they feel do not meet some of the requirements of the ordinance, specifically the use requirement. He understands that just because an application is complete, it doesn't mean that it has met all of the standards. In regards to enforcement, there was discussion of the need for a permit to operate but Mr. Hammond continued to operate and that was the reason for the cease and desist order from CEO in early January. They look forward to the opportunity to present more arguments of their opposition at the Public Hearing. David Peppard explained that they do not know what is going on or what is not going on, so they will request the Code Enforcement officer is at the next meeting on the application. They will continue the discussion on September 13, 2022.

**UNFINISHED BUSINESS:** The Board will continue their work on the Solar Ordinance. (Denise should email a copy of the Draft Solar Ordinance to [rflick@aol.com](mailto:rflick@aol.com) who was in the audience) The Board will review the second response from the attorney:

1. 102.2 Per the attorney's suggestion, add "legally" after "Facilities" The Board agreed
2. 102.4 Per the attorney's suggestion, add "or to continue operation of a system requiring an operational license under Section 102.3." The Board agreed
3. 102.5 Per the attorney's suggestion, change "consistent" to "persistent." The Board agreed
4. Page 3, definition of "owner", the attorney suggested adding additional onus on the landowner. The Board will leave it as it is.
5. Page 3, definition of photovoltaic, the attorney talked about changes in technology in the future: the Board added "or any other materials" after "semiconducting materials"
6. Page 3, definition of Project Parcel, Per the attorney's suggestion, after "real estate" add "and any easement or right of way appurtenant to the project which is not situated on the land where the actual solar array is sited." The Board agreed
7. Page 4, definition of roof mounted A-SES, Per the attorney's suggestion, remove "residential or non-residential" The Board agreed.
8. Per Susan DS notes, 105.8.3.1 was removed because it is a duplicate of 105.8.2.
9. 106.2, Per the attorney Scott N added the following wording "All 50 States have enacted farmland and forestland protection programs to help slow the conversion of farmland and woodlands to developed uses. As citizens and policymakers, it is our duty to balance progress and protection of our natural resources as well as preserve the general rural makeup of the Eddington community, therefore:" The Board agreed

10. Wilbur and Nicki Libby questioned 106.2.1 which prohibited Solar Arrays being allowed on woodlots that have not been cut in the last 20 years and whether this rule would apply to all commercial projects or just solar projects. Scott N explained that a commercial building would have to go in the commercial zone. This section refers to the rural agricultural zone not the mixed use zone which they are in.
11. 107.1, Per the attorney's suggestion Scott N will add "all other state and local laws and ordinances," after "compliance with". The Board agreed.
12. In regards to the letter from Dirigo Solar, the Board agreed to remove "one-time" before extension in Section 109.1.
13. The Board agreed with Dirigo Solar's recommendation to add the following to the Ordinance: (Scott will add it as 901.1.1) (In the final copy of the draft Solar Ordinance, the 901.1.1 was actually 109.2)

109.2 The 30 month completion of construction deadline shall be extended on a day-for-day basis for each day of Excusable Delay. "Excusable Delay" means any delay that is caused by one or more of the following:

109.2.1 An event of Force Majeure.

109.2.2 A delay in receiving critical energy equipment that is beyond control of the Project.

109.2.3 The applicable interconnection facilities having not been energized and back feed power has not been made available, for reasons that are beyond the control of the Project.

109.2.4 Any delay not caused by the Project arising from the process of obtaining any required approvals from Versant Power or Independent System Operator of New England (ISO-NE) for a Project's interconnection.

The remaining sections of 109 will be renumbered accordingly.

14. Scott N made a few housekeeping changes that were suggested by Susan DS
  - a. 105.7 Add "the latest edition of" before "the photovoltaic systems"
  - b. In References, changed "Mar 20, 2012" to "June 15, 2021" after Eddington Zoning Ordinance.
15. The Board agreed with adding 107.12.2, but change "3 members" to "1 member"

107.12.2 Upon submission of the Certification of Decommission the owner shall schedule an inspection of the decommissioned site with the Owner, CEO, and a minimum of 1 member of the Town of Eddington Planning Board present.

16. Nikki Libby asked if they are limiting it to 1 large scale solar project per zone or 1 large scale through all of the zones. The Board answered that it was 1 per zone. David P continued that if one got established in a zone and someone else wanted to establish one in that same zone, then they could go to the Planning Board and apply to put one in and if the Board voted no, they could go to the Appeals Board and ask for a variance.

Motion that we accept the Town of Eddington Solar Ordinance as complete pending the entry of 109.1.1  
By Scott N/Craig K 2<sup>nd</sup>. Vote 4-0

Motion that we send it to the Selectmen.

By Heather G/Scott N 2<sup>nd</sup>. Vote 4-0

**AGENDA FOR FUTURE MEETINGS – HOUSEKEEPING** A tentative schedule for upcoming meetings and Public Hearings:

8/24/2022 Email the Ordinance to the Selectmen

9/6/2022 Selectmen Meeting

9/8/2022 Review Hammond Application and address any recommendations from the Selectmen

9/13/2022 Planning Board regular meeting date (if needed)

9/21/2022 Public Hearing for the Hammond Application if the Firemen are not using the meeting room.

9/22/2022 Public Hearing for Solar Ordinance

9/27/2022 Planning Board will meet if there is a lot to discuss after the 9/22/22 Solar Ordinance Public Hearing

10/6/2022 Back up date for Public Hearing for the Hammond Application

**DATE OF NEXT MEETING:** The next meeting will be September 8, 2022.

**ADJOURNMENT:** Motion to adjourn at 7:30 pm. By Heather G/Scott N 2<sup>nd</sup>. Vote 5-0

Respectfully Submitted,

Denise M. Knowles