

# DRAFT

## TOWN OF ORLAND PLANNING BOARD MINUTES

February 1, 2016

7:00PM

### I. ROLL CALL

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

### Staff Attending:

	LUKE CHIAVELLI, Code Enforcement Officer & Plumbing Inspector
	EDWARD RANKIN SR, Chair Selectman
	RALPH GONZALES, Selectman
	LESTER STACKPOLE, Selectmen
X	DONALD BAKER, Alternate CEO
X	TRACY PATTERSON, Board Secretary

Attending Public: Pamela Latarte, and Norman Latarte

II. Macbrayne called the Meeting to order at 7:00pm.  
Appointed Orcutt to vote in Giosia's absence.

III. MINUTES OF January 4, 2016 MEETING  
Motion to approve minutes: Johnson  
Second: Leavitt  
Approved by unanimous vote.

### IV. CEO REPORT

A. Chiavelli was not present at the meeting. Johnson spoke with Chiavelli and reported that he had not issued any permits in January.

### V. COMMUNICATIONS AND CHAIRMAN'S COMMENTS

A. MacBrayne reported that he spoke with Stephanie Tourles regarding opening a reflexology practice at her residence at 1199 Castine Road. He stated that she originally

# DRAFT

didn't think she needed a permit because there wasn't any new building. Tourles said she is working on the application for the March Planning Board meeting.

VI. UNFINISHED BUSINESS- None

VII. NEW APPLICATIONS - None

VIII. OTHER BUSINESS

A. Johnson was asked for an update on the Comprehensive plan. Johnson reported that the first Comprehensive Plan meeting was held in January. The Selectmen have not yet appointed the committee members.

- i. The Comprehensive Plan committee will continue to meet on the fourth Monday of each month at the Orland Community Center. The next meeting will be February 22, 2016 at 6:30pm. Each meeting will include a time for public comments in the agenda for the general public to have input.
- ii. There was discussion of doing a town wide survey, or establishing an online website to allow community members to have more input. Leavitt suggested using Survey Monkey to set up the town survey. The committee may also utilize the Town website and social media to reach residents.
- iii. Johnson also reported the Comprehensive Plan committee may parallel with the River Front committee, as well as paralleling with Bucksport, as they have a built in cross reference with Macleod.
- iv. Johnson estimated it will take approximately two years to complete.
- v. Baker asked if there was an "end goal" with the comprehensive plan. Johnson answered that the comprehensive plan looks at various components of the town, and draws on census data and community input to create a master plan, or blue print, of what the town finds important.

B. Leavitt reported that she has the Site Plan application and is working on putting together the check list.

C. MacBrayne gave an overview of the FEMA Federal Floodplain Management Program. MacBrayne explained that in order for people to participate in the Federal program the town has to adopt an ordinance. He stated that the town will need to adopt the ordinance at the next town meeting, but should date the ordinance effective by the date of the new maps. MacBrayne reported speaking with Rankin and both agreed that the fee put into the ordinance should change so that the town will not have to go to town meeting to change the fee in the future. It was discussed that Chiavelli will be enforcing the ordinance and should have input. MacBrayne asked Patterson to make a hard copy of the state prepared ordinance for each of the planning board members. The Floodplain ordinance will be on the agenda for the March Planning Board meeting.

XI. PUBLIC QUESTIONS and COMMENTS- None

# DRAFT

IX. NEXT MEETING will be held March 7, 2016 at 7:00pm at the Orland Community Center.

X. ADJOURN

A. MacBrayne asked for a motion to adjourn the regular meeting and begin the Wind Ordinance Review.

Motion to Adjourn at 7:25pm: Johnson

Second: Wood

Approved by unanimous vote.

## WIND ORDINANCE REVIEW

- 14.2. Setbacks for type 2 Wind Turbines: Discussion on the formula of minimum setback. Johnson stated that he felt it was inadequate, and would prefer one mile. Leavitt stated that a half mile was standard, and there is no place in Orland that would accommodate a one mile setback. Leavitt reminded the board that the ordinance was voted on and accepted by the voters, and that there was a second town vote concluding that the town didn't want the ordinance changed, and that changing the setback would qualify as a major change to the ordinance. Leavitt added that this review was not intended to make any major changes. Johnson stated that while going through the ordinance each section has been changed. MacBrayne stated that Rankin had said that if a major change was put into the recommended changes that the Selectmen wouldn't take it to town meeting. Johnson stated that reviewing the ordinance was about making changes as a Board and presenting their recommendations to the Selectmen to look at. Wood added that a lot of data went into the original ordinance. Leavitt clarified that the conclusion of the setback discussion was that there is no recommendation to change the half mile setback, and that as a board if new data is presented, they will hear the new data. Johnson noted that the wording could be interpreted so as the rotor could be designated as what the blades are attached to, not necessarily the blades. MacBrayne suggested adding rotor to the definitions.
- 14.3. Use of Roads: The applicant will maintain and repair roads damaged by construction.
- 14.6. Effect on Scenic Resources: MacBrayne noted that this is the most subjective part of the ordinance, which was echoed by all board members. Leavitt asked if this section is specifically referencing the Comprehensive plan. MacBrayne read the definition which included the Great Pond Mountain Conservation Trust Wildlands, added by Orland to the ordinance, and the state model ordinance, which spoke of the comprehensive plan. Johnson stated that a scenic resource is both seen and seeing from. Wood added that some people like seeing turbines, so it is very subjective. MacBrayne noted that the applicant will provide data to depict the size and placement of the turbines.
- 14.7. Shadow Flicker: The model ordinance was used to write this section of the ordinance. Discussion on how the issue would be more significant depending on several factors, such as season, foliage, etc. The question was arose concerning non-Orland residents, and the definition of non-participating land owners. There was discussion surrounding the computer generated data that would create models to provide data to determine who would likely get more than 20 hours of

# DRAFT

shadow flicker, and the applicant would need those homeowner's signatures acknowledging the potential shadow flicker in order to pursue the project. This would include non-Orland residents.

- 14.8. Relationship to DEP Certification and Permitting: Johnson stated his opinion that DEP should not be entrusted over the Planning Board.
- 14.9. Local Emergency Services: Johnson suggested that an Emergency Plan should be part of the application.
- 14.12. Decommissioning: Johnson reiterated that decommissioning should be part of an escrowed account held by the town from the applicant.
- 15.0. Mitigation Waivers: Allows developer to work with people.

ADJOURNED at 8:25pm.