

**Town of Otisfield
Planning Board Meeting Minutes
Town Office Annex
February 14, 2023**

1. The meeting was called to order at 7:05 PM by Chair – Karen Turino
2. Attendance: Chair – Karen Turino, Vice Chair – Scott Arn, Stan Brett, John Ywoskus, Sarah Burnham - Alternate/Recording Secretary
Selectmen: Hal Ferguson, Rick Micklon, Lenny Adler

Code Enforcement Officer: Fred Collins

Absent: Herb Olson, Pauline Flagg – Temporary Alternate
3. **Announcement of Quorum:** (or appoint alternate to serve)
Sarah Burnham was moved up as a regular voting member
4. **Approve Secretary's Report:**
 - A. Regular Meeting Minutes of January 10, 2023. ***Motion to Accept minute.** JY/SBrett – Unanimous
 - B. Minutes of January 19, 2023, Public Hearing. ***Motion to Accept minutes.** SBrett/JY –Unanimous
5. **Discussion & Comments from Public:**
 - A. Darryl Johnson described his solar panel set up on his two residences. He owns a home and property in Otisfield and has a second residence in Newry. Both have solar panels generating electrical energy. His question was whether his installations would be defined as residential or not. There was a lengthy discussion and the determining factor is whether there is net metering. As long as there is, the installations are residential under this Ordinance. No energy is being sold.

The 3 types of solar installations defined in the Ordinance were reviewed to clarify the differences between the three.
6. **Residence - Based Business Applications:**
 - A. None.
7. **Shoreland Zoning Applications:**
 - A. None.
8. **Miscellaneous Applications:**
 - A. None.
9. **Subdivision Application:**
 - A. None
10. **Upcoming Dates:**
 - A. Planning Board Regular Meeting March 14, 2023.
11. **Discussion & comments from Code Enforcement Officer:**
 - A. None.
12. **Discussion & comments from Board:**
 - A. KT told the PB that after 14 years as a member, including the last 8 as Chair, she was submitting her resignation from the PB to the BOS and tonight would be her last meeting.
 - B. ***Motion to move up Sarah Burnham to be a Regular Voting Member.** SBrett/ SA – Unanimous
***Motion to elect Scott Arn to be Chair of the PB.** SBrett/SBurnham – Unanimous
***Motion to elect Stan Brett to be Vice Chair of the PB.** JY/SBurnham -- Unanimous

13. Unfinished Business:

A. KT provided the PB members and the Selectmen with a list of all the comments that were made about the proposed Solar Energy Generation Systems Ordinance at the 1.19.23 Public Hearing. Included were all the comments that were reported on in the two articles, 1.26.23 and 2.2.23, about the Ordinance in the Advertiser Democrat. (See attached)

KT noted the corrections and clarifications in the first Section of the List, including the specific references in the Ordinance with the correct information and clarification. At the Public Hearing, there were 4 discussion areas where the answers given by the PB were either incorrect or which needed further clarification. There was discussion which included three members of the public in attendance, and everyone was satisfied with the additional information provided on the List. All those present continued to discuss each item on the List of comments and questions:

The PB will take no further action on the following items: 1, 3, 4, 5, 6, 9, 10, 11, 13, 14, 15.

8. The concern of defining Residential as a Single-family structure was clarified to refer to the commonly accepted type of structure and would not be restricted to a single-family occupancy.

The following items will be amended:

2. If the Town were to install ground mounted Solar panels on Town property, the 100 acre total allowed in this ordinance and the 20 acre maximum would not be applied. The remainder of the Ordinance will apply. **This exemption will be added to Article 3: Applicability as 3, D.**

7. Ground mounted panels are allowed on residential property in the Ordinance. **The half acre restriction will be qualified as the Maximum allowed.** The CEO would review a residential application. For House lots that are more than 2 acres, the acreage refers to the square footage of the Development area.

12. See #2.

16. Reference #4. In the first section of the List. The CEO reviews residential arrays and there are no materials listed as required other than anti-reflective.

23. The comment was made that all land in Otisfield was once farmed but will probably never be farmed in the future. The CEO will be asked to check with the Maine Municipal Association to find out if the different depths are a State regulation or Code.

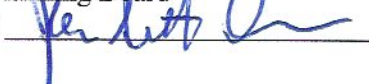
The following comments and questions were withdrawn as satisfied by the commenter 17, 18, 19, 20, 21, 22.

14. Adjournment

***Motion to adjourn at 8:12PM. SBurnham/PF – Unanimous.**

Respectfully submitted,
Karen Turino, Secretary Pro Tem

Approved by Scott Arn, Chair
Otisfield Planning Board

Signature: 

Approved on
May 9, 2023

**LIST OF COMMENTS
ON
SOLAR ORDINANCE
02.13.2023**

There were answers by the PB to certain questions and comments that were not correct or needed further clarification:

1. Time frame for substantial start of installation and completion needs to be more flexible. PB responded that they agreed and had extended the times to 2 and 3 years respectively.

See Page 12 of the Ordinance. Art. 6, A., 5. Expiration of Approval.

2. Perimeter clarification. Question if it referred to lot lines or development area. The PB said that it referred to lot lines in each of the 3 places it was used.

Two of the three references concern the definition of abutters.

See page 5, Art. 5, A, 4. The use of 'perimeter' here defines the Perimeter as " of installation", which means the perimeter of the Development Area.

The second reference to abutters and Perimeter is on page 9, Art. 11, Definitions. Here Perimeter is defined as referring to the Installation Site, which again means Development Area.

The third reference to Perimeter is on page 7, A., 2. Perimeter Survey. Here the sub-Requirements clarify that the perimeter refers to lot lines.

3. A comment was made that the Ordinance specifies that only certain materials can be used, which is too restrictive. In responding, the PB did not question whether the Ordinance did detail certain materials that must be used.

See page 6, Art. 5, B, 5. It does require that materials used must be UL Certified and that State codes must be met, but it doesn't specify only certain materials can be used.

See page 11, Art. 5, H, 7 Air Glare Protection. Does state that anti-reflective materials must be used. Otherwise, the Ordinance asks for details regarding the materials that are used and the degree of anti-reflectivity.

4. It was asked if Nutting Ridge would have been approved under the new Solar Ordinance. The initial response from the PB was no. But that answer needs some further explanation. If Nutting Ridge applied under the new ordinance and **made no changes to its application, it would not be approved** as is. However, the applicant would be **given the opportunity to change** whatever did not meet the new standards and to add whatever needed to be added **so it met all the standards.**

Comments and questions in no particular order:

1. Residential Setbacks are insufficient.
 2. 100 total allowable acres for solar isn't enough.
 3. Does not address unanticipated glare.
 4. Does not address visualization from other roads
 5. 20 acres per installation is too small.
 6. Perimeter: Make sure that in the 3 places it is used it is clear that it refers to the lot lines and not the development area.
 7. Problem of some water lots being less than 2 acres. The Ordinance restrictions discriminate against owners of residential water lots. Half acre restriction?
- (Note: I'm not sure I understand if these two issues are the same or different.)**
 Some residential owners might like ground mounted panels placed on a separate location.
 Does the Ordinance allow for that? Half acre restriction?

Suggest 1 acre minimum for lake front residents.

House lots that are at least 2 acres.....Does 2 acre areas mean the square footage of the panels or entire Development area?

See Page 22, Definitions, Solar Energy Systems

8. Defining and restricting "residential" as a single-family **structure** or single family **occupancy**? Regulations for residential arrays are too restrictive.
9. Two- and three-year limits for start of installation and end of completion needs to be flexible.

See Page 12 of Ordinance Art. 6, A., 6, d

10. 150' Setback should be 300'.
11. 10 height restriction for panels and anything else within the Development area. It is possible that the Development area could have a dual use and a necessary structure might need to be higher than 10 feet. Could a waiver process be added under the restriction without having to go to the Board of Appeals.
12. Suggestion the Town of Otisfield be eliminated from Solar Ordinance review.
13. Make sure that "acreage" is clearly defined as fenced in, project area, developed area: all refer to the same area AND do NOT refer to property lot lines.
14. Limiting allowable property. (Cited in Ad. Dem 1.26.23).
15. No where in the Ordinance does it give a number for square footage for a solar farm per acre.
16. Specifies that only certain materials are allowed on residential arrays.

17. There is no provision for homeowners to adopt solar if their lot sizes do not conform. It was mentioned that many lakefront properties are only 1.5 acres and therefore, a lakefront home owner would not be able to use the same measures as others for alternative energy.
18. Page 10, H, 1: Rather than requiring a Turnaround, replace with "The road(s) shall connect in a way or a Turnaround shall be provided.
19. Page 12, Art, 6, A, 3. Need to provide for an applicant to appeal consultants fees as being Too excessive. Have an expedited process.
20. Page12, Art.6, A, 6, d. Strike "may not grant and extension if it would prohibit another...." or allow for some flexibility.
21. Need to consider Land Use Rights when restricting total acres for the Town and per installation.
22. Page 16, Art.7, C, 1. In addition to "cease to generate electricity" would "or is found to be in substantial disrepair or neglect" be a possible reason to require decommissioning or would that condition be addressed at two-year inspections?
23. Page 17, Art. 7, C, 9, a. Remove as unfair unless it is a State regulation: "at least 25% of the area where the solar energy system is located was farmed, has soils designated as significant for farming, or is intended to be farmed, in which case foundations shall be removed to 48" below ground."

Compiled by Karen Turino
Planning Board Chair