

TOWN OF ORLAND  
 PLANNING BOARD MINUTES  
 February 9, 2015  
 7:00PM

I. ROLL CALL

X	JACK MACBRAYNE
X	DEXTER JOHNSON
X	BRENDA LEAVITT
X	CHARLES GIOSIA
X	ROGER WOOD
X	KRISTEN COOK (ALTERNATE)
X	BILL ORCUTT (ALTERNATE)

Staff Attending:

X	EDWARD RANKIN SR, Chair Selectman
	RALPH GONZALES, Selectman
	LESTER STACKPOLE, Selectman
X	GERALD GUSE, Code Enforcement Officer
X	TRACY PATTERSON, Board Secretary

Attending Public: Nikki Fox, Shawn Mercer, Janet Bazile-Bajkowski (Dedham), David Sims, Nathan Sims, Norman Latarte, Pamela Latarte, Travis Bullard, Steven Crawford, Kate Goupee (Dedham)

II. MacBrayne called the Meeting to order at 6:58pm.  
 Welcomed Tracy Patterson as Planning Board secretary and thanked Dexter Johnson for his service as the minute taker.

III. PRIOR MEETING MINUTES  
 A. MINUTES OF November MEETING  
 Motion to Approve: Leavitt  
 Second: Giosia  
 Approved by unanimous voice vote.  
 B. MINUTES OF December MEETING  
 Motion to Approve: Johnson  
 Second: Wood  
 Approved by unanimous voice vote.  
 C. There was no meeting in January 2015.

IV. COMMUNICATIONS AND REPORTS  
 A. Communication and Chair Comments:

- a. January 22, 2015 MacBrayne met with selectmen regarding the need for planning board secretary, larger meeting room, and more formal public hearing procedure.
  - b. January 27, 2015 Bullard called regarding plans of attending the February Planning Board meeting without being on the agenda.
- B. Code Enforcement Report:
- a. Guse discussed inquiries regarding historical buildings in Orland such as number of buildings, are they noted, and if there a list of historical buildings. Inquiries are stemming from interest in building/repairing building. Rankin suggested there may be a list at the Town Office. Cook explained the state has criteria for what constitutes a historical building. Johnson suggested checking the comprehensive plan, and historical society for that information.

V. OTHER BUSINESS

A. MMA Planning Board Workshop

- a. All board members plan to attend one of the two workshops. Registration 4:00pm-4:30pm, Workshop 4:30pm-8:30pm.
  - i. March 30, 2015 in Ellsworth. Leavitt will attend.
  - ii. June 18, 2015 in Bangor. MacBrayne, Johnson, Giosia, Wood, Cook, and Orcutt will attend.
- b. MacBrayne stated that applications for the workshops will be processed by the Town Clerk through the Town Office to receive the discounted membership rate. Acknowledged Board of Appeals members are welcome to attend as well.

B. Review of Wind Energy Ordinance in preparation for expected application.

- a. MacBrayne discussed the need to prepare a schedule to accommodate the time sensitive structure of processing a Wind Energy application correctly. Discussed the timeline of receiving application 14 days before planning board meeting, letters to abutters 10 days before planning board meeting, 30 days for processing application, 60 days notice for public hearing. Town Office will need to be made aware of the time sensitive deadlines.
- b. MacBrayne spoke of the town retaining an Attorney and Engineering Consultant to review the anticipated Wind Energy application. He has spoken with the selectmen and they have decided to stay with Eaton Peabody as representation. Johnson inquired about whether an attorney was consulted regarding the ordinance, and if Eaton Peabody had experience with wind power. Rankin responded that to his knowledge an attorney was not consulted in the drafting of the ordinance, and that Jonathan Pottle (of Eaton Peabody) has experience on both sides of the wind power debate. Johnson suggested Pottle attend a Planning Board meeting. Rankin will contact Pottle to coordinate.
- c. Johnson asked if an Engineering consultant was present when the wind energy ordinance was drafted. MacBrayne answered "Not specifically" though others were consulted. Wood added that Noise Consultants were directly spoken with. Johnson suggested contacting CES in Brewer. Wood agreed Noise and

Environmental specialists are needed. Johnson acknowledged speaking to other towns who have adopted Wind Power with little success. Rankin suggested DEP. MacBrayne believed DEP may be a resource for names of consultants.

- d. MacBrayne and Johnson agreed on the need of a list.
    - i. Wood will attain a Noise Consultant.
    - ii. Rankin will secure a date Pottle will attend a Planning Board Meeting.
    - iii. Cook will contact a Wildlife consultant.
- C. Public Hearing
- a. MacBrayne expressed need for more order in the Public Hearing process. Recommended forming a sign-up sheet people to speak of which an agenda will be formed. Also recommended a speaking time limit, and encouragement of written input for increased order.
  - b. Leavitt spoke of possible legal limits of imposing rules restricting public speech, and suggested consulting the Town Clerk regarding what can and can't be done in the public hearing setting.
  - c. Johnson discussed the need for a better controlled meeting atmosphere such as separation of Board from applicants and public. Spoke of Bucksport's procedure of using a podium, putting papers on a screen for everyone to see, and the possibility of the Planning Board using a thumb drive reduce clutter.
- D. Possible Review of Wind Energy Ordinance
- a. MacBrayne asked if the Planning Board should reviewing the Ordinance and make recommendations for revisions. The Board unanimously agreed to review the ordinance.
    - i. Cook added that the public should be allowed to make suggestions. Leavitt advised to look into setback, height requirements, and adding a provision for adhering to the most stringent requirements should the state requirements change.
    - ii. Wood agrees, adding that the state has recommendations, not an ordinance, and that the noise recommendation changed by the state and became stricter than ours.
    - iii. Johnson stated the ordinance should be reviewed for the exercise of learning more about it, and in the process discovering possible revision points. Discussed need to be informed, and acknowledged the amount of research done by the group Friends of Dodge Hill.
    - iv. Giosia agreed to review ordinance, questioned how it would be done. Cook responded that previously the Planning Board had met twice a month. MacBrayne brought up that the time of year determines the availability for many.
    - v. Orcutt stated that "Yes, the ordinance should be reviewed line by line." Spoke of specific points of 'flickering', and closeness of people living near the tower.

- b. MacBrayne acknowledged the unanimous agreement in reviewing the ordinance. Began discussion on how this would occur when an application is being processed.
  - i. MacBrayne highlighted the critical points being setback. 1. Should setback be measured from protected structure, as it currently is, or from property line. And, 2. What the setback should be. Recommends the Board looks at the setback issue first.
  - ii. Wood states he believes the noise standard is the big issue and should at least meet the states standard. Proposes to get technical advise and noise consultant help. MacBrayne spoke of noise being dependent on the actual wind turbine. Johnson discussed that the Noise Standard comes from the turbine and not the whole site, and questioned how the Noise Standard will be enforced. MacBrayne explained there is language in the ordinance on Noise Standard enforcement that can be reviewed. Johnson expressed concern the provisions are weak and could take too long to correct and that should be addressed.
  - iii. Johnson reminded everyone that if an application is received it will be based on the standards in the current ordinance.

#### VI. PUBLIC QUESTIONS and COMMENTS

- A. Shawn Mercer commented that he was pleased with the conversation and many of his questions answered. Asked is the Planning Board had contacted other towns about issues with turbines. MacBrayne answered, "Yes, in the process of adopting the ordinance, not since." Wood added that they had also visited turbine sites, and spoke with abutters. Mercer thanked the Board for planning to consult legal advisors, and asked if Eolian had input, or access to closed meetings while the Wind ordinance was being drafted. MacBrayne replied that Eolian had given a presentation, and provided names of people who could be contacted for information about noise, etc., stating that Eolian had little to no input in the drafting of the actual ordinance. Wood agreed, adding that the Planning Board had asked Eolian many questions, but Eolian have little input. Cook agreed, Eolian was at the meetings but didn't have input in the drafting of the ordinance. MacBrayne said that there were no closed meetings, all work sessions were held at regular meetings and were open to the public. Leavitt asked if there were any archived meeting minutes on the computer. Rankin replied that there were hard copies of the minutes at the Town Office. Mercer Thanked the Board.
- B. Janet Bazile-Bajkowski, of Dedham, requested the meeting minutes be put online, and that she had spoken with the Town Clerk about doing so. Discussed concern that she had shown up for a meeting and it had be rescheduled and there was no notice. MacBrayne explained that was not a Planning Board meeting, so she would have to speak with the Selectmen on that matter. Janet expressed that all changes should be posted on the website/online.

- C. Mercer questioned if there was any way to get more time to review the ordinance. MacBrayne reiterated that when an application is received they will use the current ordinance in hand. Johnson added that the ordinance can only be changed at Town Meeting which is held in June, unless an emergency Town Meeting is called. "But, realistically it will take a while to review and make revisions to the ordinance." David Sims asked if there was any other way to stop Wind Energy. Leavitt responded "We have to accept applications."
- D. Nathan Sims, from Dedham, expressed that Dedham voted it down and he was still going to be affected. Cook said that there had been discussion on a regional committee through the Hancock County Commission. Janet asked if neighboring community's abutters will be contacted. MacBrayne said there will be public meetings. Johnson added that there are many notifications and he hoped they could streamline the notifications in the revision. Janet would like neighboring residents to get some say in the ordinance. Wood responded that neighboring communities are offered the same protections. Kate Goupee rebutted that they are not offered all the same protections, such as scenic resources.
- E. Pamela Latarte asked if the Selectmen have spoken with the Dedham Selectman. Rankin did not recall speaking with the Dedham Selectmen. MacBrayne also did not recall any communication with the Dedham Selectmen.
- F. Mercer asked if any consultants had already been chosen. Johnson replied the Town Attorney would be consulted. Rankin reiterated that he would try to schedule for Pottle to come to the next meeting.
- G. Travis Bullard expressed that the Noise had been addressed. He referenced 10.1.14A in the ordinance. And that the town had worked with sound consultants, and a Legal Review had already been done by Eaton Peabody. Rankin added it was probably Bill Devoe. Bullard commented that any changes after the votes sounds unreasonable after all the years of planning that has been done.

VII. NEXT MEETING will be March 2, 2015 at 7:00pm at the Orland Community Center Conference Room.

VIII. ADJOURN

- A. MacBrayne asked for a motion to adjourn  
Motion to Adjourn: Johnson  
Second: Leavitt  
Approved by unanimous voice vote.