

**Planning Board Meeting**  
**June 17, 2020**  
**6:30 p.m.**

**Present:** Gwen Hilton, Ken Lust, Joe Hartigan, John Newsom, Claire Nelson

**Guests:** CMP representatives Gerry Mirable, James Morin, Lisa Gilbreath, Adam Desrosiers; community members Gene Tweedie, Ernie Hilton, Paul Frederick

Remote (ZOOM) participants Nick Achorn (CMP), Jordan Betts and Nate Niles (Starks Holdings LLC/Revision Energy)

**Old Business:** Motions made and carried to approve minutes of both the Public Hearing and the Planning Board meeting held on June 3rd

**New Business:** Adequate public notice was given of the meeting as well as details on how to access ZOOM through Starks' official website, ([www.starksme.com](http://www.starksme.com)), and Facebook group "All Things Starks". A quorum was met and no bias or conflict of interest existed. As noted in previous minutes, Gwen recused herself and Ken assumed the duties of Chair.

*Review of CMP's NECEC application*

In addition to the Site Plan Review Ordinance, CMP's application spans three additional Ordinances; Starks Shoreland Zoning, Floodplain and Road Ordinances. Based on the Road Commissioner's recommendation, a motion was made and carried (4:0) that the Road and Utility Structures Ordinance does not apply to this project.

At its June 3rd meeting, the Board determined that the application met the requirements of the Site Plan Review Ordinance and was approved. Lengthy discussion focused on the project's compliance with Shoreland Zoning requirements and, to some extent, on the Floodplain Ordinance. Those items were moved for consideration to tonight's meeting.

Shoreland Zoning: At issue is the placement of one pole (3006-248) in the Resource Protection district located along Lemon Stream. The installation of structures is not permitted in Resource Protection districts except to provide "essential services" and when no reasonable alternative exists. The Board deemed that the project met those two criteria.

The second issue concerned access to the site and possible sedimentation/runoff caused during construction.

Concerns for sedimentation issues during construction were addressed in Section 4-6 (P) of the Applicant's Shoreland Zoning Permit Application.

## ADDENDUM I

### Findings of Fact, Conclusions of Law, and Decision

#### Section 16 (D) – Approval Standards

Refer to ADDENDUM I (pgs19 & 20) for details of Board Findings and decisions

1. Maintain safe and healthful conditions

Upon a motion that the Applicant was in compliance with this section, motion carried (3:1)

2. Not result in water pollution, erosion, or sedimentation to surface waters

Upon a motion that the Applicant was in compliance with this section, motion carried (3:1)

3. Adequately provide for the disposal of all wastewater

Upon a motion that the Applicant was in compliance with this section, motion carried (4:0)

4. Not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat

Upon a motion that the Applicant was in compliance with this section, motion carried (4:0)

5. Conserve shore cover and visual, as well as actual points of access to inland waters

Upon a motion that the Applicant was in compliance with this section, motion carried (4:0)

6. Protect archaeological and historic resources as designated in the Comprehensive Plan

Upon a motion that the Applicant was in compliance with this section, motion carried (4:0)

7. Avoid problems associated with flood plain development and use

Upon a motion that the Applicant was in compliance with this section, motion carried (4:0)

8. Be in conformance with the provisions of Section 15, Land Use Standards

Upon a motion that the Applicant was in compliance with this section, motion carried (3:1)

#### Findings of Fact, Conclusion of Law, and Decision

Upon a motion that the Applicant was in compliance with the entirety of Section 15 of the Shoreland Zoning Ordinance, motion carried (3:1)

## ADDENDUM II

### Findings of Fact, Conclusion of Law, and Decision

In accordance with the Starks **Floodplain Ordinance**, a permit is issued by the Code Enforcement Officer once he receives assurances from the Planning Board that the proposed project complies with the provisions listed under **Article VIII – Review of Subdivision and Development Proposals** (see.pg 19 of Floodplain Ordinance)

Motion made and carried for Planning Board to provide assurances that the project complies with Article VIII, Sections A, B, C, D, & E of the Floodplain Ordinance

The Board then took up the proposed decision document for approval:

Decision on an application for a Site Plan Review Permit under the Site Plan Review Ordinance for the Town of Starks

Findings of Fact, Conclusions of Law, and Decision

Planning Board, Town of Starks, Maine

Date: June 3, 2020

Upon a motion and second, the Board approved the proposed document as presented.

The Chair then declared that the document was the Planning Board's official written decision.

**New Business** (Cont.) The Planning Board having concluded its review of CMP's application, Gwen resumed her duties as Chair

#### *Site Plan Review of Solar Array Application 486 Anson Rd. Starks Holding LLC*

The purpose of the meeting was to determine if the application, initially submitted through ReVision Energy with Icarian Ass. as the applicant, now renamed Starks Holdings LLC as the applicant, was complete. Nate Niles and Jordan Betts joined the meeting remotely.

The applicant agreed to make the change in the applicant on the application including the Site Plans, and to make other corrections to the application document, such as listed contact information, adding the cottage and barn as existing uses, and corrections to the list of abutters.

The Board then went through the application by section, as follows:

1-6. No issues or concerns

7. Proof of Right, Title and Interest.

A concern was raised regarding the Purchase and Sale Agreement's 180 days expiration date. Line 20 (Effective Date/ Business Days) of the Agreement ensured that the contract was still in effect.

8-12 No issues or concerns

13. Location

While the application indicates 850 ft of road frontage, the site map indicates over 1200 ft.. Some clarification is required.

14-17. No issues or concerns

18. Water Supply

A waiver was requested and granted

19. Sewage Disposal

A waiver was requested and granted

20. Solid Waste Management

A waiver was requested and granted

21. No issues or concerns

22. Traffic Access, Internal Circulation, and Parking

A waiver was requested and granted

23. No issues or concerns

24. Stormwater Management and Erosion and Sedimentation Control

Details available in Sections C4.1 and C4.2 of Plan

25. No issues or concerns

26. Signage

A waiver was requested and granted, however signage indicating contact information must be readily visible in case of emergencies

27. Landscaping

Application needs to include a landscaping plan to address visual aspects from both the road and from neighbors as well as a plan to maintain established buffers. A waiver of this requirement had been requested and not granted by the Board.

28. No issues or concerns

29. No issues or concerns

30. Capacity of the Applicant

Concerns centered around the Starks Holdings LLC as the new Applicant and the Ordinance's requirement for proof of financial viability. Issue must be addressed

31. No issues or concerns

32. No issues or concerns

33. No issues or concerns

All applications shall include the following maps:

Location Map

- Name of Applicant needs to be updated to reflect change to Starks Holdings LLC
- Two additional lots must be include on Site plan although they will not be developed as part of the project
- Reference made to small barn and cottage

Motion made and carried that the application was incomplete and additional information must be provided ( 4: 1 abstention) as indicated above.

Planning Board will meet on July 1, 2020 for a site visit and reconvene to review the updated application

Motion to adjourn: 8:30

Respectfully submitted,

Claire Nelson Secretary

