

Meeting Minutes

Newcastle Planning Board Meeting

January 18, 2024, 6:30 PM

Hybrid Meeting: Clayton V. Huntley Jr. Fire Station, 86 River Road & via Zoom

Join Zoom Meeting: <https://us02web.zoom.us/j/87852494026>

Meeting ID: 878 5249 4026

Passcode: 04553

Present:

Ben Frey, Chair
Lucas Kostenbader, Member
Kevin Houghton, Member
Wanda Wilcox, Member

Staff Present:

Michael Martone, Town Planner

1. Call to Order

Chair Ben Frey called to order at 6:30pm.

Chair Ben Frey introduced newly appointed Planning Board Member Wanda Wilcox, and thanked Peter McNaughton who recently stepped down as a Planning Board Member.

2. Review of Minutes

November 16, 2023 Planning Board Meeting Minutes

Motion: To approve the November 16, 2023 Planning Board Meeting Minutes as presented.

Moved by: Kevin Houghton

Second: Lucas Kostenbader

The Board has a brief discussion in approval of the format of the meeting minutes.

Vote: Yea: 3

Nay: 0

Abstention: 1 (Wanda Wilcox)

Result: The motion carries and the meeting minutes for the November 16, 2023 Planning Board meeting are approved.

3. Old Business

none

4. New Business

- i. Pre-Submittal Meeting: Tax Map 003, Lot 024 (745 US Route 1)
Applicant: Midcoast Solar, LLC

Chair Ben Frey recognized Sean Murphy, Senior Project Manager with Flycatcher and the Agent for the applicant.

Sean Murphy provided an overview of the project to the Board and provided an updated site plan. The solar panels will be set back approximately 1,500 ft from US Route 1 and be accessed via an existing entrance and a new driveway which will cross a stream rather than go through wetlands. The DEP has issued a natural resources permit by

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rule for the project as designed and presented to the Planning Board currently.

Michael Martone reviewed a draft Findings of Facts and confirmed with the Board that the Utilities & Services use would be the best fit for the project and that no Buildings were included in the application with the Applicant. The application will require reviews for a Special Use Permit and a Large Project Plan under the Core Zoning Code and for an Entrance under the Roads, Driveway, and Entrance Ordinance.

Michael Martone asked if the project had, or would be seeking, a permit from MDOT for the driveway entrance to US Route 1, which the Applicant confirmed they would be seeking an application for a change of use and to maintain the existing entrance. There is also conversation with the property owner about possibly using another entrance.

Michael Martone reviewed the required process and notices for the application which include a pre-submittal meeting—which the Jan. 18, 2024 meeting can qualify as; public notice of the Public Hearing—which can take place at the February 18, 2024 Planning Board Meeting.

Finally, Michael Martone reviewed the sets of standards the application would be required to meet.

Michael Martone had recommended that the application would require Subdivision review, however the Planning Board discussed the language in the Code and determined that Subdivision review was applicable to “neighborhood”-type utility installation—such as a sewer network or street network—and that this application was not required to submit to Subdivision review.

Motion: To find that Article 7, Section 12.B.6 of the Core Zoning Code, which identifies “Installation of utility services”, does not necessarily apply to Utility & Services uses, but rather to the installation of “neighborhood”-scale utility networks or systems. .

Moved by: Chair Ben Frey

Second: Lucas Kostenbader

Vote: Yea: 4

Nay: 0

Abstention: 0

Result: The motion carries and the Board finds that applications similar to the one submitted for 745 US Route 1 is not subject to review as a Subdivision.

Chair Ben Frey requested a note be made to clarify Section 12.B.6 of Article 7.

Michael Martone raised the questions of which reviews the Planning Board should conduct and which the CEO should conduct, as a Special Use Permit required Planning Board review, but Large Project Plans

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and Entrance reviews identify the CEO as the appropriate reviewer. The Applicant asked if having the whole project be reviewed by the Planning Board would be a problem, with the result being that the Applicant will submit a letter to the CEO to request that the Planning Board review the entire application with the decision being left to the CEO.

Michael Martone asked the Applicant to explain what kind of excavation or blasting might need to be done for the project, with the Applicant explaining that as little as possible would be done and only superficial excavation is typically needed for projects like this, depending on project and site specifics.

Michael Martone raised the question of the capacity of existing power lines to accommodate the project and a concern that all existing rights to that capacity may have been purchased by a previous project. Sean Murphy provided an explanation of how CMP manages such things and suggested that due to the size of the project and the power regulator allocation process, they did not see any reason capacity should be a problem for the project.

- ii. Public Comment (*limited to this agenda item*)
none

5. Other Business

A. Ordinance Update Work

- i. Shoreland Zoning Draft Amendments

The Board reviewed the expected process for making changes to the Shoreland Zoning Code, or any land use ordinance, and how the Planning Board's role fits in with that of the Select Board and with a vote at a Town Meeting.

Michael Martone reviewed changes that are being proposed to the Shoreland Zoning Ordinance, which include some reorganization, coordinating references within the Ordinance and to the Core Zoning Code, defining the various districts and permitted uses within each, and administration of Timber Harvesting.

Michael Matone explained one question that would be sent to the State which was around if the Town can regulate Timber Harvesting outside of the Shoreland Zone through a local land use ordinance.

The Board requested that in addition to cleaning up the list of districts and coordinating that with the Shoreland Zoning Map, the Shoreland Zoning Map should be updated to include a Village Center district—which is included in the Ordinance, but no location is defined either in the ordinance or on the Map. Michael Martone provided some explanation of what kind of issues the Town might be able to adjust given that shoreland zoning is mandated by the State with certain requirements that towns are not permitted to change.

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The Board discussed the limited area identified by the Shoreland Zoning Map as being in the Maritime Activities district and requested that also be reviewed when considering changes to the Shoreland Zoning Map.

The Board also agreed that if time permitted, clarifying the language around non-conforming structures and setbacks from the water would be desirable.

Chair Ben Frey raised the issue of Hazard Trees, enforceability and current language requiring consultation with the CEO, but not requiring a permit. Michael Martone will draft proposed revisions to clarify and simplify the review requirements around this.

- ii. Public Comment (*limited to this agenda item*)

B. Planner's Report

- i. LD 2003

Michael Martone provided an update to the Board regarding the implementation of LD 2003 and needed ordinance changes. While much of the Core Zoning Code is form-based, there are some standards that do regulate density and could therefore result in a 2.5x density bonus for some projects. Potential changes the Board discussed included adjusting 'bulk standards' to address the size of buildings rather than the number of units, allowing more accessory buildings on lots, and simply adjusting the Code to be more fully 'form-based'. Michael Martone will provide a summary document for the Board on LD 2003.

C. Public Comment (*open to all topics*)

none

6. Adjourn

Without objection the meeting was adjourned at 8:15 pm.