

TOWN OF ORLAND  
 PLANNING BOARD MINUTES  
 June 1, 2015  
 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:

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

Attending Public: Pamela Latarte, Norman Latarte, Charles Eichacker (Ellsworth American), Stephen Crawford, Josh Prochaska, Rosalani Moore

- II. Macbrayne called the Meeting to order at 7:02pm.
  - A. Orcutt appointed to vote in Giosia’s absence.

- III. MINUTES OF May 4, 2015 MEETING
 

Johnson pointed out an error in VI.A.o. which should have read “...this is [not] a de facto moratorium...” The planning board agreed. Patterson agreed to amend error.

Motion to approve minutes as amended: Leavitt

Second: Johnson

Approved by unanimous vote.

IV. COMMUNICATIONS AND CHAIRMAN’S COMMENTS

- A. MacBrayne spoke with Guse and followed up on Pat Dow’s Lobster shop permit expiration date. The two year permit was issued in October 2013, construction was started within the year, therefore, he has until October 2015 to remain in compliance.
- B. There was no correspondence with Danny Sanborn regarding the large greenhouse he is reportedly selling vegetables out of.

- V. CEO REPORT
  - A. Guse stated he has had numerous questions regarding businesses, and reports distributing four applications; none were returned. Guse discussed a general lack of knowledge of permits needed for businesses, and suggested more information of the site planning ordinance being made available to the public.
    - i. Discussion surrounding enforcement language in the Site Planning Ordinance.
  - B. Guse reported continued activity with a complaint from a renter regarding the living conditions of a property. After discussion, it was determined that it is the Selectmen's responsibility to condemn an uninhabitable property, or to appoint someone to do so.
  
- VI. UNFINISHED BUSINESS - None
  
- VII. NEW APPLICATIONS - None
  
- VIII. OTHER BUSINESS
  - A. MMA Planning Board Workshop is scheduled for June 18, 2015 in Bangor, at the Spectacular Event Center from 4:30pm-8:30pm. MacBrayne, Wood, Giosia, Cook, Orcutt, and Johnson are planning to attend.
    - i. Patterson will register the six attendees for the workshop through the MMA website.
    - ii. Leavitt requested the Planning Board take time to create a checklist for the evaluation of applications after all members have completed the course.
  
- IX. PUBLIC QUESTIONS and COMMENTS
  - A. Pamela Latarte referenced the water supply aspect of 10.2.11. of the Wind Ordinance, and questioned whether there was anything in the ordinance that states who is responsible if someone's water supply is lost during blasting . Wood stated that in 14.10. the ordinance requires the applicant to have liability insurance. Johnson added that the applicant is also required to do pre-blast survey to help avoid any potential damage. Latarte suggested more specific wording regarding responsibility of water supplies be considered while reviewing the ordinance.
  - B. Pamela Latarte questioned the complaint system of the wind ordinance, specifically if three complaints by the same person would warrant action being taken by CEO, or if three complaints by separate people were required. MacBrayne found the section in the Ordinance and it was determined that any three complaints in a 30 day time period will be addressed within 90 days.
  - C. Prochaska reported that H.O.M.E. is constructing a greenhouse in a field to grow food for senior citizens, rent out space for seniors to grow their own food, and to grow food to sell at farmers markets. MacBrayne stated that they need a site review permit. Moore asked how they should proceed as the greenhouse is approximately half completed. Guse added that he had spoken to another person from H.O.M.E. regarding a required permit needed for a new showroom that will take the place of recently

acquired trailer, and made plans to meet with them on June 6, 2015 at 1:00pm to work on the site plan review for both projects.

X. NEXT MEETING will be held July 6, 2015 at 7:00pm at the Orland Community Center Conference Room.

XI. ADJOURN

A. Motion to Adjourn regular meeting and begin Wind Ordinance Review: Johnson  
Second: Orcutt  
Approved by unanimous vote.

XII. REVIEW OF THE WIND ORDINANCE

A. MacBrayne began with 9.6, public hearings.

i. 9.6.1. Public Hearings must be published in at least one paper 10 days before the hearing. Johnson asked if it should be in neighboring towns papers as well. MacBrayne agreed it should be, and suggested the Bangor Daily and/or the Ellsworth American.

ii. 9.6.2. Discussion regarding whether the notification of anyone within 1000ft of project extends to neighboring towns. Johnson and Wood agreed that it would be anyone within that distance regardless of the town line. Johnson suggested that the notification should be more standardized. Leavitt disagreed, stating that a one mile notification for A and B is would be “overkill”. Wood agreed with Leavitt.

iii. Type 2 and 3 facilities. MacBrayne asked if Orland should assume the responsibility of notifying residents in other towns as a “good neighbor policy”. Johnson added it should be up to the applicant to determine who should receive the letter, and send them. Leavitt suggested leaving the ordinance as it is written.

iv. Discussion on adding additional map requirements. It was determined that the Town Office would have to determine all dwellings between a half mile to mile of project.

B. 9.7. Professional services.

i. Leavitt stated that in her experience most applications are accompanied by an escrow that the town has access to in case an issue arises. She believes this would be beneficial to put in place here.

ii. Johnson would like a lawyer present when an application is reviewed. Leavitt said that was why a checklist is necessary, so that it can be compared. MacBrayne added that questions will come up that will require expertise. Johnson agreed, saying we will need a team of professionals/experts and that applicant should provide funds for professional services.

iii. Wood stated that the Board should be able to review the application. Leavitt added that bringing in experts on an “as needed basis” would save the town

money. Wood pointed out the first task is to make sure an application is complete. Johnson wants experts ready to contact. Wood stated that he had spoken with a noise expert who would review an application to determine compliance with the ordinance for \$100 an hour.

- C. 9.8. Expiration of Permits.
  - i. Leavitt asked who defines “substantial”. MacBrayne found the word listed in the definition section and read the definition as written.
- D. 9.9. Access.
  - i. MacBrayne stated that the ordinance basically states that the CEO can go on site. Johnson inquired whether the CEO is trained and capable in all wind related aspects, and suggested the ordinance include a provision to hire experts at the applicant’s expense. MacBrayne suggested a possible fee schedule that the town will use to train CEO, and hire experts as needed.
- E. 9.10.1. Two occurrences of the word “terms” that should be changed to “standards”.
  - i. 9.10.2. The word “violations” should be defined.
  - ii. Johnson asked how long the CEO has to notify the alleged violator. Leavitt agreed there needs to be time frame, and suggested 3-5 days to provide written notice due to the fact Orland only has a part-time CEO. Johnson and MacBrayne agreed 3-5 days would be appropriate.
  - iii. 9.10.3. Johnson suggested changing the requirement of applicant’s permission to extend the 30 day time limit of entering into negotiations. Leavitt stated that it could be read two ways, and that the violator has the right to a timely resolution. After a brief discussion it was determined that both parties had to agree to any extension of the time frame.

XIII. ADJOURNED at 8:45pm