

APPROVED

**Town of Pownal  
Planning Board Minutes  
Wednesday, March 20, 2024  
Meeting Minutes**

**Members Present:** Matt Altieri, Todd Mellin, Marcia Bowen, Mercedes Pour- Previti, Orion Breen, Bill Schmidt, Thomas Ursia, Town Planner, Ginifir Giddinge, Code Enforcement Officer, Sam Peikes from NorthStar and Recording Secretary, Alison Purinton

**Members Absent:** Excused Brian Stornelli,

**Guests:** Christine Watson, Sam Rice- Burns & McDonnell, Permitting Specialist, Nicholas Hahn- CMP Vegetation Management, Lisa Gilbreath- Pierce Attwood, Legal Counsel, Gerry J. Mirabile- Director CMP Permitting and Compliance, Adam Marquis- CMP Project Manager, Troy Thibodeau- Burns & McDonnell, Public Involvement, and Jon Morris, Selectman

**Call to Order** at: 6:00 pm by Matt Altieri

**Secretary's Report:** Approval of Meeting minutes for February 13, 2024

Todd- I move that we accept the minutes as amended for the February 13, 2024 meeting. Marcia to second  
All in favor 3-0 Motion carries

Matt- hands the meeting over to Todd and recluses himself as CMP is often a client of his firm.

**New Business:**

**CMP Application presentation-** Sam introduces himself and others introduce themselves.

Presentations are displayed on the screen for everyone to see. Project is an upgrade of transmission lines and considered essential in Sections 64 and 62. The project is considered an essential service by the town's zoning ordinance and shoreline zoning ordinance; it requires site plan and shoreland zoning approvals from the planning board. CMP is also looking for a special use exception by the planning board. The transmission line is in the rural district. It is considered a public utility upgrade and falls within the utility facility in the ordinance. Project will take place on land owned by CMP and there will be no need to clear any trees. 11 poles will be replaced in section 62 and 5 poles on 64. Pole height is approximately 77 feet. Project to start in May 2024, ending in June 2025. No construction will begin until all permits have been obtained. Maps are projected to the screen.

Mercedes- Why does this work need to be performed.

Sam Rice- The work needs to be performed because of the deficiencies in the existing grid and to increase the thermal capacity of those two lines.

Bill- Those approvals with the NACC are drastically different from then till now. A rewrite was not a part of the approvals.

Lisa- It was a rebuild and that is the minor revision application.

More slides are shown. There is a residential district on Fickett/Allen Roads; the definition of wetlands is met by the presence of 10 contiguous wetlands acres. We do have a few poles in this area and tried to design the project to decrease natural resource impacts. It continues to the existing substation which is out there today.

Marcia- What about Herbicide treatments? This seems very localized.

Nick- It is selective, last treatment was in 2022. It will be applied by spot applications on anything that grows over 10 feet.

Marcia- The citizens will be glad to hear that it will be reduced as much as possible.

Todd- Defers to the Town Planner and NorthStar on this project. Are there any concerns about the waivers they are asking for at this point?

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Tom- Both waivers are reasonable requests. Two items the board may wish to discuss; a request to have a public hearing, and a site inspection. The applicant has prepared all of the abutters and addresses envelopes should you want to proceed with a public hearing. You may decide to waive that due to the thoroughness of the application. I find no major environmental impacts that result. The board should make a decision on a public hearing and how to handle the site inspection, which can be waived if it is a vote of the board.

Bill- The 1<sup>st</sup> waiver seems reasonable. The 2<sup>nd</sup> waiver is regarding property lines and suggests using the same diagram. Are we being asked to not verify where the property lines are?

Tom- The lines are in fact verified. I have hard copies if you would like to see them. My plan was to display them but was asked not to put pins in the boards.

Sam Rice- 250:1 is a scale and is typical for this type of project. The ordinance is asking for this scale outside of our footprint, which encompasses the entire transmission line. The project maps show the property lines.

Lisa- The project itself is within the corridor. The risk is this project crossing over onto someone property is non-existent.

Bill- Thank you.

Todd- Does anyone else have any questions or concerns?

Marcia- I don't have a problem with the approvals tonight, however is the public hearing is it important for people to see this work going on?

Sam Rice- We do have public outreach today Troy Burns is here, and we will be sending out letters ahead of the construction to make sure there are no surprises.

Todd- That is a good idea. I would say the same things for a site visit. I don't think anything would change from the board's point of view. Tom, you would have to add that as a waiver to the application is that what you are saying?

Tom- You will want the board to make it clear so that if we get phone calls into town hall the Codes Enforcement Officer and I can be responsive. I suggest if the board is contemplating any waiver conditions of approval should be noted. When will the outreach happen, etc. Cross communication between the applicant and town hall would be beneficial if the project doesn't happen when proposed. The waivers should be voted on individually.

Todd- I did glance through this and I think you mentioned it, Sam, that there may be a delay as you are waiting for permits from other organizations.

Lisa- CMP can't build it until it obtains all its permits.

Tom- There is another point for public clarity there is a component and exhibit that speaks to blasting it may be helpful to have Mr. Rice to speak to the board.

Sam Rice- We included blasting in our application because your ordinance requires it. It is unlikely that it will require blasting. They might be an area of bedrock that may need to be blasted for pole placement. It is not something that we do regularly. Our exhibit (10) is included in the application.

Todd- When we you reaching out to the abutters?

Troy- We are waiting on some permits. Once those are received, we will notify the abutters. They will have my number to call directly.

Bill- We mention herbicides 7 times in our Comprehension Plan. Would it be proactive for us to request herbicides not be used in our section on the corridor? Some towns have banned or restricted the use of herbicides. Now would be the time to request this.

Marcia- I don't see how you can have a power line and have trees grow up. You must do something to manage the vegetation.

Nicholas- There are benefits to using selective herbicides. When you get into brush mowing you get into sprouting. You are not controlling the root system of those plants. There are a lot of pros and cons.

Bill- How tall must a tree be before cutting?

Nicholas- There is a wider zone and then a border zone. We try to eliminate non-compatible species (pine trees, hardwood trees) every 4 years.

Todd- I don't know how the Planning board can tell CMP how to handle it.

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Nicholas- The products we use are registered with the EPA. The applicators are all licensed.

Mercedes- I also appreciate the comments of how the herbicide would be applied directly to the plant. We are doing our diligence with the town. We can't push that issue into this application but we can address general herbicide use later.

Todd- Asks for Matt's help with waivers.

Matt- I will pitch in about the procedure. Your 1<sup>st</sup> step is approval of the waivers. There have been four waivers on the floor, 2 are map waivers that have been discussed and then 2 are procedural pieces, one if a public hearing is required and the other waives the requirement for a site walk. I think you are asking for a vote to be taken tonight.

Todd- First the map scale to change from 50 feet per inch to 250 feet to the inch.

Marcia- I move that we allow the waiver to change the scale to 1 inch equals 250 feet instead of 1 equaling 50 feet. Seconded by Orion- All in favor motion passes. (3-0)

Todd- A waiver about boundaries.

Marcia- I move that we waive the requirement to depict contiguous property boundaries on the entire extent of CMP's transmission line system. Seconded by Todd- All in favor motion passes (3-0)

Marcia- I move that we not require a site walk. Seconded by Todd. All in favor motion passes (3-0)

Marcia- I move that we not require a public hearing for this project. Seconded by Todd. All in favor motion passes (3-0)

Todd- Next step is to vote for the project pending approval to carry all permits.

Marcia- I move that we approve CMP's transmission project application with the condition that all outstanding permits be secured. Seconded by Todd- All in favor motion passes (3-0)

Lisa- Special exemptions and performance standards are reviewed.

Orion- Tom have you reviewed all of this?

Tom- It is clear by the presentation what the expectations are, granted your waivers, looked at possibilities of conditions. If you are going into finds and facts, I suggest you table the vote this evening. It is the proper thing to do and bring to a vote at a later time. I suggest to the legal team that brought it up send documentation to the town and give citations on each one of those. Then the town can be responsive.

Lisa- I am happy to do that if that is what the board would like. We would keep the approval of the board tonight and draft applicant proposed findings to vote on at a later date.

Marcia- Aren't they already here?

Tom- They are in essence. I think what Lisa is asking for is something more definitive from the Town.

Lisa- It is belt and suspenders as it was voted on tonight. I believe my client would prefer that we have approval tonight and draft up findings and facts. You review them and approve them at a later date.

Tom- Given the request is a fair request, both parties benefit. I advise you table and bring up at the next meeting.

Todd- I appreciate that, let's table this until next meeting. I will turn the meeting back over to Matt.

## Floodplain Ordinance

Matt- Thanks everyone for coming. I have read through this please give us a summary.

Tom- It is mostly self-explanatory. Most of the preparation comes from the feds. It runs into a time crisis. We were mandated to have a remedy to the old ordinance and maps by June 20, 2024. The Town Administrator and Select Board have moved the Town meeting up to June 17, 2024. That avoids any suspension of insurance. Everything has been gone through and the nomenclature has been approved by the State and Feds. The map work is in digital format and Marcia has secured that. We do have 1 set of new plans those will be in the Codes Enforcement office. It needs the formalization of a Planning Board vote and a public hearing. I suggest there be a joint public hearing vs. two public hearings.

Matt- Agrees a joint hearing makes sense.

Orion- Can we invite Tom to sit up here with us?

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Matt- Yes, invites Tom to sit up here. I have a minor question about the ordinance. Article 5-F Sub 1 reads the section requiring 10 working days turnaround to get Certificate of Compliance and is concerned that is rushed. Ginny is asked if she has an issue with that.

Ginny- No

Tom- It is a quick turnaround. When the certificate comes in it will be set. A PE that will set those elevations. It is more a form of documentation and cross- referencing it to the plan.

Matt- Any other questions on the ordinance itself.

Marcia- I would like to see us to have the floodplain boundaries overlaid on our tax maps.

Tom- In order to overlay your base map has to be perfect, and there are some inaccuracies.

Jon- The tax maps need to be perfect, once we attach an overlay it becomes an official document.

Matt- I move that we approve and move forward to the Public Hearing meeting as drafted the Floodplan Management Ordinance for the Town of Pownal, Maine that has been presented to us tonight. Seconded by Todd. All in favor. Motion passes (4-0).

Food truck ordinance-

Tom- This is not a crisis. It is anticipatory planning. It dovetails into a hopeful Farmers Market in the future. More and more upstarts or existing businesses are looking at food trucks. They are compatible with farmer's markets. It is simple and provides an opportunity that if it pops up our Codes Enforcement Officer has something she can refer to.

Matt- Is the vision this go to Town Meeting in June, or do we need broader discussion on this?

Tom- It depends on how aggressive the town wants to be. Will there be a farmers' market in town this year? It is in the hands of the economic development and sustainability committees. Farmers have been approached.

Matt- Thoughts?

Orion- You have talked about a food truck license issued by the Codes Enforcement officer what would it look like? Hours of Operation? Why would we limit the times?

Tom- Just some basic things. It is just a first draft.

Matt- I think we need to have a more in-depth discussion.

Tom- Why don't we bring it back when you have lull.

Marcia- Does Bradbury have a food truck at this moment?

Ginny- The town had a food truck for the community day or Octoberfest. I don't see how we can tell someone they can't have a food truck. The fact Tom is bringing this up is very vital.

Mercedes- I would love to think about this.

LD2003 updates

Matt- Invites Sam with NorthStar to speak.

Sam- Starting with some background this will need to be placed on the warrant for this year. This statute has 3 elements. 1. Density Bonus for affordable housing. 2. Multiple dwellings on a single lot where housing is allowed. 3. Allowing an Accessory Dwelling Unit (ADU) on the same lot as a single-family dwelling. Pownal doesn't have public water or sewer so you can allow up to two dwelling units on an existing lot. This can either be either two single family homes, one single family and one ADU, or two family dwellings. This element was clarifying definitions. That is the first piece. Some definitions were redefined, the ADU definition was clarified to be consistent with the State Definition. Section 504, zoning districts. The 2<sup>nd</sup> unit on a lot can't have more land than the first. It must be the same or less. Some performance standards for ADU's have been moved to definitions Section 600. Those are the major changes.

Ginny- Right now we ask for separate septic systems, I would like to be very clear in the ordinances. Also grandfather clause definition (" Grandfather Clause- removed by Town Meeting...") needs to have it stay in there. People think we have a grandfather clause and we do not.

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Sam P- Are you talking about definitions?

Ginny- Yes

Sam P- The Septic systems?

Ginny- It needs to be a part of the ADU, it is a requirement. We need to have black and white in the ordinances.

Matt- Any questions for Sam on the LD2023 updates.

Bill- Durham went through this in November of 2023. They distinguish vacant lots and developed lots. Developed meaning if there is a home already there, they must allow 3 dwelling units on any lot with. A single family can be attached, or detached or one of each maximum of 3 units. Do you see anything that distinguishes vacant lots and developed lots.

Sam P- Not in Pownal's ordinances. If you have a lot with two you can add an additional unit, up to 3.

Ginny- It needs to be approved tonight so it can have the language for the warrant.

Matt- Ginny are you satisfied with the grandfathers clause piece?

Ginny- Yes, I would like some clarity on the size of what those should be. Are we staying with the 750 square feet?

Sam- That is under Section 615, 750 square feet cannot exceed.

Orion- It says it cannot exceed. We don't have a minimum?

Ginny- That's the next thing.

Marcia- We also need to consider the cabin piece.

Matt- I don't think they are going to get done and we should add them to our list

Ginny- We don't have a definition for a cabin?

Matt- Sticking with LD 2003 on page 3 strike the and "after sheds and garage".

Sam P- It is more for clarity we took the State's definition.

Matt- I am anxious about overlooking something. We never have had an application where it has come up.

Ginny- It needs to be clear. The minimum, if you have a vacant lot what are you going to consider a minimum house to be and should it be less than the 750 that we will ask for in another home. In our old ordinance we had a 600-foot minimum.

Sam P- Do you know where it is in the old ordinance. We worked on the reorganization from 2021.

Ginny- From 2009. It was a clerical error. I do have language for that.

Bill- Page 4 at the top street frontage requirements. The accessory would share the 300 hundred feet.

Matt- I motion that we move forward to the public hearing for the Pownal Land Use Ordinance LD2003 amendments March 20, 2024 as presented tonight. Seconded by Marcia. All in favor, motion approved (4-0)

Matt- Since we started talking about minimum house size let's circle back to that.

Ginny- The ordinance used to read that "Any dwelling house shall have a minimum above ground level first floor area of 650 square feet. Manufactured Housing must have a minimum of 750 square feet". We would want a minimum; I am not definite on the 600 feet where we only require 750 for the ADU. That would be on a vacant lot that we would require a minimum of a house lot size.

Matt- Is there a state statue on tiny houses?

Ginny- It has to be 400 square feet or lower.

Matt- Does it require us to approve?

Ginny- There is something with the state for certification. I don't have a choice; I have an ordinance that doesn't state a minimum. I have people that just want 350 feet on a foundation.

Matt- What is wrong with that?

Ginny- Esthetics, tax values. There is a home with 440 square feet on Allen Road, I was in unidated with phone calls. I want something that I can refer to.

Jon- It is an assessment issue. You have a tiny home of 350 square feet. How do you assess it fairly to the people in the town. What if that home has 4 children. Public Safety is a concern. A home with 350 square feet will not pass any fire code. It is important the board educate themselves on the certified tiny homes.

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Marcia- What is the smallest we should allow a family to live in?

Orion- Looking at the state rules, it must pass American National Standard Institute on plumbing, propane, fire, life safety and construction of national fire protection association. It sounds like there are some requirements regarding safety and fire. I get where the CEO is coming from.

Matt- There used to be something in our ordinance that was removed by a clerical mistake, so you are saying let's get it back in. I am open to more discussion on whether it makes sense to be 750 square feet. My personal view is it is less impact on the land, less energy and a lot of benefit that could come with this, provided the public safety pieces are there. I think what you are saying is can you just pass it so we can get back to where we were.

Orion- That's makes sense if we are adding the things about 600 foot minimum why not add the thing about 400-foot thing so we can go back and fix that later.

Mercedes- The fact of something being built on a foundation is different that something that is built on wheels. Make a distinction between those two.

Orion- A secondary question? Why are we having different wording for a manufactured home vs. not?

Ginny- I can't tell you why it was drafted. I put down exactly as it was.

Jon- We are asking the board to reinstate a provision that was clerically omitted. It's not a discussion until it is reinstated.

Matt- It was omitted clerically. I want to get the drafting right. We now have a requirement that ADU's not be more than 750 square feet total. We have to figure out how.

Jon- This is to get it back into the books and then you can work with it.

Matt- Sam, can you add the definitions this change to the dwelling definition be a minimum of 600 feet.

Jon- You can't change what's there. Once it gets approved then you can change it. You can't amend it. You are correcting a clerical error.

Matt- It is a clerical error, but is inconsistent with what has been changed. I don't want to be stubborn about this, but I don't want to put in something that doesn't make any sense.

Orion- If you keep in the above ground level first floor area if the ADU itself how does it impact?

Tom- Sam, can you recite the definition of ADU that you are proposing?

Sam- Reads the proposed definition.

A minor discussion is had about the definition of dwelling.

Sam- Reads the proposed definition of dwelling.

Matt- I think it includes ADU's. I move that the following ordinance be moved forward to a public hearing that any dwelling shall have a minimum above ground level, first floor area of 600 square feet of living space. Seconded by Todd. All in Favor (4-0)

Solar Farms Standards

Matt- Is the vision that we accomplish Solar standards and site plan review updates? In time for the June town meeting?

Sam- The goal with Solar will take a few rounds of revisions.

Tom- Solar developments are viewed in different ways. I am looking down the road in 30 years from now when you have an abandoned solar farm. Someone has to put it on the table as a warning. Life expectancy is 20-30 years, 30 years if you're lucky 20-25 years will require performance bonding because developers will go south, solar companies go south your town is left with an abandoned solar farm. That's absent in the first draft. This will require multiple drafts. It will take many meetings so we can refine it to the point and be satisfied with a good solar development if one does come. Be realistic that 20-25 years from now there will be issues with the abandon solar panels which are toxic. I am trying to express how much a concern this is. On site plan review there is an overwhelming task needs revamping. There may be an opportunity to do something the board would appreciate. Form a small committee of town officials, made up of the Fire Chief, Head of Public Works, Town Planner and the Codes Enforcement Officer. Communities like yours and larger will have a committee to do the preliminary research as a site plan review committee, someone to do some of the leg work. A site plan review committee would be an advanced review and then submitted for review. It is a helpful tool for you to use as a time saver.

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Tom- If the board would like I can generate that. It is procedural. If it is not than we take a look at the whole site plan review. Many communities are forced to define what is a minor developmental and a major development we will be forced into defining that into square footage.

Orion- It will take time to craft smart legislation. What are our existing rules now?

Tom- You have no criteria at all. You have site-plan review. Solar farms are complicated.

Matt- I think Tom is saying that we have a lot of folks that can work on this on a professional level. I am inclined to table them tonight.

Tom- A committee composed of codes, planning, highway department and fire chief can be created. We can do a complete overhaul in June of 2025. I can send the language to Marcia and you can look at it.

Matt- Can I propose that we focus on one of these two. I think site plan review is a little more urgent.

Todd- With Tom's concerns about solar I agree prioritizing the submission of the definitions for solar farms are pretty simple. Do we want to knock that out?

Matt- I don't know if it will do anything to have the definitions. Planning Boards procedures are pushed out one more month. Matt will contact Becky and ask to take them off the website. Sam, can you run a first draft of checklists similar to what you have done before. The goal is a completeness review.

Sam- Site plan review, Conservation subdivision and minor subdivisions.

Tom- On the generalized checklist Marcia and Sam can work together on those. The highest priority is the Conservation sub-division one. As there is an absence of any checklist.

Matt- I want to make sure we are transparent with them. I don't want to spring that on the applicant. It is likely the board will require a third-party consultant.

Tom- In the very near future peer review will be necessary. I appreciate you bringing that up. It will only be a paragraph or two. I will propose this to the board as step one and what the assigned costs are. The Selectboard is empowered to do the fee schedule update.

Orion- I would like to thank the boots on the ground people.

Matt- I move that we adjourn the meeting. Marcia to second. All in favor, meeting adjourned at 8:47pm.

Respectively submitted,

*Alison Purinton*

Planning Board Recording Secretary