



# Town of Eddington

906 Main Road Eddington, Maine 04428

## PLANNING BOARD

February 24, 2011

6:30 p.m.

## MINUTES

**CALL TO ORDER:** Meeting was called to order at 6:36 pm by Tom Vanchieri.

**ROLL CALL:** Members present were Tom Vanchieri, Frank Higgins, Susan Dunham-Shane, Gretchen Heldmann and Russell Smith, Town Manager. Henry Hodges had an excused absence. Jeff Thurlow and Charles Norburg had unexcused absences. Motion to accept Frank as a voting member of the Board for tonight's meeting by Susan Dunham-Shane, Gretchen Heldmann 2<sup>nd</sup>. All in favor.

**MINUTES:** Motion to accept the minutes of the February 10, 2011 meeting after correcting the spelling of Eolian and adding reference to previous sections mentioned in numbers 5 and 9 by Frank Higgins, Gretchen Heldmann 2<sup>nd</sup>. All in favor.

**UNFINISHED BUSINESS:** The Board will discuss the issues that were brought up at the two Public Hearings for the Wind Mills.

1. The Board wanted to address the issue of whether a Wind Energy Facility could be classified as a Public Utility – They would like Russell to ask the lawyer if the Town has any authority to regulate a Public Utility. (If the lawyer's response is that it is legal, they would like to add "both public and private" to Section 102.1.)
2. The Board wanted to work on the wording in the Ordinance for regulating the decommissioning of abandoned WEF. After much discussion it was decided to reword section 105.14.2 – Leave the first sentence as it is and at the beginning of the second sentence, change "The" to "Any portion of a WEF".
3. Continuing with decommissioning, they would like to reword section 105.14.3 by leaving the first sentence as it is and changing the rest of this section to read "A performance bond or cash escrow account held by the town shall be acceptable surety. 20% of the estimated cost of decommissioning shall be added to the surety account by the WEF on an annual basis until the security account accrues 100% of the estimated cost of decommissioning and restoration in accordance with the approved plan adjusted for inflation and as approved by the PB. Once the account has accrued 100% of the estimated cost to complete decommissioning and restoration, no further contributions will be required, but the surety account shall remain in effect for the full operating life of the WEF. Failure to maintain the surety account shall be cause for revocation or denial of renewal of the WEF Operational License issued under section 106." Gretchen will email Denise the exact wording for this section.

4. To better define abandonment, the Board would like to change 108.3 to read “A WEF Operational License shall be deemed totally or partially abandoned if all or any portion of the WEF has ceased for twelve consecutive months. An Operational License expires immediately upon abandonment of any portion of the WEF. Any portion of a WEF which has not operated for twelve consecutive months shall be deemed abandoned and the operational license for that portion of the WEF shall expire.
5. In regards to whether to vote on the Small and Large Wind Energy Facilities Ordinances as one Ordinance or to make it two separate warrant articles, the Board decided to keep them together.
6. Susan mentioned possibly changing the setback of 105.2.1.2 from 2500’ to 2000’. The Board discussed it and said it had initially been set at 2500’ with the option of a Mitigation Waiver, so they decided to leave it as it is.
7. Gretchen will revise the bullet prepared for the Public Hearings to explain the use of A-Weighting and C-Weighting for sound measurement. She will also add information on decommissioning.
8. The Board decided that though they have looked for information on the effect of towers on the bird and bat population, they have not found enough to address it in the Ordinance.

There will be Public Hearings on the WEF Ordinance at the March 8<sup>th</sup> and March 15<sup>th</sup> Selectmen meetings. The meetings start at 6:00 pm. It had been thought that the first Public Hearing would be at the March 1, 2011 meeting, but this meeting will be to work on the budget.

**NEW BUSINESS:** Susan will write the report for the Planning Board for the Town Report by March 3, 2011. Town Meeting will be held March 22, 2011, at 7:00 pm at the Eddington School.

The next Planning Board meeting will be Thursday, March 10, 2011. Russell will ask Charles Gilbert about the review on the Subdivision Ordinance. The Board has a little more work to do on the Zoning Ordinance.

Gretchen asked when the Town could change their Fiscal Year, so that it would be more in line with the School Budget. This would make the budget process for the town easier because the school budget would be completed and the information available to be considered by the Town when they are figuring the budget needed for the Town.

**PUBLIC ACCESS:** Peter Lyford asked the Board if they had considered any of the changes to the Ordinance because of the two letters he had presented to the Board at the last Public Hearing from Cianbro and Eolian. He also wanted to know if they planned to follow any of his suggestions to reduce the setback requirements in the Ordinance. The Board explained that based on the response from the people that attended the Public Hearing, a large majority of them felt that the Ordinance is appropriate as far as sound and distance setbacks, so they do not plan to make any changes to the Ordinance. They also explained that the Ordinance has taken the letter Eolian wrote into consideration in some areas. Mr. Lyford thanked the Board for considering his recommendations. He said he is looking at the ordinance as a Selectman and as possible revenue.

**ADJOURNMENT:** Motion to adjourn at 7:55 pm by Gretchen Heldmann, Susan Dunham-Shane 2<sup>nd</sup>. All in favor.

Respectfully Submitted,

Denise M. Knowles