

WISCASSET PLANNING BOARD
MINUTES, SEPTEMBER 28, 2020
WISCASSET COMMUNITY CENTER

Present: Tony Gatti, Jackie Lowell, Peter McRae, Lester Morse, Chair Karl Olson, Deb Pooler (via Zoom), Jason Putnam and Steve Wallace

Absent: Al Cohen

PUBLIC HEARINGS

Chair Karl Olson opened the public hearings at 7 p.m.

1. Wiscasset Solar Facility – Site Plan Review application for construction of ground-mounted, 4.95 megawatt AC photo voltaic community shared solar project, 29 Jones Road, Map R-1, Lot 29

Cole Peters and Kathy Gerard of POWER Engineers, Inc. of Freeport outlined plans of Syncarpha Solar, LLC for a solar facility on Jones Road north of the Woolwich town line. Karl Bernardi and Carter McCann joined the public hearing via zoom. The lot located off Mountain Road is 186 acres although the project covers only 20 acres. There are wetlands on the project area and Maine DEP has issued a storm water permit. Via Zoom, Michael Atkinson of Syncarpha Solar said his firm would be responsible for the development of the solar instillation of the project during construction as well as its continued operation through the projected 20- to 25-year life of the project. Kathy Gerard described the physical aspects of the project on Jones Road; the project area is wooded and clearing will be necessary. A new access road will be required. She explained how the power from the solar panels is converted from DC to AC. At the end of the life of the project all equipment will be removed. The community solar project will allow residents of Wiscasset and general area to benefit from solar; residents will be able to sign up and purchase credits to reduce their electric bills.

Ed Polewarczyk expressed his concerns: solar electricity is more expensive than conventional electricity and requires a state subsidy; it requires the clearing of trees which removes CO2 from the air; the lack of sunny days from October through the winter; total ownership of the project by Syncarpha, LLC, and possibility of the owner walking away when it is no longer profitable. In response to Polewarczyk's question, Cole Peters said the decommissioning plan will be undertaken by Syncarpha. The state will reimburse the town for the personal property tax value of the renewable energy equipment. The public hearing closed at 7:35 p.m.

2. Ordinance Review Committee recommendations for adoption of the following amendments to the Town of Wiscasset Ordinances:

- a. Article II, Section 1.1.1: (Addition of Maine Universal Building and Energy Code to Building Laws)
- b. Article II, Section 1.12.1: (Addition of certificates of occupancy requirement for residential structures)
- c. Glossary: Revision of Home Occupation definition

Karl Olson briefly explained the changes proposed by the ORC to Article II which were requested by the Code Enforcement Officer because Wiscasset does not have a building code requirement, and while certificates of occupancy are required for non-residential buildings, they are not required for residential structures. The definition of Home Occupation was expanded to require that a retail sales outlet does not qualify as a home occupation unless the item sold is a product of the owner's labor (manufactured, created, produced, grown or caught). The ordinance changes if approved by the Planning Board will be forwarded to the Select Board for further action. The public hearing ended at 7:40 p.m.

REGULAR MEETING

1. Call to Order

Chair Karl Olson called the meeting to order at 7:40 p.m.

2. Approval of Minutes of September 14, 2020

Jason Putnam moved to approve the minutes as written. Vote 5-0-3 (Steve Wallace, Lester Morse and Tony Gatti abstained).

3. Wiscasset Solar Facility – Site Plan Review application for construction of ground-mounted, 4.95 megawatt AC photo voltaic community shared solar project, 29 Jones Road, Map R-1, Lot 29

Karl Olson reported on the site walk taken by him, Jason Putnam, and Peter McRae on September 23.

Jackie Lowell moved to find the application complete. Vote 8-0-0. Lester Morse moved to accept the responses to the review criteria. Jason Putnam asked about the taxes to be paid by Syncarpha. The state tax program for renewable energy equipment reimburses the Town for 50% of the personal property tax for the solar equipment. Jason Putnam moved to approve the solar project on Jones Road. Vote 8-0-0.

4. Alison Chapman – Subdivision application for two-lot subdivision on Lowelltown Road, Tax Map R-02, Lot 4A

Karl Olson recused himself as he represented the applicant. Olson said Chapman had owned the land for 27 years and four years ago sold a portion of the lot. She is now asking to divide the remaining 6.5 acres although the required five-year period for further division of the land had not elapsed, as she has a potential buyer for the lot. One lot is unbuildable and will remain vacant. Jackie Lowell moved to find the application complete. Vote 7-0-0. Karl Baratti, who owns Lot 4E expressed concern over the future use of the lot in question should it be sold, the small deteriorated building on the Chapman lot and his access to his property. Lowell pointed out that the board could not put restrictions on the property in question, which would apply to future owners. In response to Lester Morse's question, Olson said the five-year period would expire in November 2021. A motion to approve the application by Tony Gatti did not pass. Olson said the subdivision was allowed, and in 2021 the applicant could subdivide without any approval. He asked what the applicant needed to do for approval. Deb Pooler spoke in favor of the application. Jackie Lowell moved to reconsider the application. The motion passed. Jackie Lowell moved to approve the application. Vote 5-0-2 (Putnam and McRae abstained).

5. GML Investments, LLC – Expansion from four to seven apartments, 410 Gardiner Road, Tax Map R-03, Lot 31

Olson again recused himself. He said the property had been approved for four apartments and the applicant would like to add three units, two in the garage building and one in the basement of the main building. The applicant will be purchasing additional land in order to meet the area requirement. Because the application is for the reapproval to operate four apartment units, Olson asked that the review criteria not directly related to this use be waived. Peter McRae moved to find the application complete. Vote 7-0-0. Peter McRae moved to approve the application. Vote 7-0-0.

6. Approval of ORC Recommendations

- a. Article II, Section 1.1.1: (addition of Maine Universal Building and Energy Code to Building Laws)
- b. Article II, Section 1.12.1: (addition of certificate of occupancy requirement for residential structures)
- c. Glossary: Revision of Home Occupation definition.

Jackie Lowell moved to approve the recommendations. There were no questions or comments. Vote 8-0-0.

5. Other Business

Olson said an application had been received from Donald Oyster for approval of a home occupation – the growing of marijuana. He plans to remodel his garage to use the second floor for his business. He and his wife have permits each for six plants and he has a customer for his product. He said a couple of his neighbors he had contacted have no objections. He has authorization as a caregiver for a plant canopy. Lowell checked on state regulations and said that if Oyster were currently in business, it would be allowed, but if not, the town would need to have an ordinance to allow him to sell. The town has not “opted in” for the approval of any marijuana licenses. In response to Oyster’s question, Olson said that until the town votes to opt in or opt out, if appropriate, an ordinance will be drafted. He said the application would be forwarded to the select board for any appropriate action. Jackie Lowell moved to postpone the application until legal advice is received. Vote 8-0-0.

Jackie Lowell moved to cancel the meeting on October 12. Vote 7-0-1 (Olson abstained).

6. Adjournment

At 8:46 p.m., Tony Gatti moved to adjourn the meeting. Vote 8-0-0.