

Starks Planning Board Meeting
July 7, 2021
6:30 p.m.

Present: Gwen Hilton, Ken Lust, Claire Nelson, John Newsom. Eric Hoar. Joe Hartigan

Guests: Ernie Hilton, Joe Hayden, Jordan Betts, Starks Holdings LLC (via telephone)

Adequate public notice was given of the meeting, and a quorum was present. Due to a conflict of interest Gwen Hilton will recuse herself from any discussions and actions taken on NECEC's pending building permit application.

Old Business: Motion made and carried to approve the minutes of June 2, 2021 meeting.

New Business:

Consideration of Starks Holdings LLC's request for a permit extension

Section 9.1 of Starks Site Plan Review Ordinance states that if construction covered by the Site Plan approval has not been substantially completed within 12 months, the applicant may request an extension prior to the expiration period. A letter dated June 18, 2021 (enclosed), submitted by Starks Holdings LLC seeks a twelve-month extension of the permit originally approved July 20, 2020.

After some discussion the Board agreed that while the Ordinance provides for granting two six-month extensions, the intent was to allow the Board to review, if necessary, a second request after six months rather than to grant a 12-month extension as part of an original request.

Motion made and carried to grant a six-month extension to Starks Holdings LLC's solar array project and to approve the Final Decision Document (enclosed) confirming the action.

Discussion related to possible violations by CMP of conditions set in the Final Decision Document, Findings of Facts and Conclusions of Law approved by the Planning Board June 3, 2020

As previously noted, Gwen recused herself and Ken assumed the duties of Chair.

In response to a letter sent to the Board by Ernie Hilton expressing concerns that CMP's practices within the Starks' transmission corridor were in violation of DEP regulations, Ken notified the Code Enforcement Officer to delay issuing the pending building permit until the Board could review the allegations.

Ernie's letter (enclosed) details several violations particularly as they relate to sedimentation discharge into active streams. Ongoing conversations ensued and will continue with Jim Beyer, Compliance Manager for the DEP, Andy Pierce, Third Party Inspector for the Project, as well as CMP Engineers. All were in agreement that violations had occurred and steps were taken to remediate the infractions. Moving forward, however, concerns continue to exist given that, among other things, a) on-site personnel, including the Project Foreman, were unaware of State of Maine Regulations related to sedimentation protocols and, b) Third Party Inspectors are stretched too thin to effectively monitor daily operations.

Since the Board has limited enforcement authority, and that the issues in question have been remediated,

A motion was made and carried directing Ken to instruct the CEO to issue the Building Permit. (one abstention).

Next steps in updating the existing Building Ordinance

Gwen resumed her responsibilities as Chair

The Board decided not to proceed with drafting a survey seeking input from community members, as previously discussed, but rather to confine its efforts on updating the existing Building Ordinance. The State has recently passed new legislation (Maine Uniform Energy Standards) applicable to towns with populations fewer than 4000, which addresses a number of building code modifications. The Board will review the regulations with an eye to incorporating those standards in our revised ordinance.

Motion to adjourn: 8:22 p.m.
Next meeting: August 4, 2021

Respectfully submitted;

Claire Nelson, Secretary