

Town of Readfield

Boards, Committees & Commissions

Approved Meeting Minutes

- Board of Appeals (Draft) August 17, 2023
- Planning Board July 11, 2023
- Planning Board July 25, 2023
- Planning Board August 22, 2023

# Appeals Board Meeting

August 17, 2023

**Members present:** William Gagne Holmes (Chair), Holly Rahmlow (Secretary), John Blouin, Nate Rudy

**Also in attendance:** Chip Stephens (CEO), Pamela Tarrío, Paula Clark (chair of the Planning Board), Jack Comart (Planning Board member), Dan and Connie Roy

Will called the meeting to order at 6:01 p.m. at the Town Office and via Zoom.

The first issue was the approval of the minutes from the December 5, 2022, meeting. John moved that the committee adopt the minutes as presented. Will seconded. All voted in favor.

Nate moved that we table the election of officers until all members are present. John seconded. All approved.

Will proceeded to the main business of the meeting, which was the variance application submitted by Daniel and Connie Roy of 86 Torsey Shores Road, Map 106 Lot 089. Mr. Roy offered a brief explanation of the reasons for the request of the variance. The Roys demolished the original shed and replaced it with a larger shed that exceeds the height limitations by two feet. They also moved it to a new location.

Paula and Jack spoke briefly and offered to answer any questions.

Will asked several questions about the property, its location, size and value, which exceeds \$100,000.

Will moved we go into deliberations; John seconded. All agreed.

Will asked for any comments from board members. John said that it appears from the record that they asked about building the new shed, were told not to and proceeded anyway.

Nate asked about the criteria on placement of the shed. Will said as he understands it, the Planning Board suggested another location that would meet the criteria without a variance.

Will said that one of the criteria for a variance is how it affects the value and use of the property and under that criteria the loss of the shed would not substantially affect Roy's use of the property or the reasonable return on its value. He noted that variances are difficult to get and that they are meant to be so.

Nate spoke to the rules and how we as a board have often been asked for leniency, but that the rules are clear.

John moved that we deny the variance, Nate seconded. All agreed.

Meeting adjourned at 6:22.

Minutes prepared and submitted by Holly Rahmlow

# Readfield Planning Board

## Meeting Minutes of July 11, 2023 - Approved

**Planning Board Members Present:** Paula Clark (Chair), Jack Comart, Don Witherill, George O'Connor

**Excused:** Henry Clauson, Bill Buck

**Others Attending:** Chip Stephens (CEO), Anjelica Pittman (Board Secretary), Janet & Woody Tarbuck, Brandon Fike

### Meeting called to order by Paula at 6:30 PM

#### **Public Meeting:**

#### **Menatoma Camp Road Association:**

Jan and Woody Tarbuck appeared at the April 25<sup>th</sup> meeting with their application to verify completeness. The application was determined to be complete contingent on the receipt of the flood hazard plan, site plan, storm water management plan, and a letter from the Forester regarding the legacy pines on the property. All but the storm water plan and a letter from the forester were presented at this meeting. Instead, there was a drawing of the stormwater measures to be employed and in place of the letter from the forester was a submittal from Mr. Tarbuck regarding the situation with the trees.

**Motion** made by Don to schedule the site visit, schedule the Public Hearing and notify abutters, **seconded** by Jack and George, **vote in favor** 4-0.

The site visit will take place Tuesday July 25<sup>th</sup> at 5:30PM before the 6:30PM Public Hearing and Planning Board meeting. The storm water management plan will be reviewed at that meeting as well.

#### **Consider approval of minutes from Feb 28, 2023, April 25, 2023 & May 9, 2023:**

**Feb 28 & May 9: Motion** made by Jack to approve the minutes as amended, **seconded** by Don, **vote 4-0** in favor.

**April 25: Motion** made by Jack to approve the minutes as amended, **seconded** by Don, **vote 4-0** in favor.

#### **Other Business:**

Some activity with applications for the Emporium reopening and an inquiry regarding the community center are on hold due to the passing of Bob Bittar.

# Readfield Planning Board

Dan and Connie Roy filed a request for a variance with the Board of Appeals since the Planning Board found that it could not approve their application for a replacement shed due to its height being outside the allowable LUO limits.

Brett Roberts' storage building on Route 41 compliance issues were discussed with a letter sent in to the Board from Brett. The board and Chip discussed the need for Brett to apply for a change of use or modification due to engaging in the business of renting boats which was not originally listed in his application to the Planning Board. Chip will follow up with Brett about the discussion.

The Syncarpha Solar Project progress was discussed. Chip has had a very difficult time communicating with them; he has sent emails, called and left messages telling them not to begin their project until they have complied with the requests made by the Planning Board. Syncarpha is aware that they will need a Certificate of Use from Chip before they begin. The fencing has been outsourced through Syncarpha and some progress has been made there. The Board urged Chip to contact the town attorney and have her communicate with the Town Manager. If Syncarpha continues to be unreachable, it may be necessary to withhold the Certificate of Use.

Chip brought up the issue of decommissioning old solar farms that produce less than 10% of their authorized production level. Chip requested that the wording be changed in the LUO. Paula does not see it as an urgent issue but agrees the language is problematic and would be wise to correct it with the next set of LUO changes for next year's June Town Meeting.

Chip also brought up the new housing statute issues that are coming up and will also require modification of the LUO. The board discussed possibly needing professional help when the time comes to revise the LUO for that issue. Luckily, there are a lot of larger towns already going through the process that will hopefully have some helpful information as they revise their own LUOs to include the new legislation. Paula will reach out to Matt Nazar and see how Augusta is incorporating the new legislation.

Due to this meeting being the first of the Fiscal Year, Chair and Vice Chair need to be elected.

**Motion** to elect Paula as the Chair and Jack as Vice Chair made by George, **seconded** by Don, **vote 4-0** in favor

Next meeting is scheduled for July 25, 2023 with a Public Hearing for Menatoma. No new applications indicated yet for the next Planning Board meeting.

**Meeting adjourned by Paula at 7:42 PM**

# Readfield Planning Board

## Meeting Minutes of July 25, 2023 - Approved

**Planning Board Members Present:** Paula Clark (Chair), Jack Comart, Don Witherill, George O'Connor, Brandon Fike, John Mitchell, Henry Clauson, Peter Bickerman, Bill Buck

**Excused:**

**Others Attending:** Chip Stephens (CEO), Anjelica Pittman (Board Secretary), Woody Tarbuck, Julia Clukey, Michael Atkinson (Synearpha)

### **Meeting called to order by Paula at 6:30 PM**

Introductions made by new Planning Board members. Welcome Peter Bickerman, Brandon Fike, and John Mitchell.

**Public Hearing:**

**Menatoma Camp Road Association:** Application submitted by Richard Tarbuck, as representative for the Menatoma Camp Road Association, to construct a new foundation under a historic private association community building. The building has been undermined by erosion from Lovejoy Pond and is proposed to be rescued and rehabilitated. Permit applications have been submitted to DEP (PBR) and the Army Corps of Engineers. Those applications have been approved.

The Public Hearing was opened and Woody gave a summary of the application. He stated the craft house within the Menatoma Association's property never had a proper foundation and techniques used since to keep the building in place have been unsuccessful. The association would like to jack the building up and pour a concrete U-shaped foundation under it, install rip rap, and take other measures to prevent the building from sliding into the pond.

The building is non-conforming and, according to Woody, cannot be moved further away from the shoreline due to the location of the road and required set-backs from it, as well as the location of legacy pines that, if taken down, would cause significant erosion issues. The building's use will not change; it will remain a craft house. The height will not increase as a result of the new foundation.

The application was found to be complete at an April 25, 2023 Planning Board meeting, with contingencies, a follow up meeting July 11, 2023 satisfied those contingencies. A site visit and property abutter notifications were completed.

The association has a handyman who will maintain the stormwater management and erosion control plans in addition to his other duties. A contractor with experience with DEP requirements will be hired to complete the project.

- **Motion** to close the Public Hearing made by Henry, **seconded** by Don, **vote 7-0** in favor.
- **Motion** made by Jack and **seconded** by George to approve the application, as amended, subject to standard conditions and based upon the finding that the Greatest Practical Extent requirement has been met due to the location of the road and the existence of the legacy pine trees, making any relocation further from the water not practical **vote 7-0** in favor.

**Consider approval of minutes from July 11, 2023:** Tabled until the next meeting.

**Other Business:**

Prepared by Anjelica Pittman, Board Secretary (approved 8/22/2023)

## **Readfield Planning Board**

**Syncarpha:** Chip informed the Board that the project manager for Syncarpha had left their position which was the reason he hadn't been getting any responses to his attempted communications. There are some conditions that have not been met with that project but now that there is a line of communication, those things can begin to get cleaned up and sorted out. Michael Atkinson of Syncarpha attended via Zoom and explained that they were aware of the project manager leaving his job; however the emails being sent to the project manager were not reaching Syncarpha. Michael was unaware that there were issues with the state of the site and they will be corrected. Michael also said there is still time for Readfield residents to sign up for solar energy from that site.

**Future Meeting:** Don will not be at the next meeting. Paula will send out required training information to the new Planning Board members.

**Meeting adjourned by Paula at 7:18 PM**

# Readfield Planning Board

## Meeting Minutes of August 22, 2023 - Approved

**Planning Board Members Present:** Paula Clark (Chair), Jack Comart, Don Witherill, George O'Connor, Brandon Fike, John Mitchell, Henry Clauson, Peter Bickerman,

**Excused:** Bill Buck

**Others Attending:** Chip Stephens (CEO), Anjelica Pittman (Board Secretary), Josh Neretin (Syncarpha), Jarron Shaw, Melissa Fan, Michael Atkinson (Syncarpha), Bruce Hunter, Jerry Bley, Linnea Koons

**Meeting called to order by Paula at 6:33 PM**

### **Syncarpha:**

The board met with representatives of Syncarpha Solar to discuss compliance issues with the project site located at 368 Main Street, map 136, lot 019. After a site visit by Chip and Henry, both on-site and administrative compliance issues were identified.

The first issue addressed was the inability of Readfield residents to sign up for solar credits via the Syncarpha website that indicated no further availability for this location. Michael stated that a mailer had been sent out for advertisement already; however they would be willing to produce and send out a second mailing with more specific details to give Readfield residents the opportunity to sign up. Several Planning Board members indicated they had never received or seen a mailer. Michael also stated residents can call or email him at any time to sign up since he was uncertain whether the website information could be revised.

There was discussion concerning compliance with the condition of approval requiring conveyance of agricultural conservation easements on the 20 acres developed for the solar project when that site is no longer used for solar energy production, and on the remaining approximately 70 acres of the parcel prior to the issuance of a Certificate of Occupancy or Use by the Town. Syncarpha proposed that the 20-acre site be protected from future development through the placement of a deed restriction allowing only for solar energy production or agriculture (which could include hay rides, pumpkin picking, etc.). Maine Farmland Trust has purchased an Agricultural Conservation Easement over the undeveloped 70 acres. The board advised that Syncarpha's real estate attorney speak with the Town attorney. The Board agreed that the Town attorney should also review the documents relating to the easement and the deed restriction proposal submitted by Syncarpha.

A new state law requires state review and approval of certain solar project decommissioning plans. Michael stated they have already obtained DEP approval for the Readfield project and for several others. He believes the DEP permit was already sent to the town, but he will get the documents to Chip to follow up.

Erosion and sedimentation control on the project site is not currently sufficient. There were berms installed at one point but several have since been damaged or blown out. No silt fences were installed (however, it was agreed that placement of erosion control mix is more effective), and erosion and oil staining were observed in construction alleys. Josh Neretin responded that the berms will be rebuilt when an access road is built. He also stated that construction traffic tore up the property and is being remedied now. Placement of ground cover and hay and grading will be done to help the land recover. The board requested a remedial erosion and sedimentation plan be submitted to the Town. Henry requested that the berm at the bottom of the property be remedied first and foremost as the flowing water runoff is going into the wetlands at the bottom of the property.

# Readfield Planning Board

A considerable amount of waste, including trash and concrete, was still left on site following the Town's request for cleanup. Josh responded that they have been cleaning it up incrementally, two dumpsters are currently on-site for collection, and cleanup will be completed in the next few weeks.

Concern about the panel height was raised since the application indicated that panels would be no higher than 10 feet, and in many areas it was found that panel height varies, up to 14 feet. Josh responded that that is typical with solar projects and that not a lot can be done now to correct the situation without greatly affecting installation. Michael added that the height of the panels was the result of poor communication on Syncarpha's part. Josh will do some measurements and see what percent of the project is above the height restriction. Chip added that the 10-foot height restriction is to help minimize view of the panels from residences and roadways; planting taller trees may provide better screening of panels over 10 feet tall. Josh said some plantings are already being done, so the board requested that the measurements be done next week in order to get taller trees in where they need to be.

Erosion on the site has exposed fence posts and concrete in some areas. There are also locations along the fencing that is filled in at the bottom, not allowing for small animal passage as required by the permit. The fencing, as well as the tree plantings previously mentioned, would both require continual maintenance. The Board asked Josh if he had considered adding an access gate at the back of the property in case of fire so the Fire Department could use water from the pond. Josh stated that they prefer not to do too many access gates to eliminate injuries and break-ins, but that there will be cameras videoing intermittently. Josh also said that he has never seen a fire at a solar site, however he has seen malfunctioning equipment melt, but there are protective measures in place to stop a short in one piece from moving on to another.

The final issue discussed was that CMP power poles were not located where the application indicated it would be. Josh said he will check his emails but he believes he spoke with Chip about it. The landowners were adamant about the placement and Syncarpha tried to accommodate them. Chip believes he shared the emails but will double check. The permit will need to be updated to reflect that placement change.

## **Consider approval of minutes from July 11, 2023 & July 25, 2023:**

**Motion** to approve both sets of minutes as amended made by Jack, **seconded** by George, **vote 5-0** in favor.

## **Other Business:**

The board discussed another new solar application coming in; most of the application binders were already picked up, reminder to board members to pick theirs up if they have not already done so. A meeting date has not been set but will likely occur September 12, 2023.

Paula reminded everyone to please let her or Chip know in advance if they will not make a meeting.

MMA training for the new Planning Board members needs to be accomplished and forwarded to Kristin Parks to be recorded. Training sessions are coming up in October and December; it is also a great refresher for members who have been on the board for a while. Sign up for training with Teresa Shaw at the Town Office.

The Roy variance application was reviewed by the Board of Appeals and denied. Paula sent an email to the Roys regarding their pending application before the Planning Board for a shed, and how to move forward, by either lowering the height of the shed or moving it to another location.

**Future Meeting:** The next Planning Board meeting is currently scheduled for September 12, 2023.

## **Meeting adjourned by Paula at 8:30 PM**

Prepared by Anjelica Pittman, Board Secretary (approved 09/12/2023)