

READFIELD PLANNING BOARD

Minutes of Tuesday, September 28, 2021

Planning Board Members: Paula Clark (Chair), Bill Buck (present but unable to fully participate/vote due to technical difficulties), Henry Clauson, Jack Comart, William Godfrey, Jan Gould, Noel Madore (not sworn in yet so could not vote), Don Witherill

Excused:

Others Attending: Ron “Chip” Stephens (CEO), Eric Dyer (Town Manager), Kristin Collins (town attorney), Leah Hayes, Alex Brock

Meeting called to order at 6:30 p.m. by Paula via Zoom and at the Town Office.

368 Main Street — Readfield Solar 1 LLC / Syncarpha Solar LLC:

The board considered a request from Syncarpha for a one-year extension of the 11/4/20 approval of a 4.95-megawatt AC ground-mounted photovoltaic solar array on 20 acres of a 104-acre parcel. The one-year limit on the original approval expires on November 4, 2021, unless extended by the board. The property is in the Rural Residential District identified on the Assessor’s map 136, Lot 19.

Chip noted that Syncarpha has come up with a decommissioning bond from CMP so he can now write them a building permit.

Paula said that considering the timing, they are unlikely to make a substantial start this fall.

Jack made a motion to allow the one-year extension; William G. seconded. Vote unanimous with Noel abstaining.

Proposal solar project to provide power to Kents Hill School

Chip said an applicant came in for a discussion about a medium-size solar farm to provide 600 Kw to Kents Hill School. The ordinance that governs this project requires equipment to be real property, a stipulation that the group cannot meet. Section 7.3, registration for the project, limits the ID to personal property and this group cannot do it as taxed property. They would not be selling excess power to the grid, but rather selling it to KHS.

Chip asked the board to provide guidance on how to proceed, suggesting that the group might come in and make a presentation to the board, but they are reluctant until they know if there is a workaround on this provision.

Jack asked Henry what the reason is for this provision that the system has to be incorporated into the description of the real property and registered with the registry of deeds.

Henry said the intent of the clause is not to be restrictive and that there is a plethora of PPA models between landowners and developers. He said the clause is fairly standard and the solar structure is large so it needs to be in the deed or at least deeded because if there is a change of ownership.

Henry said it will need more thought and discussion, but he suggested that Chip might speak to Eric and also possibly broach the topic with RSU 38 in case they might be interested in sharing power.

Noel asked where the solar ordinance can be found. Jack said it's in the list of ordinances, but is not currently part of the LUO.

26 Mill Stream Road — Safe Space Meeting House (SSMH):

The board continued consideration of the application of SSMH to create a community center/club. The Planning Board conducted a site visit on August 24, and a public hearing was held on August 25. Public comments on the application were accepted until September 7, 2021. The property is in the Rural Residential District identified on the Assessor's map 120, lot 013.

Paula introduced the town attorney, Kristin Collins, and said the plan for tonight is not necessarily to make any final decisions but rather to discuss the many complicated issues. Votes will be on whether the standard has been met for any listed criterion, establishing some findings of fact for ultimately deciding on the project as a whole. She noted that the site review criteria all apply to this application. She noted that it will take some time and that time must be taken to be sure the board gets it right. There will be an opportunity to revisit any issues further. There may not be complete agreement, but the decisions will reflect the collective will of the board.

Paula reviewed the LUO definition for a community center club (page 120 of the LUO), which lists the activities allowed or disallowed and states that there must not be any pecuniary gain.

The SSMH property is in the Rural Residential District, where specific uses are not allowed. Those include indoor theaters, restaurants, museums, libraries, offices, commercial recreation, and civic and convention center, which includes public facilities for cultural, recreational, athletic and entertainment purposes. Some of the public comment said it isn't logical to prohibit those uses individually under that umbrella term nor is it reasonable to prohibit those public activities if they are being held privately.

Paula noted that it has been difficult to pin down the specific activities that are planned for the facility. The applicant says the town is not specific in what activities it prohibits, so the discussion has been rather circular. A broad array of activities has been suggested by the property owner, including use of the property by the greater Readfield community, music, dance, arts and craft shows, concerts, yoga and weddings.

The question is whether the community club as proposed is consistent with the vision of the ordinance as it defines a community center club and how it limits or allows various uses. Paula said that a number of the comments received from the public are about whether the proposal is consistent with the definition put forth in the ordinance and the broader zoning scheme.

Paula launched a general discussion among board members. Topics included:

- the overall project and intended uses

- the building being a nonconforming structure
- part of the building being in a Resource Protection District
- site review criteria: traffic and parking
- noise, music and soundproofing
- commercial cooking
- lighting for safety reasons
- expenses for town
- inconsistencies between corporate filing and application

Paula went through the site review criteria. She suggested that a block vote be held after the 23 standards had motions and seconds.

On the first (1), aesthetic, cultural and natural values: Jack moved that the application meets that standard. Jan seconded.

On the second (2), conformity with local ordinances and plans: Jack moved that this standard was not met. Jan seconded.

Number three (3), erosion: Jack moved they meet the standard. Don seconded.

Number four (4), financial burden on the town: Jack moved they don't meet the standard because of costs for improving the road, building a sidewalk and revenue stream from the town for public use requested in SSMH bylaws. Jan seconded.

Number five (5), financial and technical capacity: Jack moved they don't meet that criteria based on the insufficiency of information supplied. Jan seconded.

Number six (6), flood risk: Don moved applicant meets criteria. Jack seconded.

Seven (7), project shall not have an adverse effect on wetlands: Jack moved that they meet the requirement; Jan seconded.

Eight (8), activities shall not adversely affect the quantity or quality of groundwater: Jack moved that they meet the groundwater requirement; Bill seconded.

Nine (9), activities shall not impose a burden on town's solid waste disposal: Jack made a motion that they meet that requirement; Bill seconded.

Ten (10), not imposing a burden on existing water supply: Jack moved they meet that standard; Jan seconded.

Eleven (11), adjacent land uses: Jack moved they don't meet this standard, in particularly related to noise; Jan seconded.

Twelve (12), shall not add to water or air pollution: Jack moved they meet the standard, Bill seconded.

Thirteen (13), shall not impact water bodies: Jack moved they meet the standard; Bill seconded.

Fourteen (14), shall provide adequate wastewater disposal: Bill moved they do not meet that standard because of insufficient information; Henry seconded.

Fifteen (15), storm water management: Bill moved they do not meet that standard because of insufficient information on the parking area and subsequent runoff; Henry seconded.

Sixteen (16), sufficient water to serve the facility for the foreseeable future: Jack moved that they comply with these requirements; Henry seconded.

Seventeen (17), traffic: Jack moved they don't meet the standard; Jan seconded.

Eighteen (18), legal access sufficient to meet all proposed uses: Bill moved they meet the standard; Jack seconded.

Nineteen (19), impact on adjoining municipality: Jack moved they meet the standard; Bill seconded.

Twenty (20), life and fire safety: Henry moved they do not meet the standard; Jan seconded.

Twenty-One (21), no current violations on property: Jack moved they meet that standard; Bill seconded.

Twenty-Two (22), timber harvesting: Jack moved they meet that standard; Jan seconded.

Twenty-Three (23), proposed road construction: Jack moved they meet that standard; Jan seconded.

Jan made a motion that the applicant meets the standard on 1, 3, 6, 7, 8, 9, 10, 12, 13, 16, 18, 19, 21, 22, and 23; Jack seconded. Unanimous except for Noel, who abstained.

Applicants provided information from an engineer saying that wastewater disposal is adequate for 300 people. Don moved that the board reconsider its vote on that standard; Bill seconded. Unanimous except for Noel abstains. Don also moved to change the conclusion on standard number 14 from not meeting to meeting the standard based on the information provided as to the building's capacity. Jan seconded. Unanimous vote.

Paula called for a motion saying that standards were not met for standards 2, 4, 5, 11, 15,17,20. So moved by Jack. Bill seconded. Unanimous vote.

Paula asked for comments from Kristin, who will be putting together findings of fact for a future meeting. Kristin suggested a further review of LUO Article 8 Performance Requirements and Standards, some of which may be applicable to this application, including lighting; commercial, industrial and institutional standards; parking areas and traffic access; and resource protection standards.

In section 15, applicant must provide sufficient building lighting to provide safe use at night, including parking areas. Jan moved that the plan is inadequate for this standard; Bill seconded.

Section 16 states that solid waste must be shielded from public view. Jan moved that applicant does not meet this standard; Bill seconded.

Section 17 regarding parking setback requirements: Jack moved that they don't meet the standard. Jan seconded. The board is unable to determine if they meet the setback requirement based on the map provided, storm water runoff is an issue, the size of spaces is unknown, and nothing is known about the 19 spaces proposed for onsite.

In Section 18 the issue is traffic access. Paula suggested skipping a vote on this issue since nothing new is being developed and instead fold traffic access into the site review.

Parking issues as discussed in Section 19 Resource Protection were discussed. It was determined that part of the proposed parking lot would be in the RP zone, so it will not meet the standard. Jan moved does not meet; Henry seconded.

Jack moved that Sections 15, 16, 17 and 19 do not meet the standard. Jan seconded. Unanimous vote.

The next meeting is scheduled for 6:30 p.m. on October 12. Kristin will draft the findings of fact to circulate among the board.

Paula thanked the applicants for attending.

Meeting adjourned at 10:02 p.m. by Paula.

Minutes prepared and submitted by Holly Rahmlow