

Minutes
Pittsfield Planning Board
Regular Meeting
October 27, 2014

The Pittsfield Planning Board met on Monday, October 27, 2014 at 7:00 pm in the Council Chambers of the Pittsfield Municipal Building, 112 Somerset Avenue, Pittsfield, Maine.

Present: Alan Dunphy, Brent Newhouse, Jack Wright, Jan Laux and Tom Cote. **Absent:** Walter Reuter, Holly Zadra and Royce Sposato. **Also Present:** Town Manager Kathryn Ruth and Building Inspector Steve Seekins.

1. Chair **Alan Dunphy** opened the meeting by leading the Pledge of Allegiance to the flag.
2. Motion by **Tom Cote** and seconded by **Jan Laux** to adopt the minutes of the meeting of July 7, 2014.

VOTE: UNANIMOUS AYE

3 **Public Hearing: NONE**

4 **New Business: NONE**

5 **Old Business:**

- a. Continue the implementation of the Land Use Plan Strategies listed in the Comprehensive Plan adopted August 2013 on page 137
 1. Add provisions regulating wind turbines, cell tower and pipeline/utility corridors.
 2. Strengthen resource protection provisions and incorporate reviews of “Beginning with Habitat” maps into the development review process.
 3. Add standards for “Wellhead Protection Districts”
 4. Require identification of prime farmland soil on subdivision applications.

Chair **Alan Dunphy** led the discussion on the above items.

5.a.1. The Maine State Planning Office Model Wind Energy Facility Ordinance was reviewed and suggestions were received from **Alan Dunphy** and other members of the Planning Board on how this ordinance might be customized to fit a proposed ordinance for the Town of Pittsfield. The following are some of the suggestions agreed upon.

- Revise definitions to coincide with and add to our existing chapter to 13-C.
- Define that once a building permit is issued and not expired the building is be considered as if it were there regardless of whether constructed or not.
- Combine the definitions of Generating Facilities and Generator Lead Lines into one.
- All windmill and or tower facilities will need Planning Board approval with the exception of windmills and or towers for residential or farming use, TV antennas, ham or CB radio antennas.
- The following zoning districts are allowed windmill and or tower facilities as conditional use, C-2, C-3, C-4-CDOC, SOD, AOD.

- The following zoning districts are not allowed windmill and or tower facilities C-1, MOD, R-1, R-2, R-3, R-4 and the RF district.
- The one goal of the proposed ordinance is to ensure all windmills and or tower facilities are a safe distance from the neighboring homes and properties. Suggested setbacks were 150% to 200% of the windmill and or tower facility's height.
- Small towers may have guy wires
- Windmills and or tower facilities height is to be measured from ground surrounding the turbine.
- A Planning Board public hearing is required for the approval of all windmills and or tower facilities that require Planning Board approval.
- All construction plans and construction will require the inspection and approval of Maine Licensed Engineer certified as Maine Third Party inspector.
- Use Appendix B & C in the proposed ordinance.

Alan Dunphy agreed to use the above guidelines to draft a proposed ordinance for the Planning Board to review at the next meeting.

Next the Model Personal Wireless Service Facilities Ordinance by KVCOG July 2009 was reviewed briefly and it decided it could be incorporated into proposed windmill ordinance above. Alan Dunphy agreed to do that. Steve Seekins is to get a copy of the KVCOG model ordinance in computer "Word" form for Alan to make changes to.

The pipeline/utility corridors aspect of item 5.a.1 above was discussed. It was decided that Town of Garland's ordinance was too restrictive and could not be used. Kathryn Ruth advised that at some time in the future she expects a natural gas line will come to Pittsfield. It was discussed that our current Site Plan Review ordinance with a few changes would effectively cover a pipeline application. Kathryn Ruth will provide Steve Seekins with some advice on this subject.

Next was the review of item 5.a.2 above "Strengthen resource protection provisions and incorporate reviews of "Beginning with Habitat" maps into the development review process". Ordinance from the towns of Brunswick, Brewer and the Maine State Planning Office model subdivision regulations were reviewed. It was noted that Pittsfield has exceeded state requirements for number of areas zoned as resource protection. It was felt that the town's present ordinance was sufficient to address this item.

Motion by **Jack Wright** and seconded by **Tom Cote** to make no changes to the town existing ordinances with regards to Beginning Habitat.

VOTE: UNANIMOUS AYE

Item 5.a.3 add standard for "Wellhead Protection Districts". It was discussed that wells at interstate rest areas and the one near Cianbro's yard on Peltoma Ave. are no longer used. The well that is used by the town is actually in Detroit. It was noted that any ordinance adopted by Pittsfield would not be enforceable in Detroit. Also it was noted that the State of Maine has a wellhead protection area statute.

Motion by **Jan Laux** and seconded by **Brent Newhouse** to add a sentence to the appropriate town ordinance that Wellhead Protection per the State of Maine Wellhead Protection statute will be used in the town.

VOTE: UNANIMOUS AYE

Item 5.a.4 "Require identification of prime farmland soil on subdivision applications".

It was discussed that town zoning maps show areas of prime farmland. It was decided that a sentence should be added to the Site Plan Review Ordinance and the Subdivision Ordinance stating that prime farmland shall be identified on all applications.

Motion by **Alan Dunphy** and seconded by **Tom Cote** to add a sentence to to the Site Plan Review Ordinance and the Subdivision Ordinance stating at prime farmland shall be identified on all applications.

**VOTE: AYE by Alan Dunphy, Jack Wright, Jan Laux and Tom Cote.
Nay by Brent Newhouse**

6. Other items that come before the Board:

Kathryn Ruth discussed the Town of Pittsfield's Medical Marijuana Dispensary Moratorium Ordinance. She noted this a time-limited ordinance that will allow time for drafting an ordinance that would provide permitted locations and address issues such as signage and security. She presented members with a sample ordinance from Rockland Maine. She advised the board that a Medical Marijuana Dispensary can not be disallowed by state law but can be regulated by town codes. The Planning Board will be tasked drafting this ordinance. Kathryn Ruth advised another Moratorium Ordinance that will address Methodone Clinics would be forth coming. Kathryn will complete some research on this subject for the Board.

7. **Alan Dunphy** discussed his resignation letter.

8. Adjournment:

Motion by **Tom Cote** and seconded by **Jack Wright** that the meeting be adjourned at 8:45 pm.

VOTE: UNANIMOUS AYE

Respectfully submitted by:
Steve Seekins, Building Inspector
Nicole Nickolan, Town Clerk