

Town of Belgrade Planning Board

April 7, 2022 / 6 p.m.

Belgrade Town Office
990 Augusta Road
Belgrade, ME 04917

This meeting will be conducted in person.
The public may also view the meeting and participate online at
<https://us02web.zoom.us/j/83033101494>

A G E N D A

Call to order

1. OLD BUSINESS

- A. Discussion and consideration of **Commercial Development Review Ordinance amendments** addressing commercial solar facilities.

2. NEW BUSINESS

- A. **CONDOMINIUM DISSOLUTION** – Applicants: Manisha Thakot, Jeffrey and Joanna Bearce, James Smith. Location: Chestnut Road (Messalonskee Lake), Map 20 Lot 23. Purpose: Convert existing condominium into three (3) single-family lots and one (1) commonly owned lot.

- B. **SHORELAND APPLICATION** – Applicant and owner: Randall Briggs. Location: 324 Timber Point Rd. Map 8A Lot 5. This is a non-conforming lot (135' of shore frontage) and a non-conforming structure (Partially inside the 100' high-water mark). There will be no change to the footprint. Purpose: Interior changes – add a bathroom, enclose first-floor bedroom (slab in place from past permit, see attached minutes), move decking stairs providing more zone compliance, replacing rotting decking boards, replace window and doors on ground floor.

3. OLD BUSINESS

- A. Consideration of March 17, 2022, Planning Board **minutes**.

4. ADJOURN

TOWN OF BELGRADE

~~UTILITY SCALE~~ SOLAR ENERGY-PRODUCING FACILITY ORDINANCE

~~DRAFT 10-18-2021~~

Section 1. Purpose

~~The purpose of this Ordinance is to~~ establish a municipal review procedure and siting standards for ~~Utility Scale~~ Non-Residential Solar Energy-Producing Facilities (~~USSE's~~ NSEPFs hereinafter referred to as "solar facility"). These standards are intended to:

- a. Establish clear guidelines and standards to regulate ~~utility scale~~ non-residential solar ~~energy-producing~~ facilities;
- b. Permit the Town to fairly and responsibly protect public health, safety and welfare;
- c. ~~Support~~ Regulate the development of ~~utility scale~~ non-residential solar energy producing facilities in a manner that minimizes any potential adverse effects on the scenic, cultural, and natural resource character of the Town;
- d. Provide for the removal of panels and associated ~~solar facility~~ utility structures that are no longer being used for non-residential energy generation and transmission purpose; and
- e. Support the goals and policies of the Comprehensive Plan, including orderly development, efficient use of infrastructure, and protection of natural and scenic resources.

Section 2. Authority

This Ordinance is enacted pursuant to the enabling provisions of Article VIII, Part 2, §1 of the Maine Constitution, the provisions of Title 30-A MRSA, §3001 (Home Rule), and the provisions of Title 30-A §4312 et. seq. (Comprehensive Planning and Site Plan Review Regulation, or "Growth Management" Act).

Section 3. Applicability

~~No Utility Scale Solar Energy Facility shall be located within the Town of Belgrade without a Permit issued by the Town of Belgrade Planning Board, unless specifically exempted from the permit requirements of this Ordinance.~~ Any physical expansion, reconfiguration, or increase in the Rated Nameplate Capacity of an existing Non-Residential Solar Energy Producing Facility shall also require approval from the same permitting authority as required for a new ~~Utility Scale Solar Energy Facility~~ NSEPF solar facility under this Ordinance. ~~Routine maintenance or replacements do not require a permit.~~

Commented [GS1]: Article 7 - Section 5. NON-RESIDENTIAL SOLAR ENERGY PRODUCING FACILITIES

Commented [AW2]: This could be added to the CDRO's Section 2, titled Purpose, as paragraph G on page 2

Commented [GS3R2]: Sorry did not pick up on these comments at last meeting. Suggest add "b" & "e" to existing Purpose section of pg. 2 of ordinance. Locate remainder of this paragraph in the new Section 5 of Article 7 since only apply to solar facilities.

Commented [GS4]: We discussed at meeting the awkwardness of repeating "non-residential solar energy producing facility". An alternative to using a non-sensical acronym is the convention of ... "(hereafter referred to as solar facility)"? Then use "solar facility" in rest of the new Section 5.

Commented [AW5]: Art. 1, Sec 2 on page 1 of the CDRO speaks to authority. It cites 3001, but not 4312. We could replace that entire section with this language.

Commented [GS6R5]: I agree with your suggestion.

Commented [AW7]: This is language from the KVCOG template that could be added as another bullet to Sec. 9.1 on page 16.

Commented [GS8R7]: Agree with suggestion.

D. The establishment of a new non-residential use, including but not limited to gravel pits, mining operations, cemeteries, golf courses, non-residential solar energy-producing facilities, and telecommunication and wind power towers, even if no buildings or structures are proposed.

Commented [AW9]: This tracked change is George's suggested added language to Art. 3, Sec. 1 on page 3 of the CDRO.

D. The establishment of a new non-residential use, including but not limited to gravel pits, mining operations, cemeteries, golf courses, non-residential solar energy-producing facilities, and telecommunication and wind power towers, even if no buildings or structures are proposed.

Commented [AW9]: This tracked change is George's suggested added language to Art. 3, Sec. 1 on page 3 of the CDRO.

SECTION 2. USES NOT REQUIRING REVIEW

G. The following solar energy producing facilities:

Commented [AW10]: The Planning Board voted on March 17 to add this paragraph to Section 2 of the CDRO.

1. A facility only providing electricity to the owner's residential land use or off-setting the electrical utility bill of a residential land use by means of net metering, and when the facility is located on property owned by the owner of the residential land use.
2. Roof-mounted solar energy facilities on any legally permitted non-residential or residential principle or accessory structure;
3. Building-integrated solar power, including shingle, roof, hanging or canopy solar modules, windows, skylights, or walls, installed in a legally permitted non-residential or residential principle or accessory structure; and,
4. Repair or replacement of solar modules or other facility components that do not enlarge a non-residential facility's impervious surface area.

Definitions

As used in this Ordinance, unless the context otherwise indicates, the terms referenced below have the following meanings:

Commented [AW11]: These could be added to the alphabetical listing of definitions in Art. 8 beginning on page 45.

Community-based renewable energy project: a solar energy-producing facility which meets the definition in state statute (Title 35-A, subsection 3209-A) of a "community-based renewable energy project."

Commented [GS12R11]: Agree that all definitions should be in the same article of the ordinance.

Decommissioning: means the full and complete physical removal of all components of a non-residential solar energy-producing facility, including but not limited to solar panels, associated anchoring systems and foundations, other structures, buildings, roads, fences, cables, electrical components, and associated facilities and foundations.

Distributed generation renewable energy project: a solar energy-producing facility which meets the definition in state statute (Title 35-A, subsection 3209-A) of a distributed generation renewable energy project.

Farmland: means any tract or tracts of land used for commercial farming:

Commented [AW13]: This definition comes from the state statute cited within the definition.

A. That consists of 5 or more contiguous acres;

B. That has produced a gross annual farming income of at least \$2,000 per year from the sales value of farm products in one of the 2, or 3 of the 5, calendar years preceding the date of application for registration under Title 7, Part 1, Chapter 2-B.

C. That is land on which a farm product is produced.

Commented [GS14R13]: Helpful.

"Farmland" does not include land used for woodlots, homes, farm buildings, roads, lawns or any area covered with noncrop vegetation that borders abutting land.

Financial capacity: Means the demonstration of current and future financial capacity, which must be unaffected by the owner's or operator's future financial condition, to fully fund decommissioning in accordance with an approved decommissioning plan under this ordinance.

Net metering: means the same as net energy billing (NEB) as defined by the Maine Public Utilities Commission in Chapter 313, titled "Customer Net Energy Billing," of the Commission's regulations, and includes both kWh credit and tariff rate programs.

Non-residential solar energy-producing facility: any commercial, industrial, institutional or other non-residential solar energy facility producing electricity with ground-mounted solar modules regardless of total size or power output, including, but not limited to, any facility:

- 1) selling power to the regional electric grid;
- 2) that is classified by the Maine Public Utilities Commission as a community-based or a distributed generation renewable energy project;
- 3) producing energy for use by a commercial, industrial or institutional land use; or
- 4) generating and providing electrical power to the grid under a net-metering agreement with Central Maine Power Company in accordance with Chapter 313 of the Maine Public Utilities Commission regulations.

Rated Nameplate Capacity: means the maximum rated output of electric power production of the photovoltaic system in watts of Alternating Current (AC)

Residential Dwelling Unit: A room or group of rooms designed and equipped for use as permanent, seasonal, or temporary living quarters for only one family at a time and containing cooking, sleeping, and toilet facilities. The term shall include mobile homes and rental units that contain cooking, sleeping and toilet facilities regardless of the time-period rented. Recreational vehicles are not residential dwelling units.

Commented [AW15]: This language comes directly from the SZO.

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Transfer of ownership: means a change in the legal entity that owns or operates a solar energy development. A sale or exchange of stock or membership interests or a merger is not a transfer of ownership as long as the legal entity that owns or operates the solar energy development remains the same. _____

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Commented [AW16]: I BELIEVE this paragraph should be added to Art. 4, Sec. 3.2 on page 6 of the CDRO.

Commented [GS17R16]: I actually think would stand out more if in new Section 5 of Article 7, especially given wording. That would ensure an applicant & and the Board are reminded that this section supplements the rest of the ordinance and that the rest of the ordinance also needs to be met.

Administration and Enforcement

~~This Ordinance Regulations related to non-residential solar energy-producing facilities~~ will be administered as an additional level of review along with the provisions of the Site Plan Commercial

~~Development~~ Review Ordinance, including ~~Sections II-Articles 1 through 8W~~, which are hereby incorporated by ~~reference into this Ordinance, and the requirements of the following Ordinance shall apply to all Utility Scale Solar Energy Facility (USSEF) Applications: Ordinance No. 15-001, which is hereby incorporated by reference into this Ordinance.~~

~~Permit Required. An approval Permit from the Planning Board is required prior to the installation, construction, or expansion of a Utility Scale Solar Energy Facility (USSEF). USSEF's must meet the requirements of this Ordinance and the Site Review Ordinance. All USSEF's must also meet all federal and state electrical codes and permitting requirements.~~

In addition to the requirements listed in Art. 4 Sec. 5.4 of the Commercial Development Review Ordinance, an application for a non-residential solar energy-producing facility permit must also include the following:

Commented [AW18]: The requirements enumerated here could be added to this portion of the CDRO.

In addition to the requirements listed in Art. 4 Sec. 5.4 ~~tion II~~ of the ~~Site Plan~~ Commercial Development Review Ordinance, an application for a USSF non-residential solar energy-producing facility permit must also include the following:

Commented [AW18]: The requirements enumerated here could be added to this portion of the CDRO.

a. An additional permit / technical review fee to be set by the Board of Selectpersons shall be payable at the time of application. This fee will be reviewed and amended as necessary on an annual basis. The Planning Board may at its discretion retain independent technical or legal expertise to assist in review or supplement the evidence presented by the applicant and received during the public hearing. The cost of such assistance shall be borne by the applicant according to the terms of an escrow account set-up at the time the application is submitted as listed in the Permit Fee Schedule established by the Board of Selectpersons.

Commented [AW19]: This language mirrors what appears in Sec. 5.5b on page 11 of the CDRO. The board may want to consider whether it wants/needs this language in twice, including in Sec. 5.4.

a.b. A description of the owner of the facility, the operator if different, and detail of qualifications and track record to run the non-residential solar energy-producing facility;

Commented [GS20R19]: Either location is fine with me at the end of the day. I agree with your suggestion to add a reference to the list of application submissions in Sec. 5.4 B – e.g., and, if required by the Board, an escrow account payment for hiring by the Planning Board of independent technical or legal expertise to assist it in its application review.

b.c. If the operator will be leasing the land, a copy of the agreement (minus financial compensation) clearly outlining the relationship inclusive of the rights and responsibilities of the operator, landowner, and any other responsible party with regard to the USSF and the life of the agreement;

Commented [AW21]: This is where the Planning Board stopped its review on March 17.

c.d. A description of the energy to be produced and to whom it will be sold;

d.e. A copy of the agreement and schematic details of the connection arrangement with the transmission facility, clearly indicating which party is responsible for various requirements and how they will be operated and maintained;

e.f. A description of the panels to be installed, including make and model, and associated major facility components;

f.g. A construction plan and timeline, identifying known contractors, site control, and anticipated on-line date;

g.h. A full official land survey of the proposed site. Must include any Rights of way and Easements on the property and be sealed and/or stamped by a Maine licensed professional surveyor.

h.i. An operations and maintenance plan, including site control and the projected operating life of the facility;

i.j. An emergency management plan for all anticipated hazards;

j.k. Proof of financial capacity to construct and operate the proposed USSF; and

k.l. A Visual Impact Assessment

An analysis to determine potential visual effect of the USSF must be undertaken.

In all visual impact assessments, scenic resources within the viewshed of the proposed activity must be identified and the existing surrounding landscape must be described. The assessment

must be completed following standard professional practices to illustrate the proposed change to the visual environment and the effectiveness of any proposed mitigation measures.

A visual impact assessment must also include narratives to describe the significance of any potential impacts, the level of use and viewer expectations, measures taken to avoid and minimize visual impacts, and steps that have been incorporated into the activity design that may mitigate any potential adverse visual impacts to scenic resources.

The Visual Impact Assessment must include the following elements:

i. A visual and cartographic analysis (Viewshed Analysis)

A geographical representation of all the areas of where the USSF, from its highest points is visible from the surrounding (impact) area should be presented. The radius of the impact area to be analyzed must be based on the relative size and scope of the proposed activity given the specific location. Areas of the impact area from which the activity will be visible, including representative and worst-case viewpoints, must be identified. Line-of-sight profiles constitute the simplest acceptable method of illustrating the potential visual impact of the proposed activity from viewpoints within the context of its viewshed. A line-of-sight profile represents the path, real or imagined, that the eye follows from a specific point to another point when viewing the landscape.

ii. Site inventory and photographic review.

This should provide a comprehensive and objective means by which to analyze and assess the potential visual and aesthetic impacts that may result from the USSF and its associated elements.

iii. Visual Simulations - Visual simulations should be provided to show a photo-realistic perspective view of proposed USSF elements in the landscape, thereby allowing abutters to clearly visualize how a project will really look from their primary residential structure.

The visual impact assessment must be prepared by a design professional trained in visual assessment procedures, or as otherwise directed by the Planning Board.

1.m. A decommissioning plan, including:

i. A description of the trigger for implementing the decommissioning plan. There is a rebuttable presumption that decommissioning is required if no electricity is generated for a continuous period of 12 months. The Applicant may rebut the presumption by providing evidence, such as a force majeure event that interrupts the generation of electricity, that although the project has not generated electricity for a continuous period of 12 months, the project has not been abandoned and should not be decommissioned.

ii. A description of the work required to physically remove all solar panels, associated foundations, buildings, cabling, electrical components, and any other associated facilities to the extent they are not otherwise in or proposed to be placed into productive use. All earth disturbed during decommissioning must be graded and re-seeded, unless the landowner of the affected land requests otherwise in writing.

[Note: At the time of decommissioning, the Applicant may provide evidence of plans for continued beneficial use of any or all of the components of the Solar Energy Facility. Any changes to the approved decommissioning plan shall be subject to review and approval by the Planning Board.]

- iii. An estimate of the total cost of decommissioning less salvage value of the equipment and itemization of the estimated major expenses, including the projected costs of measures taken to minimize or prevent adverse effects on the environment during implementation of the decommissioning plan. The itemization of major costs may include, but is not limited to, the cost of the following activities: panel removal, panel foundation removal and permanent stabilization, building removal and permanent stabilization, transmission corridor removal and permanent stabilization, and road infrastructure removal and permanent stabilization. This cost estimate must be updated every three (3) years.
- iv. Demonstration in the form of a performance bond, surety bond, letter of credit, or other form of financial assurance as may be acceptable to the Planning Board that upon the end of the useful life of the USSF the Applicant will have the necessary financial assurance in place for 100% of the total cost of decommissioning, less salvage value. The Applicant may propose securing the necessary financial assurance in phases, as long as the total required financial assurance is in place a minimum of 5 years prior to the expected end of the useful life of the USSF. The financial assurance shall include a provision granting the Town the ability to access the funds and property and perform the decommissioning if the USSF is abandoned or the Applicant or subsequent responsible party fails to meet their obligations after reasonable notice, to be defined in the agreement and approved by the Planning Board.
- v. Transfer of ownership. Upon a transfer of ownership of a solar energy development subject to a decommissioning plan approved under this ordinance, a person that transfers ownership of the development remains jointly and severally liable for implementation of the plan until the Planning Board approves transfer of the decommissioning plan to the new owner or operator.

Section 7. Standards for Approval

In addition to the requirements in Section III of the Site Plan Review Ordinance, the following standards must also be met:

- a) Legal Responsibilities: The Applicant must provide proof of authorization to construct, use, and maintain the property and any access drive for the life of the USSF and including the decommissioning of the USSF. The roles and responsibilities of the facility owner, operator, landowner and any other party involved in the project must be clear and meet the satisfaction of the Planning Board that the public interest is protected.
- b) Setbacks: Structures (including fencing) that are part of a USSF shall be setback a minimum of **100 feet** from any existing residential dwelling structure.
- c) Height: The USSF shall be no more than 15 feet high at its tallest point of any equipment.
- d) Utility Notification: No USSF shall be installed until evidence has been given to the Planning Board that the applicant has an agreement with the local utility to accept the power.

- e) Fencing: The Planning Board may require that a USSF be enclosed by fencing to prevent unauthorized access and may also require landscaping to avoid adverse aesthetic impacts of installed fencing to adjacent properties.
- f) Signage: Signage shall be required to identify the owner of the USSF and provide a 24-hour emergency contact phone number. This signage shall not be used for advertising except for reasonable identification of the manufacturer or operator of the USSF. A clearly visible warning sign shall be placed at the base of all pad-mounted transformers and substations and on the fence surrounding the USSF, informing individuals of potential voltage hazards, including stating the output of power (AC or DC).

Signage indicating the official e911 address of the Facility shall also be required to clearly be visible, from both directions of travel, from the public road or roads from which the USSF is accessed.

- g) Visual Impact: Any USSF should not have any detrimental effect on the scenic resources of the town or degrade the scenic value from abutters properties. In order determine the visual impact of any USSF, the Planning Board will, using the information provided in the Visual Impact Assessment study (See above), consider the following:
 - i. The significance of the potentially affected scenic resources;
 - ii. The existing character of the surrounding area;
 - iii. The expectations of the typical viewer;
 - iv. The project purpose and the context of the proposed activity;
 - v. The extent, nature and duration of the potential effect of the USSF's presence on the public's continued use and enjoyment of the towns scenic resources.

- h) Emergency Services: The USSF owner or operator shall provide a copy of the project summary, electrical schematic, and site plan to the Town of Belgrade Fire Chief. Upon request, the owner or operator shall coordinate with local emergency services in developing an emergency response plan. A "3200 Series KNOX-BOX" shall be provided and installed by the operator to be used to allow emergency service personnel continuous access. All means of shutting down the USSF shall be clearly marked. The owner or operator shall identify a responsible person for public inquiries throughout the life of the installation.

Access roads to the USSF shall be of sufficient quality and dimensions to satisfy the fire chief that any emergency response vehicles be able to easily and safely gain access to and around the site.

- i) Maintenance Conditions: The USSF owner or operator shall maintain the USSF and all associated fencing and landscaping elements in good functional condition. Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security and visual barrier measures. The USSF must be properly maintained and be kept free from all hazards, including, but not limited to, faulty wiring, loose fastenings, being in an unsafe condition or detrimental to public health, safety, or general welfare. Site access shall be maintained to a level acceptable to the Town of Belgrade Fire Chief for emergency response. The owner or operator shall be responsible for the cost of maintaining the USSF and any access road(s).
- j) Modifications: Any material modifications to a USSF made after issuance of the required Town permit(s) shall require approval by the Code Enforcement Officer and/or the Planning Board.
- k) Satisfaction with All Aspects of Capacity and Plans Submitted: The Planning Board must find that the Applicant has the capacity to finance, safely operate and decommission the USSF.

From: [Legal Services Department](#)
To: [Anthony Wilson](#)
Subject: FW: Belgrade - Legal Information Request - solar regulation
Date: Thursday, March 17, 2022 10:35:46 AM

EXTERNAL MESSAGE:

Dear Anthony,

If I understand correctly, the proposal would effectively prohibit solar farms with a generating capacity of less than 5 MW in order to ensure that all solar farms built in Belgrade are fully taxable and are not eligible for the current tax exemption for farms generating less than 5 MW. If I have this right, in my opinion it would not be a legally enforceable provision because it bears no relationship to any legitimate land use objective, such as promotion of orderly growth and development, protection of neighborhoods and property values, and preservation of the environment.

I understand the motivation behind this proposal, but maximizing property tax collections or at least minimizing property tax exemptions is not a permissible objective for land use regulations. For this reason, I would not recommend that this proposal be incorporated in your ordinance.

I hope this advice is helpful, Anthony.

Best regards,

Richard P. Flewelling, Senior Staff Attorney

Legal Services Department

Maine Municipal Association

60 Community Drive, Augusta, ME 04330

1-800-452-8786 (in-state)

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From: Webmail

Sent: Wednesday, March 16, 2022 3:49 PM

To: Legal Services Department <legal@memun.org>

Subject: Belgrade - Legal Information Request - solar regulation

Legal Services - Web Member Inquiry - Anthony Wilson - Town of Belgrade

Municipality	Town of Belgrade
Subject	solar regulation
Full Name	Anthony Wilson
Title	Town Manager

Email Address townmanager@townofbelgrade.com
Telephone 207-495-2258
Fax Number:

Address 990 Augusta Road
City/ Town Belgrade
Zip 04917

Comments:

Belgrade's Planning Board is working on amendments to the Town's Commercial Development Review Ordinance related to commercial solar arrays. We have a moratorium in place, but a developer has submitted an application to the DEP for a 4.95MW solar farm. The developer admits that wattage is purposeful to take advantage of a state law that provides property tax breaks for developments that produce less than 5MW. A Selectperson proposed the ordinance set a minimum of 5.1MW as a way to ensure the Town can collect the full value of the taxes the development would otherwise pay. Your thoughts, please, as to the legality of such a regulation.

From: [Philip Saucier](#)
To: [Anthony Wilson](#)
Subject: RE: solar ordinance
Date: Monday, March 21, 2022 11:32:21 AM
Attachments: [image001.png](#)
[image002.png](#)

EXTERNAL MESSAGE:

Hi Anthony,

While municipalities generally have broad discretion in adopting land use and zoning regulations, any such regulation must be pursuant to and consistent with the Town's comprehensive plan. So in this case, any restriction on this type of commercial solar array use must be justified by showing consistency with the goals and planning for future development and growth outlined in that plan. I'll call to follow-up.

-Phil

Philip Saucier

Shareholder

Municipal & Governmental Services Practice Group Leader

207 228-7160 direct

207 774-1200 main

207 774-1127 fax

[My Bio](#) | [LinkedIn](#) | [Twitter](#)

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From: Anthony Wilson <townmanager@townofbelgrade.com>

Sent: Wednesday, March 16, 2022 3:48 PM

To: Philip Saucier <psaucier@bernsteinshur.com>

Subject: solar ordinance

EXTERNAL EMAIL

Phil, interesting question raised last night during the Selectboard meeting. Our Planning Board is working on amendments to the Commercial Development Review Ordinance related to commercial solar arrays. We have a moratorium in place, as you recall, but a developer has submitted an application to the DEP for a 4.95MW solar farm. The developer admits that wattage is purposeful to take advantage of a state law that provides property tax breaks for developments that produce less than 5MW. A Selectperson proposed the ordinance set a minimum of 5.1MW as a way to ensure the Town can collect the full value of the taxes the development would otherwise pay.

Your thoughts, please, as to the legality of such a regulation.

From: [Legal Services Department](#)
To: [Anthony Wilson](#)
Subject: RE: Belgrade - Legal Information Request - visual impact analysis
Date: Monday, March 21, 2022 10:33:01 AM
Attachments: [image001.png](#)
[image002.png](#)

EXTERNAL MESSAGE:

Hi Anthony,

Courts have generally found that protecting the aesthetic value, ecologically sensitive areas, or character of the locality are “legitimate” government interests for the purpose of upholding municipal ordinances. I am not aware of any case law where a court has specifically upheld an ordinance that contained a criteria or standard that required a planning board to analyze the impact on a neighboring municipality (or where the purpose of the ordinance was to minimize the visual impact on a neighboring municipality), so I would advise against incorporating this as a specific criteria or purpose for a local ordinance. However, the town probably can address many of the goals and issues you identified by simply phrasing the criteria or standard in a different way (i.e., instead of enacting a regulation for the purpose of protecting the view from neighboring municipalities, the town could say that the regulation is intended to preserve the scenic value of the Belgrade shoreline).

I’m glad to hear you will be working with the town attorney on this.

Best of luck,

Breana N. Gersen, Staff Attorney
Legal Services Department
Maine Municipal Association
60 Community Drive, Augusta, ME 04330
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From: Anthony Wilson <townmanager@townofbelgrade.com>
Sent: Friday, March 18, 2022 3:06 PM
To: Legal Services Department <legal@memun.org>
Subject: Re: Belgrade - Legal Information Request - visual impact analysis

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Breanna, two points:

1. If I'm understanding correctly, the board could legally consider the visual impact on neighboring communities or on the lake as a whole if it includes that standard in the regulations it is currently crafting, correct?

2. You nailed the legitimate interest, from our viewpoint. That is, Belgrade's economy, including its property values, is dependent upon the aesthetic appeal that brings seasonal residents and tourists to the Belgrades Lakes Region ... and chiefly our community. From that tidbit of info, do you believe that would be a defensible interest? And I will be working with the town attorney on this, but I was interested in the MMA's opinion, as well. Thanks for your help.

Anthony Wilson

Town Manager

Town of Belgrade

Office: 207-495-2258

Cell: 207-592-6031

Town Office

990 Augusta Road
Belgrade, ME 04917

townofbelgrade.com



From: Legal Services Department <legal@memun.org>

Sent: Friday, March 18, 2022 2:49 PM

To: Anthony Wilson <townmanager@townofbelgrade.com>

Subject: RE: Belgrade - Legal Information Request - visual impact analysis

EXTERNAL MESSAGE:

Dear Anthony,

As you may know, the planning board may only review a project based on the review standards or criteria established by the ordinance. It generally is not permissible for a planning board to modify a review standard or criteria to take into consideration impacts not clearly regulated by the ordinance. As such, I would not be able to weigh in on whether the planning board could consider the visual impact on another municipality without reviewing the ordinance provision requiring a “visual impact analysis.” Moreover, since you are still in the review phase, if there are questions on whether a proposed standard or criteria would allow for this type of review, it would be worth amending the

proposed criteria to make it clear. I encourage the town to work with the town attorney to draft an ordinance provision that meets the needs of the municipality.

Whether the town can adopt a review standard or criteria that requires the planning board to take into consideration the visual impact on another municipality will depend on the justification for such a standard. As you may know, in order for a court to uphold an ordinance requirement, the town must be able to show that the ordinance meets the rational basis test. This means that the town must show that the ordinance requirement is “rationally related” to a “legitimate” government interest. It could be difficult to articulate why the town has a “legitimate” interest in regulating the impact on other municipalities, but arguments could certainly be made for such a review standard or criteria (especially if the town is concerned with protecting the aesthetics or impact on the whole lake). Again, I would suggest working closely with the town attorney to develop a standard that will withstand legal challenge.

I hope this is helpful.

Best,

Breana N. Gersen, Staff Attorney
Legal Services Department
Maine Municipal Association
60 Community Drive, Augusta, ME 04330
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From: Webmail <webmail@memun.org>
Sent: Friday, March 18, 2022 2:19 PM
To: Legal Services Department <legal@memun.org>
Subject: Belgrade - Legal Information Request - visual impact analysis

Legal Services - Web Member Inquiry - Anthony Wilson - Town of Belgrade

Municipality	Town of Belgrade
Subject	visual impact analysis
Full Name	Anthony Wilson
Title	Town Manager

Email Address townmanager@townofbelgrade.com
Telephone 207-495-2258
Fax Number:

Address 990, Augusta Road
City/ Town Belgrade
Zip 04917

Comments:

The Belgrade Planning Board is working on commercial solar regulations. It plans to include in the ordinance a requirement that solar developers submit a visual impact analysis as part of their permit application. The Board wants to know if it legally can consider the impact a development may have in a neighboring municipality. In particular, the concern is that a development in proximity of one of Belgrade's lakes may be visible from the opposite shore in another community. Likewise, the Board asked if it can consider the visual impact on a lake as a whole versus only that portion of the lake that is within Belgrade's boundaries. Thanks in advance for your help.

From: [Philip Saucier](#)
To: [Anthony Wilson](#)
Subject: RE: solar viewshed analyses
Date: Monday, March 21, 2022 11:23:52 AM
Attachments: [image001.png](#)
[image002.png](#)

EXTERNAL MESSAGE:

Hi Anthony,

In my view the Town's ordinances should and can only regulate land within the Town's boundaries, and thus should only consider the visual impact on the portion of the lake within the Town's boundaries. It could certainly receive testimony and comments from any individual as to the visual impact, but it has no authority to regulate any potential harm outside of its boundaries. There could be some visual impact, however, it could consider from the Town's portion of the lake.

I hope this helps, and please let me know if you have any questions.

-Phil

Philip Saucier

Shareholder

Municipal & Governmental Services Practice Group Leader

207 228-7160 direct

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207 774-1127 fax

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BERNSTEINSHUR

[Portland, ME](#) | [Manchester, NH](#) | [Augusta, ME](#) | [bernsteinshur.com](#)

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From: Anthony Wilson <townmanager@townofbelgrade.com>

Sent: Friday, March 18, 2022 2:23 PM

To: Philip Saucier <psaucier@bernsteinshur.com>

Subject: solar viewshed analyses

EXTERNAL EMAIL

Phil, our Planning Board is working on commercial solar regulations. It plans to include in the ordinance a requirement that solar developers submit a visual impact analysis as part of their permit application. The Board wants to know if it legally can consider the impact a development may have in a neighboring municipality. In particular, the concern is that a development in proximity of one of Belgrade's lakes may be visible from the opposite shore in another community. Likewise, the Board asked if it can consider the visual impact on a lake as

a whole versus only that portion of the lake that is within Belgrade's boundaries.

Thanks in advance for your help. Hope you have a great weekend. I'll see you next week in Bangor.

Anthony Wilson

Town Manager

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Belgrade, ME 04917

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March 21, 2022

Via FedEx

Town of Belgrade Planning Board
Attn: Peter Rushton, Chair
990 Augusta Rd.
Belgrade, ME 04917

**Re: S & L Condominium, Chestnut Road (Messalonskee Lake)
Map 50, Lot 23**

Dear Mr. Rushton:

I represent Manisha Thakor, Jeffrey & Joanna Bearce, and James Smith, who are the three (3) unit owners of S & L Condominium, which consists of residential property (seasonal camp structures) located on Messalonskee Lake in Belgrade. Following an opinion of the Town Attorney that my clients' plan to convert the existing condominium into three (3) single-family lots and one (1) commonly owned lot would be permissible with Planning Board approval, we are respectfully requesting your approval of the same.

Background

First, I will provide a bit of background. On September 9, 1988, Stephen Jones and Larry Levesque acquired title to four (4) parcels of land and a right-of-way, by deed recorded in the Kennebec County Registry of Deeds at Book 3424, Page 280. From that property they created S & L Condominium, with themselves as the declarant. The declaration for the condominium, dated January 6, 1989, is recorded in the Registry at Book 3491, Page 25, and the 0.56-acre condominium land is shown on a plat recorded in the Registry at Plan File D-89012. For assessing purposes, the Town designates the condominium lot as Map 50, Lot 23.

Jensen Baird

March 21, 2022

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A copy of the recorded condominium plat is enclosed with this letter,¹ and it depicts three (3) camp lots (labeled Unit 1, Unit 2, and Unit 3) and a fourth lot labeled “Common Area,” which contains (i) a shared leach field that accepts domestic wastewater from the camp lots and (ii) a driveway that provides access to each property. The camp lots are owned as follows:

- Unit 1 is owned by Jeffrey and Joanna Bearce, who acquired that lot on July 29, 1998, by deed recorded in the Registry at Book 5691, Page 330.
- Unit 2 is owned by James Smith, who acquired that lot on August 22, 2003, by deed recorded in the Registry at Book 7590, Page 235.
- Unit 3 is owned by Manisha Thakor, who acquired that lot on November 24, 2021, by deed recorded in the Registry at Book 14264, Page 159.²

My clients, who comprise all of the current unit owners, are in unanimous agreement that they would like to dissolve the condominium form of ownership and convert the property back into four (4) separate lots, similar to how it was prior to the creation of the condominium. The enclosed “Boundary Survey, Chestnut Drive – Fire Road 08, Belgrade, Maine” (“Lot Plan”), recently prepared by Survey, Inc. (William C. Shippen, PLS), depicts the lot lines for the different parcels, which would match the existing lines shown on the condominium plat, as follows:

- Lot 1, a camp lot at 10 Chestnut Road (Bearce residence, formerly Unit 1);
- Lot 2, a camp lot at 8 Chestnut Road (Smith residence, formerly Unit 2);
- Lot 3, a camp lot at 6 Chestnut Road (Thakor residence, formerly Unit 3); and
- Lot 4, a commonly-owned lot containing the shared leach field and driveway.

Lots 1, 2 and 3 would be separately-owned, each with alienable title, and the owners would continue to jointly own and maintain Lot 4 containing the common leach field and driveway. (Each camp lot already has its own septic tank and share the leach field where

¹ The condominium plat shows approval by the Planning Board on December 1, 1988.

² Copies of all three deeds are enclosed with this letter.

Jensen Baird

March 21, 2022

Page 3

domestic wastewater is disposed of.) Additionally, Lot 4 would be subject to a covenant to confirm that the lot is unbuildable.

In essence, this form of ownership would reflect the manner in which the three (3) camp lot owners, and their predecessors-in-title, have used the land over the past several decades. Historically, each of the three (3) units has operated as a separate household, with the condominium serving as more of a formality that exists on paper but not actually in practice. Therefore, the conversion to single-family ownership would be reflective of the past practice and would not constitute a change in any aspect of the property's use "in the field," only on paper.

Analysis

For purposes of this request to the Planning Board, the applicable ordinance provision is Section 12(E)(3) of the Town of Belgrade Shoreland Zoning Ordinance ("SZO"), which provides as follows:

"If two or more principal uses or structures existed on a single lot of record at the time of or since adoption or amendment of this Ordinance, each may be sold on a separate lot provided that each lot complies with the State Minimum Lot Size Law and the Subsurface Wastewater Disposal Rules. When such lots are divided each lot thus created must be as conforming as possible to the dimensional requirements of this Ordinance."

Belgrade, Me., SZO § 12(E)(3). (A nearly identical provision is contained in Section 4(D) of the Town of Belgrade Minimum Lot Size Ordinance.) This provision involves a three step analysis:

1. **Lot of Record.** The condominium lot, which was created by combining four (4) parcels of land in 1989, predates the adoption of the SZO on November 5, 1991. Because the preexisting condominium lot does not meet currently applicable dimensional requirements (40,000 square feet per dwelling unit), it is a legally nonconforming lot of record.
2. **Preexisting Structures/Uses.** Here, there were three (3) camp buildings (principal structures) and the leach field (principal use) existing on this single lot of record at the time of adoption of the SZO. In fact, the buildings themselves date back to the 1930s.

3. **State Minimum Lot Size Law.** If applicable, the three (3) “new” lots must comply with the State Minimum Lot Size Law, 12 M.R.S. §§ 4807-4807-G. That law generally prohibits the onsite disposal of wastewater on lots that are smaller than 20,000 square feet in size or with less than 100 feet of frontage on a water body. *See* 12 M.R.S. § 4807-A. In this case, because all three (3) camp buildings will be sending domestic wastewater offsite to the jointly-owned Lot 4 for disposal, the State Minimum Lot Size Law is inapplicable to the three (3) camp lots, as Lot 4 is improved with an existing leach field that accepts wastewater from each of the three (3) camp buildings.³ Even if the State Minimum Lot Size Law were applicable to this situation, it provides an exemption for “any structure in existence and in place on or before October 3, 1973, which then or theretofore disposed of wastes by means of subsurface waste disposal.” Indeed, that is the case here, as all three buildings were existing and using a septic system as of the specified date.

We recognize that the three (3) camp lots that would result from this conversion would not meet current zoning requirements of 40,000 square feet for newly-created lots. However, these lots have been functionally divided and used as separate lots at least since the condominium was created in 1989, if not earlier than that. Furthermore, as indicated on the Plan, the lots would be as conforming as is feasible, in light of the fact that there are already permanent structures and improvements on each of the four (4) lots that would be difficult to relocate.

Conclusion

To summarize, my clients are seeking confirmation from the Planning Board that they may carry out this arrangement that would allow the condominium property to be converted back into four (4) separate lots—three (3) single-family camp lots and one (1) common lot—with boundaries for each lot as shown on the enclosed Lot Plan that simply matches the existing

³ An Attorney General’s opinion from December 23, 1970 dealing with this law was issued in response to a question whether a developer could divide land into lots smaller than 20,000 square feet if sewage would be disposed at a community leach field to be built on a different lot. The opinion answered that question in the affirmative, and also provided helpful clarification of the intent behind the Minimum Lot Size Law: “The obvious intent of this law is to prohibit the disposal of sewage on lots considered by the Legislature to be inadequate in size for that purpose (to wit, lots of less than 20,000 square feet) when such lots are not served by public or private community sewers. When sewage is not disposed of on site, but rather is carried away from the site . . . for disposal at a second site, there is no reason to insist upon a minimum lot size of 20,000 square feet to insure adequate sewage disposal.”

Jensen Baird

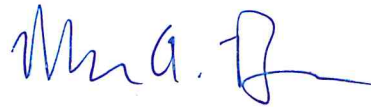
March 21, 2022

Page 5

unit boundaries on the condominium plat. This is similar to other divisions in Belgrade that the Board has approved in the past, and nothing would change operationally; it would merely be a change on paper.

On behalf of my clients, I look forward to discussing this application further with the Planning Board at an upcoming meeting. Thank you for your attention to this matter.

Sincerely,



Mark A. Bower

MAB

Enclosures

cc: Manisha Thakor (via e-mail)
Jeffrey & Joanna Bearce (via e-mail)
James Smith (via e-mail)

From: [Philip Saucier](#)
To: [Anthony Wilson](#)
Cc: [Richard Greenwald](#)
Subject: RE: 6 Chestnut Rd., Belgrade
Date: Wednesday, March 30, 2022 12:52:12 PM
Attachments: [image001.png](#)
[image002.png](#)

EXTERNAL MESSAGE:

Good afternoon Anthony,

I have had a chance to review Mark Bower's letter, and in my view he has accurately described the lot division requirements outlined in Section 12(E)(3) of the Shoreland Zoning Ordinance and in Section 4(D) of the Town's Minimum Lot Size Ordinance.

In terms of the State Minimum Lot Size analysis, he is correct that the law prohibits the onsite disposal of wastewater from any single family residential unit on lots where the unit is located that are smaller than 20,000 square feet in size or with less than 100 feet of frontage on a water body (12 M.R.S. § 4807-A), but in this case all of the wastewater is sent offsite to a separate jointly owned lot for disposal – and that it exempts structures in existence in existence and in place on or before October 3, 1973. The Board may want to request that the applicant include a review from the local plumbing inspector as to the adequacy of the system.

While I agree with Mark's analysis of the law, it is up to the Planning Board to determine whether the application meets the requirements based on the facts presented in the application.

I did want to note that as I have mentioned before, Planning Board approval is required because the previously approved plan included a condition requiring such approval for any lot that will be "resubdivided," any approval should be in the form of an amendment to that previous approval so that it is clear going forward.

Take care,
Phil

Philip Saucier
BERNSTEINSHUR - Shareholder
Municipal & Governmental Services Practice Group Leader
207 228-7160 direct
My Bio | Portland, ME

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From: Anthony Wilson <townmanager@townofbelgrade.com>
Sent: Tuesday, March 22, 2022 2:11 PM
To: Philip Saucier <psaucier@bernsteinshur.com>
Cc: Richard Greenwald <ceo@townofbelgrade.com>
Subject: FW: 6 Chestnut Rd., Belgrade

EXTERNAL EMAIL

Phil, we received the attached second document today from Mr. Bower. Will you please review this and let us know if you agree with his analysis of how the Minimum Lot Size Ordinance and the Subsurface Wastewater Disposal Rules apply (or don't) to this situation? We'll present your guidance to the Planning Board to assist in its decision. Thanks.

Anthony Wilson

Town Manager
Town of Belgrade

Office: 207-495-2258

Cell: 207-592-6031

Town Office

990 Augusta Road
Belgrade, ME 04917

townofbelgrade.com



From: Philip Saucier <psaucier@bernsteinshur.com>
Sent: Wednesday, January 19, 2022 5:46 PM
To: Mark A. Bower <mbower@jensenbaird.com>
Cc: Anthony Wilson <townmanager@townofbelgrade.com>
Subject: RE: 6 Chestnut Rd., Belgrade

EXTERNAL MESSAGE:

Hi Mark,

I'm sorry I am just now getting back to you on this, and I have since had a chance to review the additional information you shared. If the dates align as you note below (that the current lot was created prior to the adoption of the shoreland zoning ordinance) and all structures have been on the lot since the 1930s - then the lot is legally nonconforming and each structure can be sold on a separate lot under Section 12(E)(3) provided that each lot complies with the State

Minimum Lot Size Law and Subsurface Wastewater Disposal rule and each lot must be made as conforming as possible to the dimensional requirements of the Ordinance. This provision is substantially similar to Section 12(E)(2) of the Maine DEP Chapter 1000 Guidelines.

Since the condominium was approved by the Planning Board, however, and the approved plan contains a condition of approval (1) that requires Planning Board approval for any lot that will be "resubdivided," this should go back to the Planning Board for an amendment to that approval. I cannot speak for the Planning Board, as you know, and your application will need to address compliance and/or applicability of the State Minimum Lot Size Law and Subsurface Wastewater Disposal rules as you outline below.

Hope this is helpful.

Take care,
Phil

Philip Saucier

BERNSTEINSHUR - Shareholder

Municipal & Governmental Services Practice Group Leader

207 228-7160 direct

[My Bio](#) | [Portland, ME](#)

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From: Mark A. Bower <mbower@jensenbaird.com>

Sent: Monday, January 10, 2022 10:47 AM

To: Philip Saucier <psaucier@bernsteinshur.com>

Subject: RE: 6 Chestnut Rd., Belgrade

EXTERNAL EMAIL

Hi Phil,

The lots were combined to create the existing lot in 1989, when the condominium was created (condo declaration recorded at 3491/25). And it appears the SZO was not adopted by the Town until November 5, 1991. Therefore, because the preexisting condo lot does not meet currently applicable dimensional requirements (40,000 square feet per dwelling unit), I believe it is a legally nonconforming lot of record.

I believe Section 12(E)(3) of the SZO does apply to this situation, since the 3 structures existed on a single lot of record (the condo lot) at the time of the adoption of the SZO, and they will be divided to be as conforming as possible to the dimensional requirements. With regard to compliance with the

Minimum Lot Size Law, I don't believe that law applies here because wastewater is disposed of on the commonly owned fourth (non-shorefront) lot, not on the 3 individual camp lots themselves. (That law contemplates on-premises sewage disposal.) But even if that law did apply, the local plumbing inspector can approve a lot that is smaller than 20,000 square feet under 12 M.R.S. §§ 4807-B and 4807-C, and these structures would be exempt from the law under 12 M.R.S. § 4807-D, as the buildings were all in existence by 10/3/73.

I also believe that the parcel has been "functionally divided" as separate lots by virtue of the 3 structures that were in existence long before the enactment of the Town's SZO. As I stated previously, the structures date back to the 1930s. Therefore, I think this case falls under *Keith v. Saco River Corridor Comm'n*, 464 A.2d 150 (Me. 1983), where the owner wanted to divide her property into 4 separate lots – each containing a preexisting structure and suitable curtilage – even though the lots would not conform to applicable dimensional requirements. Here, the parcel was functionally divided both before becoming a condominium and then continued to be functionally divided under the condo form of ownership. Like in *Keith*, the 3 camp structures preexisted the SZO, and the change from condo ownership to individual fee ownership is not an "extension, expansion or enlargement of the previously existing nonconforming buildings, structures or use" under the SZO. *Id.* at 155. The creation of 3 lots from the condo parcel would simply restore the ownership structure that existed prior to the condo. And as a practical matter, the unit owners have been operating like 3 independent single-family lots, so this is really just a change on paper.

If it would be helpful to chat further I'd obviously be happy to.

Thanks!

-- Mark

Mark A. Bower

Attorney

JENSEN BAIRD

Ten Free Street
P.O. Box 4510
Portland, ME 04112
T: (207) 775-7271
D: (207) 518-5907

From: Philip Saucier <psaucier@bernsteinshur.com>

Sent: Friday, January 7, 2022 4:50 PM

To: Mark A. Bower <mbower@jensenbaird.com>

Subject: Re: 6 Chestnut Rd., Belgrade

I apologize- I intended to refer to Section 13(E)(3). Section 4(D) is a similar provision in the Town's Minimum Lot Size Ordinance. It's been a short/long week.

Philip Saucier

BERNSTEINSHUR - Shareholder

Municipal & Governmental Services Practice Group Leader

207 228-7160 direct

[My Bio](#) | [Portland, ME](#)

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On Jan 7, 2022, at 4:29 PM, Mark A. Bower <mbower@jensenbaird.com> wrote:

EXTERNAL EMAIL

Hi Phil,

Could you send me Section 5(D) of the SZO? I can't seem to find that section in the version of the ordinance that is posted online.

Also, the lots will not be disposing of wastewater on site, to the extent that makes a difference. I think the Minimum Lot Size Law contemplates that the septic system will be located on the same lot as the single family residential unit. Here there is a commonly owned rear lot that contains the septic system serving the three lots. (Currently it's owned by the condo, but if/when the condo is dissolved, the 3 lot owners will form a simple HOA to own the leach field and road.)

Thanks for looking into this.

-- Mark

Mark A. Bower

Attorney

JENSEN BAIRD

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T: (207) 775-7271

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From: Philip Saucier <psaucier@bernsteinshur.com>

Sent: Friday, January 7, 2022 2:37 PM

To: Mark A. Bower <mbower@jensenbaird.com>

Subject: RE: 6 Chestnut Rd., Belgrade

would be helpful, please let me know. Like I mentioned on the phone, the 3 owners of the condominium are interested in dissolving the condominium and going back to single-family ownership, which is what it has been (in practice) over the years. The proposed lot lines for the 3 lots would be as shown on the condo plat.

I look forward to hearing your thoughts on this issue. Thanks.

-- Mark

Mark A. Bower

Attorney

JENSEN BAIRD

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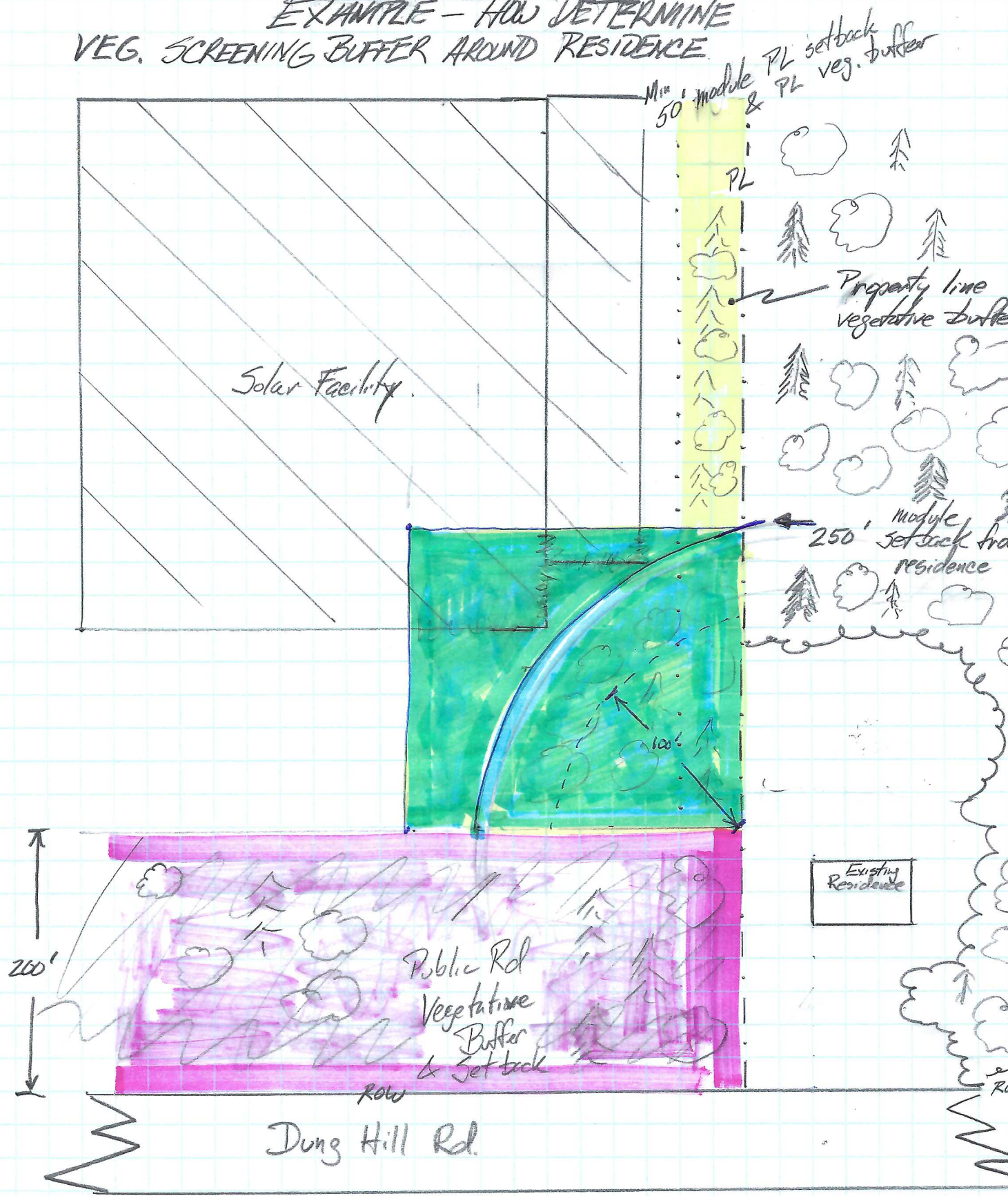
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EXAMPLE - HOW DETERMINE VEG. SCREENING BUFFER AROUND RESIDENCE



Residential dwelling unit screening
 Public road setback & vegetative screening
 Property line screening

Scale: 1/4" = 25'

MEMORANDUM

To: Members of Belgrade Planning Board

CC: Anthony Wilson, Town Mgr.; Richard Greenwald, CEO , Steve Buchsbaum

Date: 3/21/22

RE: Application requirements and permitting standards to supplement those in KVCOG model ordinance for non-residential solar energy producing facilities

As I mentioned at our March 17th meeting, I am of the opinion that the application requirements and permitting standards in the KVCOG model ordinance could use some “beefing up” to adequately address potential issues and negative impacts of larger non-residential solar energy facilities. They should also provide more detail to clarify for applicants what the Town’s expectations are to obtain a permit under the Commercial Development Review Ordinance. The following are my suggestions based on review of various other model ordinances, State agency guidelines, and a particularly informative evaluation and report by the Massachusetts Departments of Energy Resources and Environmental Protection & the Clean Energy Center done in 2015 of solar facilities in that state. Explanations of my thinking and questions for the Board to consider are in *italics*. As agreed at the meeting, I am providing in writing so they can be reviewed by the Board in advance of our next meeting and can be serve as a discussion outline together with the KVCOG model ordinance.

Specific Application Requirements:

- 1) Sec. 6 from KVCOG model ordinance (pp.3-5), including “Viewshed Analysis”, “Visual Simulations” and amended decommissioning plan/financial assurance mechanism. I suggest the following amendment to “I. Visual Impact Assessment”.

The Visual Impact Assessment must include the following elements:

- i. A visual and cartographic analysis (Viewshed Analysis)

A geographic representation of all areas of where the ~~USSE~~ solar facility, from its highest points is visible from the surrounding (impact) area should be presented. The radius of the impact area to be analyzed must be based on the relative size and scope of the proposed ~~activity~~ facility, given the specific location. Areas of impact area from which the ~~activity~~ facility will be visible , including representative and worst-case viewpoints, must be identified. At a minimum these public recreation sites and scenic resources are to be considered viewpoints for inclusion in this analysis: Great Pond, Long Pond, Messalonskee Lake, Salmon Lake, McGrath Pond, Mount Philips (Rome), French Mountain (Rome), Blueberry Hill (Rome), Kennebec Highlands Maine Public Land Reserve (Rome/Vienna), The Mountain (Rome) and areas of Belgrade accessible by public road with an elevation above sea level equal or greater than 600 feet. (Looking over 7 1/2 and 15 minute USGS topo maps, this would include Belgrade’s highpoint, Lord Hill on the Guptill Rd., and the view of the western Maine hills and Mount Washington from the Sutton property on the West Rd. and protected

by conservation easement.)¹ Continue with KVCOG's language for remainder of paragraph.

iii. Visual Simulations. Visual simulations ~~should~~ are to be provided to show a photo-realistic perspective view of proposed ~~USSF solar facility~~ elements in the landscape, ~~thereby and also~~ allowing abutters to clearly visualize how a project will really look from their ~~primary residential structure~~ dwelling unit.

iv. The visual impact assessment must be prepared by a design professional trained in visual assessment procedures, or as otherwise directed by the Planning Board.

- 2) Additional submissions - In addition to the above I suggest we require the following application submissions to supplement or replace KVCOG's application requirements, as appropriate:
 - a) Name and contact information for solar system installer, and if different, the name, contact information and license number of the supervising Maine licensed electrician;
 - a) Written certification by the installer that all electrical components shall be installed in accordance with the National Electrical Code;
 - b) Provide a one- or three-line electrical diagram detailing the electrical components installation and electrical inter-connections to the Belgrade fire chief²;
 - c) Stream crossing detailed design plans;
 - d) Prime agricultural soils identification and mapping conducted by a Maine licensed soil scientist in accordance with the Maine Department of Agriculture, Conservation & Forestry guidelines, Determining Prime Farmland Soils and Soils of Statewide Importance for Siting Solar Projects in Maine, May 2020; and,
 - e) Maine Inland Fisheries & Wildlife Beginning with Habitat program mapping of high value plant and animal species habitat on the project parcel and abutting parcels. High and moderate deer yard mapping within 1,500' of the development.

Development Standards for Approval

In addition to the performance/permitting standards in Sec. 7 from KVCOG model ordinance (pp. 5-6), I suggest the following to supplement, replace or amend those proposed by KVCOG:

- 1) Siting prohibitions - The development or construction of a non-residential solar energy producing facility shall be prohibited in the following locations:
 - a) The Shoreland Zone as mapped in the Belgrade Shoreland Zoning Ordinance map;
 - b) The Village and Critical Resource Conservation Districts as described and mapped by the Town of Belgrade 2014 Comprehensive Plan; and,
 - c) Areas of 20% or greater slope.

- 2) Other prohibitions:

¹ If the Town attorney's advice is that Belgrade only has the legal authority to address the visual impact on areas within the boundaries of Town, this list will need to be amended accordingly.

² Multiple Maine and Massachusetts sources as first responder safety measure.

- a) The development or construction of solar concentrating power plants are prohibited; and
 - b) Transformers and other electrical equipment using halogen or PCB oils as coolants are prohibited³.
- 3) The solar energy system⁴ shall be designed by a Maine registered electrical engineer
- 4) Minimum Setbacks:
- a) Solar modules may not be located less than 250' from existing public and private road rights-of-way;
 - b) Solar modules may not be located less than 250' from existing residential dwelling units; and,
 - c) Transformers and inverters may not be located less than 150' from a property line⁵.
- 5) Maximum solar module height, as measured from ground level to a modules' highest point at full tilt, shall not exceed 12' in the Mixed Residential Commercial Use District or 22' in the Rural or General Development Districts, as defined and mapped by the 2014 Town of Belgrade Comprehensive Plan.
- 6) Visual screening requirements. The solar facility shall be visually obscured from property lines, public and private roads, and residential dwelling units by a vegetative screen or buffer. The screening shall be designed and maintained as follows:
- a) All vegetative screening shall maximize the retention and use of existing, naturally occurring woodland and shrubs, with clearing limited to hazard trees. Clearing of trees and other natural vegetation prior to receiving development approval from the Planning Board is prohibited. The Planning Board may require augmentation of naturally occurring vegetation with plantings of native trees and shrubs to achieve significant visual screening if sufficient density of growth does not already exist. If damaged by weather, fire or disease at any time over the operating life of the facility, the visual buffer shall be maintained with the planting of trees and shrubs.
 - b) Minimum vegetative screening dimensions:
 - i) 50' in depth along abutting property lines except as provided below. *This serves as a baseline requirement for lands not currently developed with residences, private roads, woodlots, fields or other similar undeveloped parcels or parts of parcels, as well as existing commercial/industrial land uses. A similar vegetative screen or buffer is not currently provided in the ordinance between proposed non-residential development and these land uses.*
 - ii) 200' in depth along public roads (*Note: >5X that of other commercial developments*)

³ Source – State of Massachusetts's Depts.' Of Energy Resources, Environmental Protection & Clean Energy Center; Clean Energy Results: Q&A Ground Mounted Solar Photovoltaic Systems, June 2015. Object to prevent toxic release in the event of a fire. Most transformers now use mineral oil as coolant but not all.

⁴ See proposed definition

⁵ Source – State of Massachusetts's Depts.' Of Energy Resources, Environmental Protection & Clean Energy Center; Clean Energy Results: Q&A Ground Mounted Solar Photovoltaic Systems, June 2015. Purpose to mitigate electromagnetic field and noise to background levels at property line.

- iii) 250' in depth along the common property line(s) with an existing residential dwelling unit that extends along the length of the property line demarcated by a 180-degree arc with a radius of 250' from each corner of the residential dwelling unit. Screening will be provided along the greatest length of property line indicated by this measurement method.
 - iv) Vegetative screening of abutting property lines and residential dwelling units above may be reduced by the Planning Board to no less than 50' upon receipt of written permission of the abutting land owners and the owner of a residential dwelling owner. This provision does not apply to the visual screening of public roads.
 - c) On sites which lack existing woodland, a planted vegetative buffer shall be planted to the same dimensions as stated above in this subsection, sufficient to provide with time year-round screening. The buffer shall consist of a mixture of native conifer tree species (e.g., white pine, balsam fir, white or red spruce, etc.) and understory trees and shrubs. Trees shall be a minimum of 6 feet in height at the time of planting and spaced no more than 30 feet apart, with shrubs and understory trees filling all gaps between the future overstory trees. Trees shall be planted in alternating rows to achieve an effective visual screen. All shrubby plant material shall be at least 3 feet in height at the time of planting and the species selected will grow at least to 5 feet at maturity. A planted vegetative visual screen shall be maintained over the lifespan of the facility with all plantings that die replaced as soon as growing conditions allow.
 - d) Where no vegetation can be grown due to unique site conditions, the Planning Board may approve a visual screen consisting of fences, walls, berms or a combination thereof, provided that such structures are not placed closer than 15 feet to a property line or public or private road right-of-way. Artificial screening shall be of sufficient height and length to effectively screen the facility from view.
 - e) The visual screen shall be planted or installed prior to completion of the development and prior to the start of facility operation.
- 7) Vehicle access and electrical transmission routes shall be combined into a single corridor through required vegetative screening and buffers, or shall be co-located in existing rights-of-way, roads or other existing man-made linear features.⁶
- 8) Amendment to KVCOG paragraph “g) Visual Impact” standard.
~~Any USSF solar facility should~~ is not to have any detrimental effect on the scenic resources of ~~the town~~ Belgrade or substantially degrade the scenic ~~value~~ view from abutters’ properties. In order to determine the visual impact of any ~~USSF solar facility~~, the Planning Board will, using the information provided in the Visual Impact Assessment study (See above), consider the following:
- i. The significance of the potentially affected scenic resources;
 - ii. The existing character of the surrounding area;
 - iii. The expectations of the typical viewer;
 - iv. The project purpose and context of the proposed activity;
 - v. The extent, nature and duration of the potential effect of the ~~USSF’s~~ solar facility’s presence on the public’s continued use and enjoyment of ~~the town’s~~ Belgrade’s scenic resources.

⁶ Maine Audubon model solar facility site review ordinance

The Planning Board shall consider the scenic resources of Belgrade to include, but not be limited to, the following public recreation sites and resources and scenic viewpoints: Great Pond, Long Pond, Messalonskee Lake, Salmon Lake, McGrath Pond, Mount Philips (Rome), French Mountain (Rome), Blueberry Hill (Rome), Kennebec Highlands Maine Public Land Reserve (Rome/Vienna), The Mountain (Rome) and areas in Belgrade accessible by public road with an elevation above sea level equal to or greater than 600 feet.

The Planning Board shall implement the visual impact standard with a rebuttable assumption when leaves remain on the deciduous trees that any solar facility visible from Great Pond, Long Pond, Messalonskee Lake, Salmon Lake, McGrath Pond, Mount Philips, French Mountain, Blueberry Hill, the Kennebec Highlands Maine Public Land Reserve, The Mountain or an area in Belgrade accessible by public road with an elevation above sea level equal to or greater than 600 feet will have a detrimental effect on the scenic resources of Belgrade and therefore will have an adverse effect on the scenic and natural beauty of the area under paragraph xvi of Article 5: Review Criteria of the ordinance.⁷

- 9) Maintain 100' buffer⁸ of natural vegetation along any rivers, streams or brooks⁹, except for perpendicular crossings required for vehicle/powerline access. For streams less than 6' wide with less than a 2% slope, stream crossings shall be designed and constructed in accordance with the Maine Department of Transportation's Stream Smart Road Crossing Pocket Guide. Larger stream crossings shall be designed by a Maine registered professional engineer based on the principles of the Maine Stream Smart program.
- 10) 250' setback and natural vegetation buffer from habitat of high value plant and animal species as identified and mapped by the Maine Department of Inland Fisheries and Wildlife's Beginning with Habitat program, including but not limited to habitat for state or federally listed endangered species, significant vernal pools, and high or moderate value waterfowl and wading bird habitats.
- 11) 1,320' setback and natural vegetation buffer from areas identified and mapped by the Maine Department of Inland Fisheries and Wildlife as a high or moderate value deer wintering area.
- 12) 75' setback and naturally vegetated buffer from wetlands included in the U.S. Fish and Wildlife Service's National Wetland Inventory, except for wooded wetlands. May not be located in wooded wetland, but no setback or buffer required.
- 13) Protect prime farmland and farmland of statewide important agricultural soils/lands – No more than 10% of the total project area may be located on land with soils defined by the U.S. Dept. of Agriculture's Natural Resources Conservation Services as "prime farmland" or "farmland of

⁷ This is one of the review criteria we need to find is met when completing the Findings of Fact and Law for any project. See pg. 18 of the ordinance.

⁸ In accordance with Maine Dept. of IF&W guidelines & Maine Audubon, Renewable Energy & Wildlife in Maine: Avoiding, Minimizing and Mitigating Impacts from Solar, Wind and Transmission Facilities, Nov. 2019. Purpose to protect wildlife travel corridors and stream water temperature and oxygen levels.

⁹ Define same as in State statute, 38 MRSA, subsection 480-B(9).

statewide importance” as determined by a field survey conducted by a Maine licensed soil scientist and in accordance with the Maine Dept. of Agriculture, Conservation and Forestry’s May 2020 guidance document entitled *Determining Prime Farmland Soils and Soils of Statewide Importance for Siting Solar Projects in Maine*;

- 14) Provide safety fencing around all electrical equipment. Fencing shall be “Solid Lock Game Fence”¹⁰ or of similar design with 8”x12” holes at bottom, or shall be elevated five (5) inches above ground level to allow small wildlife passage.¹¹
- 15) A sign with 24-hour emergency contact information shall be posted at the facility entrance
- 16) All electrical system installations shall be performed by or under the supervision of a Maine licensed electrician
- 17) Maximum area of clearing of land that is primarily forestland or wooded vegetation (e.g., sprout re-growth, shrubs) – *Include? How much clearcutting is too much? How much negates meeting the objectives of the Comprehensive Plan regarding the character of Belgrade as well as otherwise? Since it is apparently cost effective to clear large areas of forest land and convert to a solar farm development, a maximum limit on the acreage of such clearing should in my opinion be considered to mitigate wildlife habitat loss, soil erosion, stormwater water runoff generation and phosphorous discharges. Could go with a maximum limit on the total acreage that can be deforested to allow for the development of a solar facility – for example, no more than 20, 15, or 10 acres? Or could provide incentive to developer to minimize acreage cleared – for every acre of forest land cleared, must permanently protect and maintain as open space an acre of land on the same parcel or another parcel in Belgrade.*
- 18) *Should we require minimum of 15% of the developed land area to be reserved as open space as has been required of subdivisions since the late 80s? For example – For solar energy facilities 10 or more acres in developed or disturbed area, a minimum of 15% of this area shall be reserved as open space beyond the developed area. What if the land is leased? In the event the development is on leased land, this acreage of open space shall be protected elsewhere in Belgrade by the applicant. This should be viewed as environmental impact mitigation.*
- 19) Use of herbicides to manage vegetation within the development is prohibited. Mechanical means are to be utilized, which may include animal grazing. *PS There is a guy in Jefferson who makes his living using his goats to “mow” between solar panels.*

¹⁰ Readily available at farm supply businesses. Such fencing meets National Fire Code for human safety. See online example - https://www.deerbusters.com/metal-deer-fencing/fixed-knot-deer-fence/fixed-knot-fence-rolls/63-x-330-fixed-knot-12-5-ga-17-75-6/?vsrefdom=googleppc&gclid=Cj0KCQiA3fiPBhCCARIsAFQ8QzVpU6d_lmXLVWYr1nftie-NyOI30_ZEsLGvpuTaxljpR5cJUCUaF14aAh8gEALw_wcB

¹¹ Sources – Maine Audubon & Massachusetts’ model ordinances. Purpose to avoid impeding small wildlife travel.

20) Within 30 days of the completion of facility construction and prior to the start of facility operation, a permit and ordinance compliance inspection report by a Maine registered professional engineer shall be conducted and submitted to the CEO, including recommendations for any required remediation measures and a time table for their implementation.

Additional proposed new or revised definitions:

- a) Amend - Impervious surface: The total area to be covered by buildings and associated constructed facilities with low permeability material that is highly resistant to infiltration by water, areas which have been or will be covered by a low permeability material, such as asphalt or concrete and areas such as gravel roads or unpaved parking areas, which have been or will be compacted through design or use to reduce their permeability. Common impervious areas include, but are not limited to, rooftops, walkways, patios, driveways, parking lots or storage areas, concrete or asphalt paving, gravel roads, packed earthen materials, and macadam or other surfaces which similarly impede the natural infiltration of stormwater. Pervious pavement, pervious pavers, pervious concrete and under-drained artificial turf fields are all considered impervious. ¹²
- b) New - Residential dwelling unit: Use definition in Shoreland Zoning ordinance
- c) New – Multi-unit residential structure: Use definition in Shoreland Zoning ordinance
- d) Rivers, streams or brooks¹³ - River, stream or brook means a channel between defined banks. A channel is created by the action of surface water and has 2 or more of the following characteristics.
 - i) It is depicted as a solid or broken blue line on the most recent edition of the U.S. Geological Survey 7.5-minute series topographic map or, if that is not available, a 15-minute series topographic map.
 - ii) It contains or is known to contain flowing water continuously for a period of at least 6 months of the year in most years.
 - iii) The channel bed is primarily composed of mineral material such as sand and gravel, parent material or bedrock that has been deposited or scoured by water.
 - iv) The channel contains aquatic animals such as fish, aquatic insects or mollusks in the water or, if no surface water is present, within the stream bed.
 - v) The channel contains aquatic vegetation and is essentially devoid of upland vegetation.

¹² From Chapter 500, MDEP's Stormwater Regulations. Since we accept stormwater management plans approved by DEP to meet stormwater management requirement of the CDRO, advisable to rely on similar definition of impervious surface areas.

¹³ Source - Maine Natural Resources Protection Act – 38 MRSA, subsection 480 B(9). Needed to implement stream setback and crossing standard.

"River, stream or brook" does not mean a ditch or other drainage way constructed, or constructed and maintained, solely for the purpose of draining storm water or a grassy swale.

- e) Tilt – Tilt is the angle of the solar panels or solar collector relative to the horizontal.¹⁴
- f) Solar energy system – Means the components and subsystems required to convert solar energy into electric or thermal energy suitable for use. The term applies, but is not limited to, solar photovoltaic systems, solar thermal systems, concentrated solar thermal installations, and solar hot water systems.¹⁵

¹⁴ Maine Audubon, Model Site Plan Regulations and Conditional Use Permits to Support Solar Energy Systems in Maine Municipalities, Feb. 2020. Needed to implement maximum height restriction on modules.

¹⁵ Source - Chelsea solar ordinance

Shoreland
 Certified Contractor
 Number # _____
 Non Shoreland

Town of Belgrade, Maine
APPLICATION FOR PERMIT

990 Augusta Road Belgrade Me 04917
 207-495-2258
 Application # 22-22
 Map# 8A Lot# 5
 Permit# 22-22

Date Logged _____ Date Rec'd by PB/CEO 2-23-22 Fee Paid _____ Receipt# _____

1. Applicant:
 Name Randall Briggs
 Mailing Addr 3403 Brewers Green Way
 State/Zip BALTIMORE MD 21224 Phone# 410-530-4063

2. Owner (if other than applicant):
 Name _____
 Mailing Addr _____
 State/Zip _____ Phone# _____

3. Specific location of property 324 Timberpoint Rd Map# 8A Lot# 5
 Name of Lake/Pond/Stream (if applicable) Loag Pond

4. Current use of property (check all that apply)
 Residential/Recreational; _____ Individual Private Campsite; _____ Commercial; _____ Industrial; _____ Other

5. Proposed construction or change in use: interior changes - add bathroom, move bed room, replace decking on existing deck.

6. Existing sewage disposal system type and capacity: concrete tank / leach field
 Present number of bedrooms 3; Bedrooms to be added under this application 0
 When did you purchase the property within Shoreland Zone? 12/03 (month/year) If after 11/6/18, attach copy of septic system inspection report documenting it is not malfunctioning.

7. Total lot area 0.85 acres 37,026 feet; Lot area within the Shoreland Zone 0.75 acres 32,670 feet

8. Square footage of unvegetated surface within shoreland zone including all structures, driveways, parking, walkways and patios. about 5,000 sf

9. What is the total area of cleared openings of woody vegetation (Sqft) about 10,000 sf

10. Total number of structures on the lots 3. A site plan to-scale MUST accompany this application and be prepared in accordance with the requirements on the attached Instruction Sheet (Item #10 on the Instruction Sheet). All required attachments must accompany this application.

Present Structure Square Footage 1970
 Proposed Structure Square Footage 1970

*Required only for structures within Shoreland Zone

I/We have obtained and understand the requirements of all Town of Belgrade Ordinance which apply to the proposed construction or change of use. The undersigned applies for a permit to build, alter or improve existing structure(s) or grounds as stated above on this application and portrayed on the attachments. The information provided is true and correct.

Signature: Randall Briggs Signature: _____

There may be additional Federal, State or local permits required depending on the nature of the project.

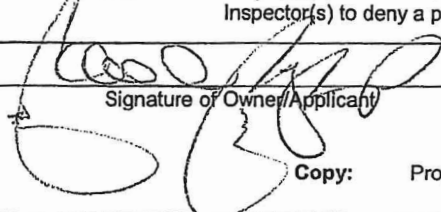
FOR USE ONLY
 APPROVE _____ DISAPPROVED _____

Date: _____ PB _____ CEO _____
 Signatures:

Pl c.c. \$40.00 3-16-22

PLUMBING APPLICATION

Maine DHHS/CDC - Division of Environmental & Community Health

PROPERTY ADDRESS				ISSUING MUNICIPAL OFFICE			
City, Town, or Plantation		BELGRADE, ME		Town/City		BELGRADE	
Street/Subdivision Lot #		324 Timberpoint Rd		Permit #		22005	
PROPERTY OWNER INFORMATION				Total Fee		\$	
Name (Last, First)		BRIGGS		Date Issued		3-15-22	
Applicant Name (Last, First)		RANDALL		Double Fee			
OWNER/APPLICANT MAILING ADDRESS				Local Plumbing Inspector Signature		License #	
Street		3403 BREWERS GREEN WAY		FEE'S		State \$	
City		BALTIMORE		Local		\$	
State		MD		Zip Code		21224	
OWNER/APPLICANT STATEMENT				LOCATION		Map #	
I certify that the information submitted is correct to the best of my knowledge and understand that any falsification is reason for the Local Plumbing Inspector(s) to deny a permit.				8A		Lot #	
				5			
<p>CAUTION: INSPECTION REQUIRED</p> <p>I have inspected the installation authorized above and found it to be in compliance with the Maine Plumbing Rules Application.</p>				<p>Internal plumbing fixtures and piping may not be installed until a permit is issued by the Local Plumbing Inspector. The permit authorizes the owner or installer to install the plumbing system in accordance with this application and the Maine Subsurface Wastewater Disposal Rules.</p>			
				Signature of Owner/Applicant		Date	
		3-1-22					
Copy:		Property Owner <input type="checkbox"/>		Town <input type="checkbox"/>		State <input type="checkbox"/>	
						Date (Final)	

PERMIT INFORMATION

This application is for:		Type of structure to be served:		Plumbing to be installed by:			
New Plumbing <input checked="" type="checkbox"/>		Single Family Residence <input checked="" type="checkbox"/>		Master Plumber		License #	
Relocated Plumbing <input type="checkbox"/>		Modular or Mobile Home <input type="checkbox"/>		Oil Burner Installer		License #	
		Multiple Family Dwelling <input type="checkbox"/>		Mfd. Housing Rep.		License #	
		Other (specify below) <input type="checkbox"/>		Public Utility Rep.		License #	
				Property Owner <input checked="" type="checkbox"/>			

Column 1 - Hook-Up & Relocation	Column 2 - Fixtures		Column 3 - Fixtures	
Maximum 1 Hook-Up	Type of Fixture	Qty	Type of Fixture	Qty
Hook-Up (a) <input checked="" type="checkbox"/> <i>Hook-up to public sewer in those cases where the connection is not regulated and inspected by the local sanitary district.</i>	Hosebib/Sillcock		Bathtub (and Shower)	
	Floor Drain		Shower (Separate)	1
	Urinal		Sink	1
	Drinking Fountain		Wash Basin	
Hook-Up (b) <input checked="" type="checkbox"/> <i>Hook-up to a newly permitted or existing subsurface wastewater disposal system.</i>	Indirect Waste		Water Closet (Toilet)	1
	Treatment Softener, Filter, etc.		Clothes Washer	
	Grease/Oil Separator		Dishwasher	
Piping Relocation <input checked="" type="checkbox"/> <i>Relocation of sanitary lines, drains, and piping without new fixtures.</i>	Roof Drain		Garbage Disposal	
	Bidet		Laundry Tub	
	Other:		Water Heater	

State of Maine
 Department of Health and Human Services/
 Center for Disease Control and Prevention
 Environmental & Community Health -
 Subsurface Wastewater
 286 Water Street
 State House Station 11
 Augusta, ME 04333
 207-287-2070
 HHE-211
 Revised 7/24/2018

Total Column 1 0 + Total Column 2 4 + Total Column 3 3 = Enter Total Fixtures / Hook-Ups Below

PERMIT TRANSFER ONLY <input type="checkbox"/> \$10.00	Total Fixtures / Hook-Ups	4
	Per-Fixture Fee	\$
	TOTAL PERMIT FEE	\$ 40.00

February 2022

Permitting Department
Town of Belgrade, Maine

Enclosed for your review is an application for renovations for our camp at 324 Timber point Road.

Scope of work

1- Replacing deck boards and handrail on outside deck (joists and footprint of deck to remain the same). The existing staircase will be demo'd and relocated as per the attached plans for the first floor. The door from the house onto the deck will be relocated.

2- Building out under an existing overhang to relocate an existing bedroom. The concrete slab for this area was approved under a permit from 2020.

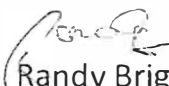
3- Adding a bathroom on the ground floor, as per attached plans.

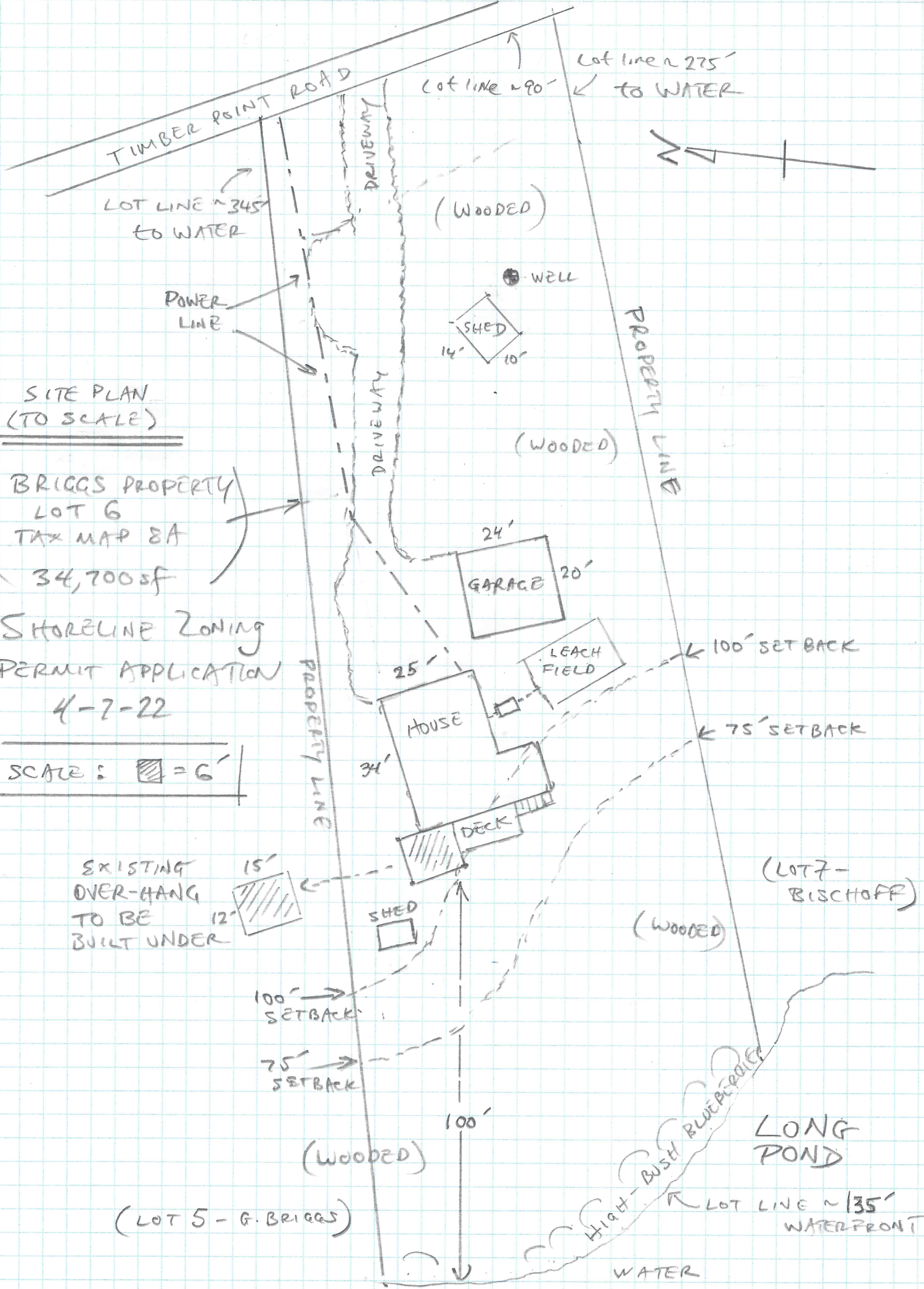
4- Replacing windows and doors on the ground floor, as per attached plans, table, and cut sheets.

The number of bedrooms in the house remains the same. We hope to begin work in May, 2022. We request that the plumber be allowed to pull his permit once these building plans are approved.

Can you please review and contact me with questions or concerns.

Best regards



Randy Briggs
410-530-4063



SITE PLAN
(TO SCALE)

(BRIGGS PROPERTY)
LOT 6
TAX MAP 8A
34,700sf

SHORELINE ZONING
PERMIT APPLICATION
4-7-22

SCALE:  = 6'

EXISTING
OVER-HANG
TO BE
BUILT UNDER

(LOT 5 - G. BRIGGS)

(LOT 7 -
BISCHOFF)

WATER

LONG
POND

HIGH BUSH BLUEBERRIES

LOT LINE ~ 135'
WATERFRONT

75' SETBACK

100' SETBACK

100' SETBACK

75' SETBACK

100'

34'

25'

24'

20'

14' x 10'

WELL

LOT LINE ~ 90'

LOT LINE ~ 275'
TO WATER

LOT LINE ~ 345'
TO WATER

TIMBER POINT ROAD

DRIVEWAY

DRIVEWAY

PROPERTY LINE

PROPERTY LINE

POWER LINE

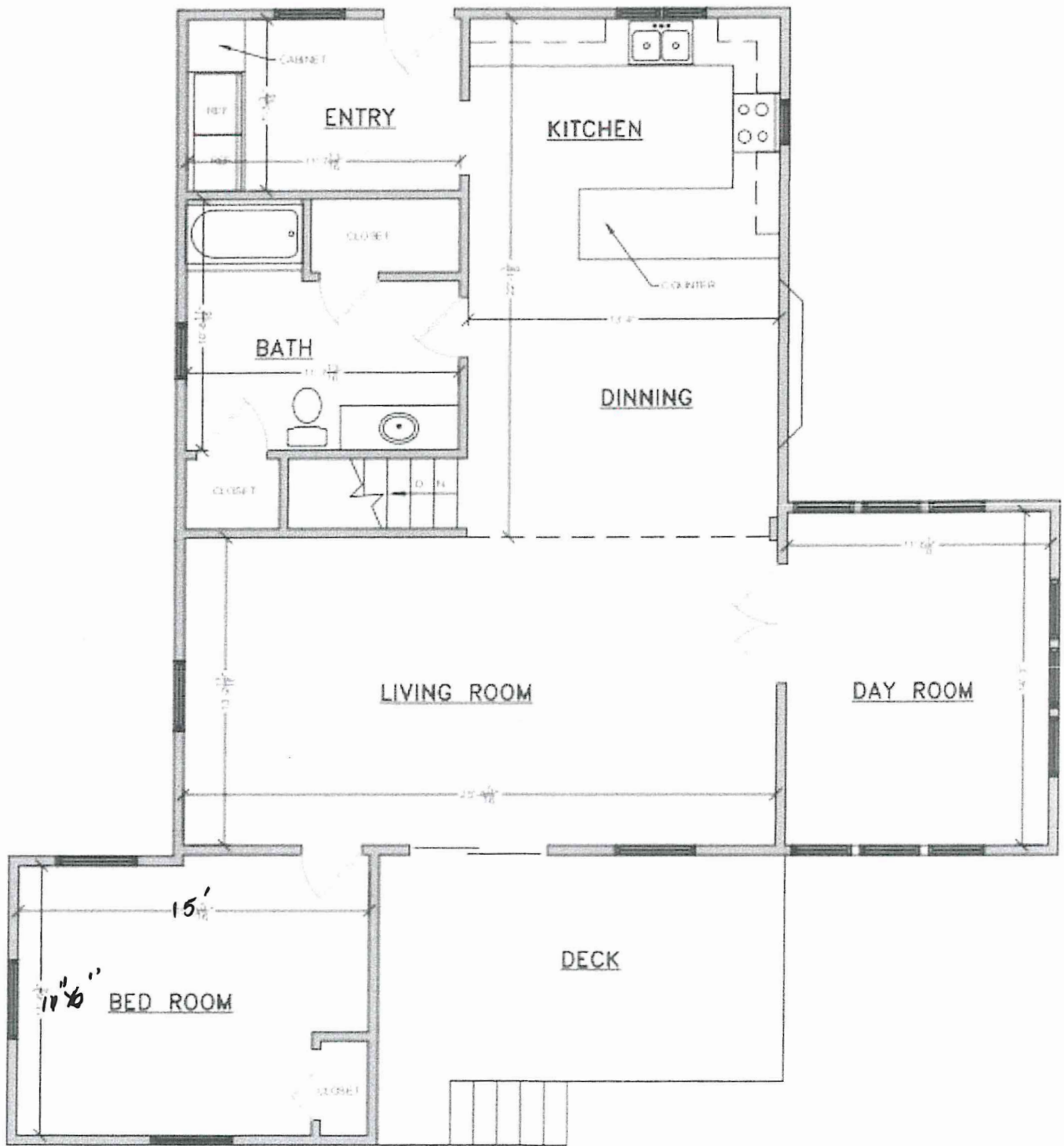
(WOODED)

(WOODED)

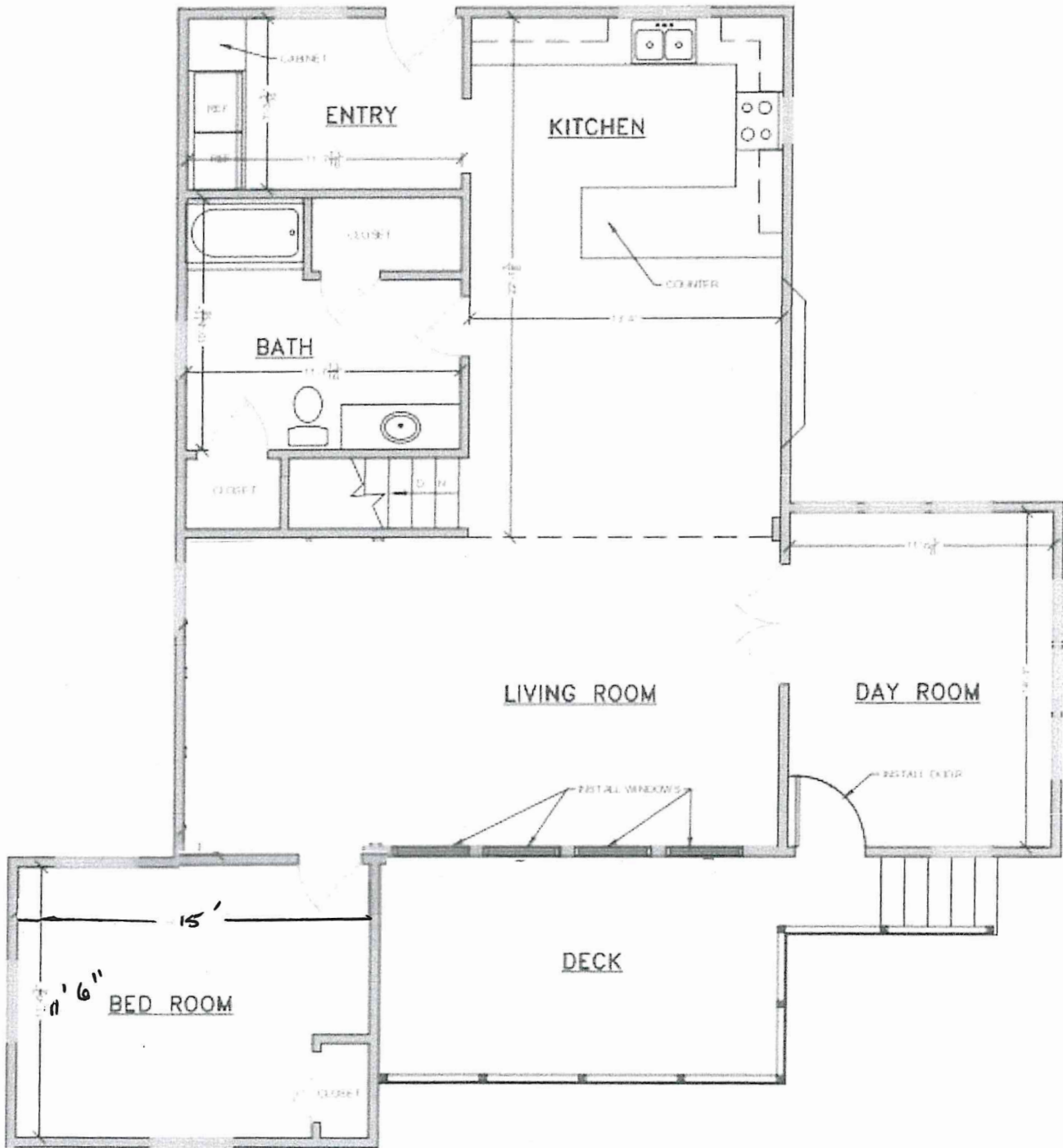
(WOODED)

(WOODED)

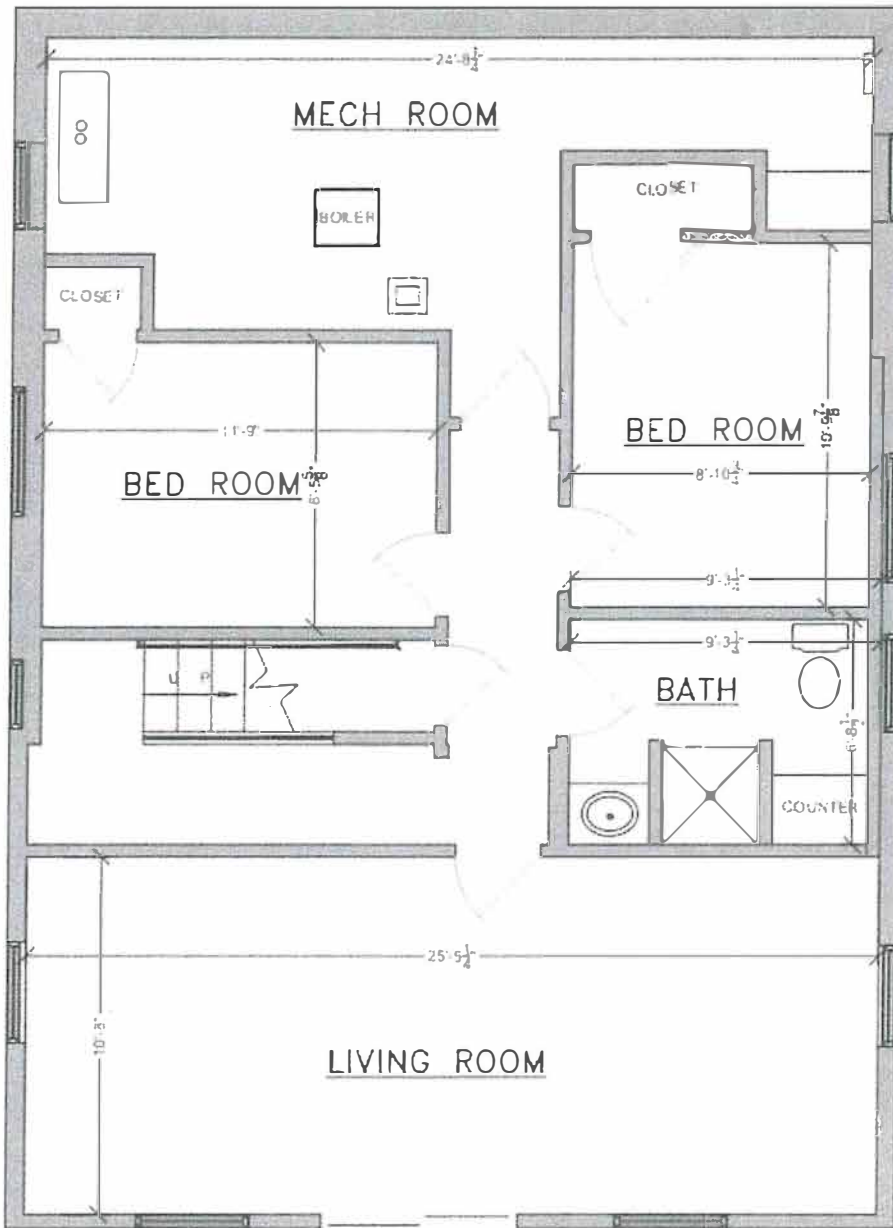




EXISTING FIRST FLOOR

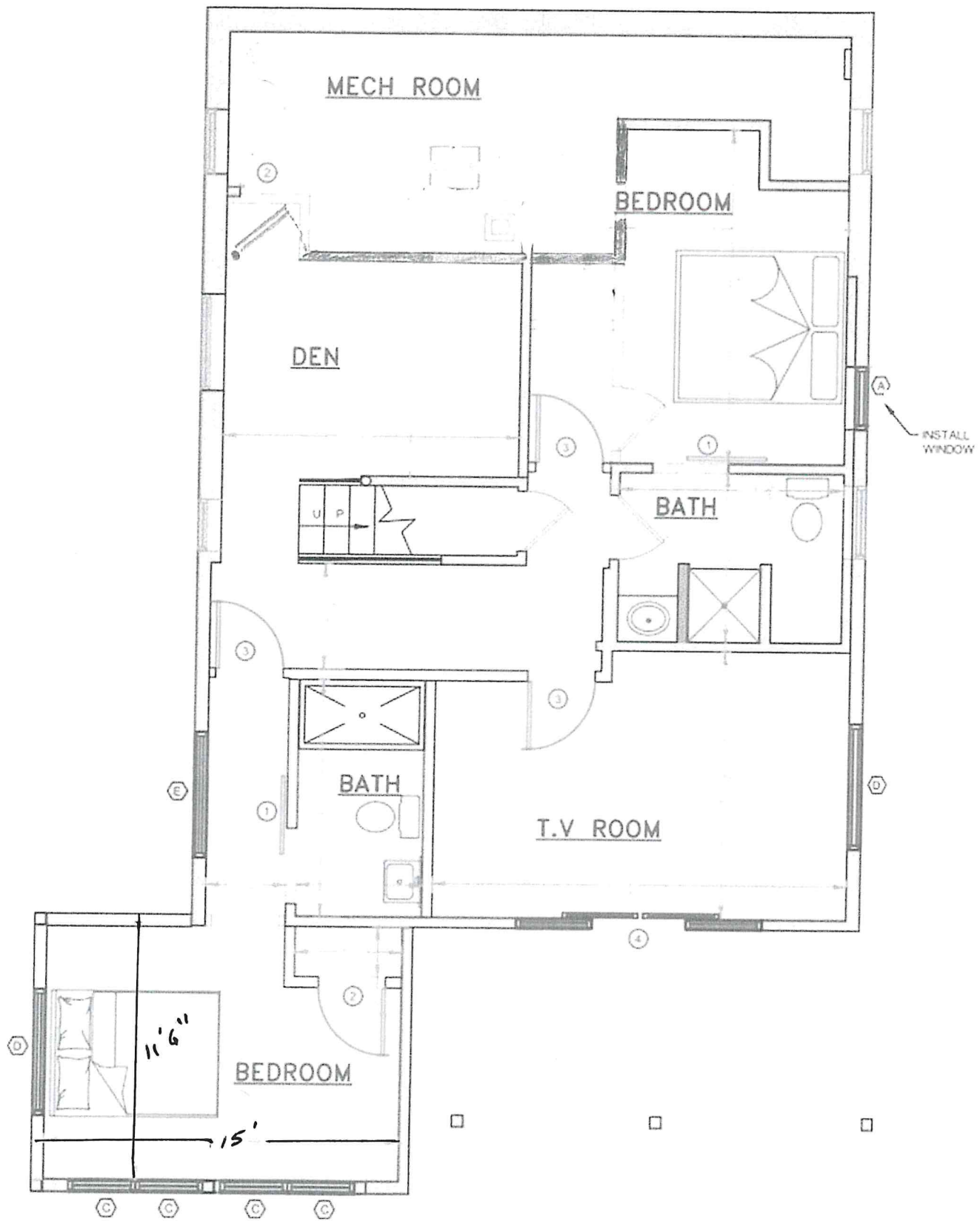


PROPOSED FIRST FLOOR

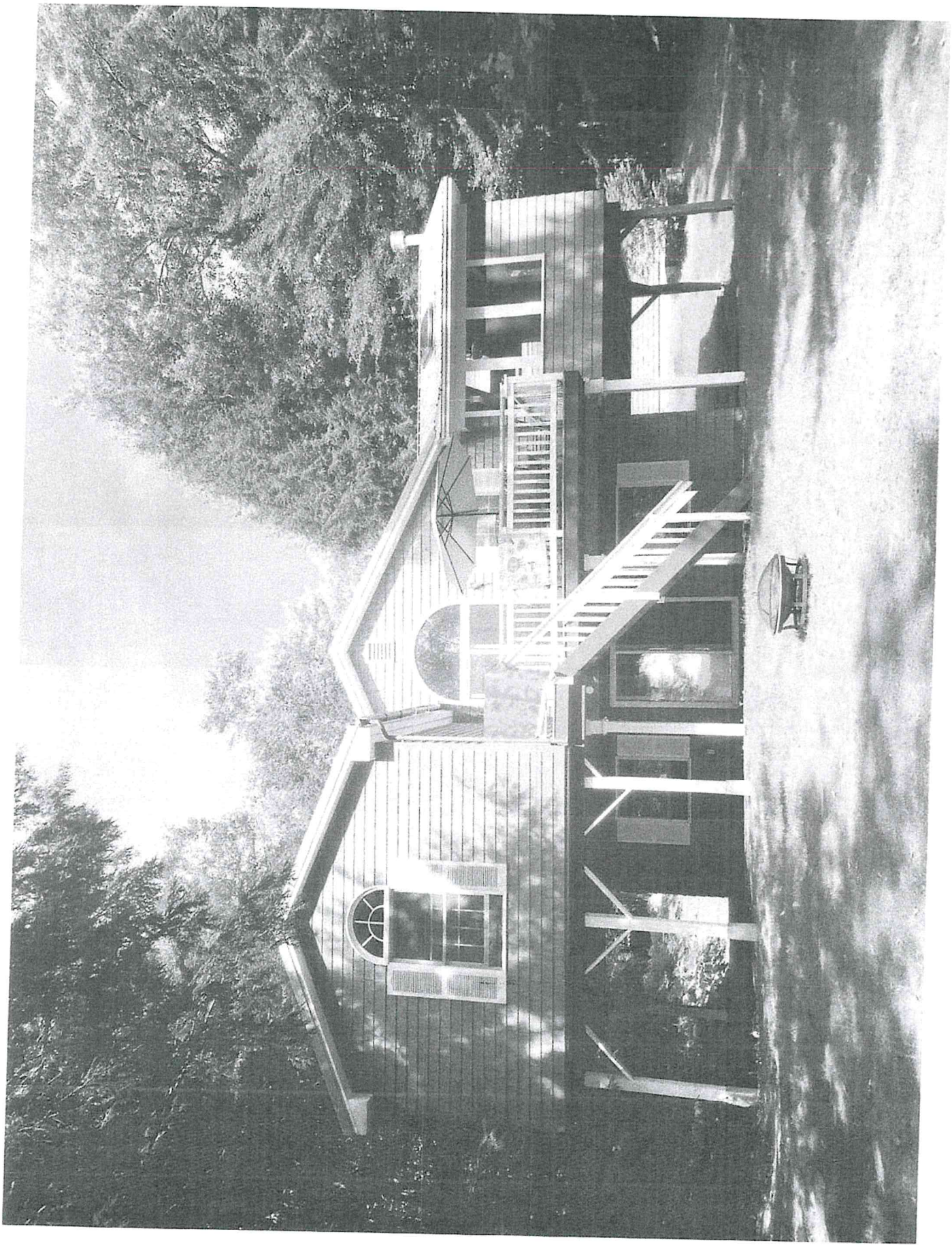


EXISTING GROUND FLOOR

SCALE 1/4" = 1'-0"



PROPOSED GROUND FLOOR

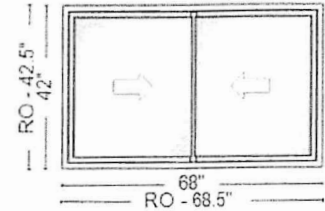


WATER
IL

QUOTE NAME	PROJECT NAME	CUSTOMER PO#	DATE REQUESTED
GLENN FREEMAN	BRIGGS		
SALES REPRESENTATIVE	TERMS	SHIP VIA	QUOTE NUMBER
bob.caron@becn.com			768555

LineItem #	Description	Net Price	Quantity	Extended Price
4-1		\$487.64	1	\$487.64

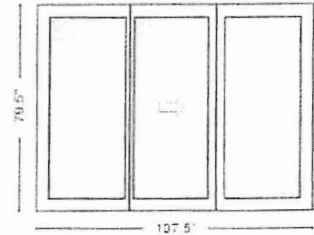
Comment/Room: Product: 8300 Series, Double Slider, NC
 RO: 68.5" x 42.5"
 TTT Overall Size: 68" x 42"
 TTT Unit Size: 68" x 42"
 XX, Combo Fixed Type: Standard
 Sash Split: Equal
 Performance Level: Standard,
 Glass Options: Double Glazed, LowE, Air (None), Annealed, DS
 3/4" IG Thickness, Clear Opening: 28.4375" x 37.25", 7.356Sq ft
 Ratings: U-Factor = 0.31, SHGC = 0.28, VT = 0.52
 Vinyl Color: White
 Locks: Standard, Double
 Hardware: White,
 Screen: Full Screen, Extruded- Fiberglass, White, Reinforce Stiles,
 Surround (Jambs/Receivers): Receiver, 3/4", 4 Sides,
 Interior Trim: No,



WINDOW "A"

LineItem #	Description	Net Price	Quantity	Extended Price
5-1		\$2,712.02	1	\$2,712.02

Comment/Room: Product: 8300 Series, Three Panel Door, NC
 RO: 108" x 80"
 TTT Overall Size: 107.5" x 79.5"
 TTT Unit Size: 107.5" x 79.5"
 OXO - L, Combo Fixed Type: Standard
 Performance Level: Standard,
 Glass Options: Double Glazed, LowE, Argon, Tempered, DS
 1" IG Thickness, Clear Opening: 26.74475" -0.186Sq ft
 Ratings: U-Factor = 0.3, SHGC = 0.26, VT = 0.49
 Vinyl Color: White
 Hardware: White, Keyed Hardware,
 Screen: Patio Door Screen, Fiberglass, White,
 Surround (Jambs/Receivers): Receiver, 3/4", 3 Sides,
 Interior Trim: No,
 Installation Options: Nail Fin on Sill,



DOOR "4"

CUSTOMER SIGNATURE _____ DATE _____

We appreciate the opportunity to provide you with this quote!

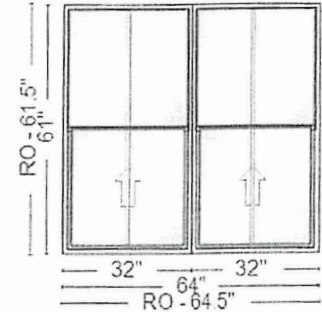
SETUP:	\$0.00
LABOR:	\$0.00
FREIGHT:	\$0.00
DEPOSIT:	(\$0.00)
BALANCE:	\$6,056.65
SALES TAX:	\$315.75
SUB-TOTAL:	\$5,740.90
TOTAL:	\$6,056.65

QUOTE NAME	PROJECT NAME	CUSTOMER PO#	DATE REQUESTED
GLENN FREEMAN	BRIGGS		
SALES REPRESENTATIVE	TERMS	SHIP VIA	QUOTE NUMBER
bob.caron@becn.com			768555

LineItem #	Description	Net Price	Quantity	Extended Price
2-1		\$718.39	2	\$1,436.78

Comment/Room: Product: 8300 Series, Single Hung, NC
RO: 64.5" x 61.5"
TTT Overall Size: 64" x 61"
TTT Unit Size: 32" x 61"
Single Hung|Single Hung, Combo Fixed Type: Standard
Sash Split: Equal
Mull: 0 Degree, Vertical, Performance Level: Standard,
Glass Options: Double Glazed, LowE, Air (None), Annealed, SS
3/4" IG Thickness, Clear Opening: 28.75" x 26.4375", 5.278Sq ft
Ratings: U-Factor = 0.31, SHGC = 0.28, VT = 0.52
Vinyl Color: White
Locks: Standard, Double
Hardware: White,
Screen: Half Screen, Extruded- Fiberglass, White, Reinforce Intermediate Mullion

Grids: Flat GBG, Colonial, 2WIH, Not Applicable,
Surround (Jambs/Receivers): Receiver, 3/4", 4 Sides,
Interior Trim: No,

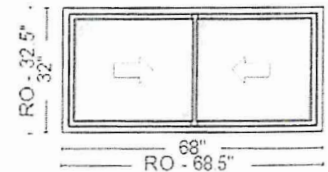


WINDOW "C"

LineItem #	Description	Net Price	Quantity	Extended Price
3-1		\$372.36	2	\$744.72

Comment/Room: Product: 8300 Series, Double Slider, NC
RO: 68.5" x 32.5"
TTT Overall Size: 68" x 32"
TTT Unit Size: 68" x 32"
XX, Combo Fixed Type: Standard
Sash Split: Equal
Performance Level: Standard,
Glass Options: Double Glazed, LowE, Air (None), Annealed, DS
3/4" IG Thickness, Clear Opening: 28.4375" x 27.25", 5.381Sq ft
Ratings: U-Factor = 0.31, SHGC = 0.28, VT = 0.52
Vinyl Color: White
Locks: Standard, Double
Hardware: White,
Screen: Full Screen, Extruded- Fiberglass, White,

Surround (Jambs/Receivers): Receiver, 3/4", 4 Sides,
Interior Trim: No,



WINDOW "D"



Paradigm Window Solutions

56 Milliken Street
Portland, Maine 04013

Phone: (877) 994-6369
www.paradigmwindows.com

Customer (Sell)
QUOTATION

Creation Date
1/17/2022

BILL TO:

SHIP TO:

Phone:

Fax:

Phone:

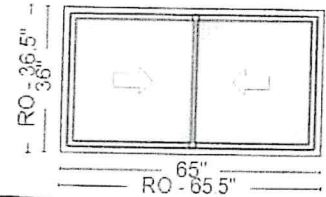
Fax:

Thank you for choosing Paradigm Window Solutions!

QUOTE NAME	PROJECT NAME	CUSTOMER PO#	DATE REQUESTED
GLENN FREEMAN	BRIGGS		
SALES REPRESENTATIVE	TERMS	SHIP VIA	QUOTE NUMBER
bob.caron@becn.com			768555

LineItem #	Description	Net Price	Quantity	Extended Price
1-1		\$359.74	1	\$359.74

Comment/Room: Product: 8300 Series, Double Slider, NC
 RO: 65.5" x 36.5"
 TTT Overall Size: 65" x 36"
 TTT Unit Size: 65" x 36"
 XX, Sash Split: Equal
 Performance Level: Standard,
 Glass Options: Double Glazed, LowE, Air (None), Annealed, SS
 3/4" IG Thickness, Clear Opening: 26.9375" x 31.25", 5.846Sq ft
 Ratings: U-Factor = 0.31, SHGC = 0.28, VT = 0.52
 Vinyl Color: White
 Locks: Standard, Double
 Hardware: White,
 Screen: Full Screen, Extruded- Fiberglass, White,
 Surround (Jambs/Receivers): Receiver, 3/4", 4 Sides,
 Interior Trim: No,



WINDOW "E"

WINDOW SCHEDULE

NO.	QUANTITY	UNIT DIMENSION (W x H)	TYPE	FRAME	REMARKS
A	1	5'-8" x 3'-6"	EGRESS SLIDER	VINYL	EGRESS HARDWARE 40" A.F.F.
C	4	2'-8" x 5'-1"	MULLED DOUBLE HUNG	VINYL	
D	2	5'-8" x 2'-8"	SLIDER	VINYL	40" A.F.F.
E	1	5'-8" x 3'-6"	EGRESS SLIDER	VINYL	40" A.F.F.

DOOR SCHEDULE

NO.	QUANTITY	SIZE	TYPE	FRAME	REMARKS
①	2	3'-0" x 6'-8"	BARN DOOR	WOOD	TRACK, HANDLE, PRIVACY LOCKSET
②	2	3'-0" x 6'-8"	SOLID WOOD	WOOD	HINGES, LEVER HARDWARE, PASSAGE LOCKSET
③	3	2'-8" x 6'-8"	SOLID WOOD	WOOD	HINGES, LEVER HARDWARE, PRIVACY LOCKSET
④	1	8'-0" x 6'-8"	3 PANEL SLIDER w/ DOUBLE DOOR	VINYL	TRACK, D-RING HANDLE, ENTRY LOCKSET

5'-8" x 3'-6"

Egress slider

Town of Belgrade Planning Board minutes

Oct. 15, 2020

Present: Board members Peter Rushton, George Seel, Peter Sargent, Mac Stocco and Rich Baker; Town Manager Anthony Wilson, Code Enforcement Officer Gary Fuller, Treasurer Nick Poole, Deputy Clerk Sheila Thorne, Town attorney Phil Saucier, John Cunningham, Jack Sutton, Chris Neagle, Nancy Vailas, Richard Sutton, Ben Murray.

Planning Board Chairman Peter Rushton called the meeting to order at 6:02 p.m.

OLD BUSINESS

1. **Consideration of findings of fact for Jody C. Jones and Stephen C. Jones permit approval.** The Board offered no additional changes to Town attorney Phil Saucier's draft of the findings of fact and conclusions of law. Mr. Seel moved approval. Mr. Baker seconded. The motion was approved 4-0. Mr. Stocco, who was not serving on the board at the time the permit was issued, participated in neither the discussion nor the vote. Board member Craig Alexander was not present at the meeting.

NEW BUSINESS

1. **Shoreland application** – Applicant: Jesse Barton. Owner: Wes Schlauder. Location: 90 Lynch Cove, Map 22, Lot 4A. Purpose: Construct roof over existing porch. PI Board reviewed the application and determined the application was incomplete. *George Seel motioned to table the application and resubmit at a future meeting pending the receipt of the additional information (photos of the building and a letter of authorization from the owner of the property).* *Peter Sargent seconded the motion. 4 for/1 abstain RBaker*
2. **Shoreland application** – Applicant: Tyler Redlevske (present for this application review). Owner: Margaret Michigan. Location: 46 Cedar Camp Road, Map 9, Lot 40A.05. Purpose: 20x20 addition on rear of camp. PI Board reviewed the application and determined additional information is required. Mac Stocco suggested requesting storm water runoff (DEP best practices) condition on this property. Peter Sargent requested permission letters from each condo owner/Condo Board members and Mac Stocco requested wastewater disposal information. PI Board asked for additional information to be sure the wastewater disposal system will function correctly with the condo units sharing the system. *Rich Baker motioned to table the application and resubmit at a future meeting pending the receipt of the additional information (permission letters from the owners/Condo Board members and the septic/wastewater disposal design for the area. Mac Stocco seconded the motion. 5 for/0 oppose*

3. **Shoreland application** – Applicant and owner: Eric and Yvonne Forsbergh. Location: 17 South Sandy Cove Road, Map 18, Lot 10. Purpose: New construction of 16x12 bunkhouse with a toilet, bathroom sink, no kitchen, outside shower with built-in drain, wood and metal roof. PI Board reviewed the application and determined additional information is required. Mac Stocco questioned the storm water runoff. PI Board members will coordinate site visits to the area to gather more information on the layout of the property. *Peter Sargent motioned to table the application and resubmit at a future meeting pending the receipt of the additional information (onsite visit by PB members). Rich Baker seconded the motion. 5 for/0 oppose*

4. **Shoreland application** – Applicant and owner: Randall Briggs. Location: 324 Timber Point Road, Map 8A, Lot 6. Purpose: Enclose 350-s.f. area beneath existing overhanging roof and improve stormwater drainage around home. Ben Murray (AE Hodsdon Consulting Engineers) and Randall Briggs (owner) present for the application review. Stated for the record, the address for the property is 324 Timber Point Road not 327 Timber Point Road as indicated on the application. Peter Rushton inquired about a Permit By Rule (PBR) for this application. George Seel advised that the Town of Belgrade's Ordinance does not require a PBR as a condition for acceptance. Much discussion took place regarding the PI Board review and vote on the standards of Section 16(D) of the Shoreland Zoning Ordinance. The PI Board voted on each standard for this application:
 1. Will maintain safe and healthful conditions.
PI Board voted in affirmative.
 2. Will not result in water pollution, erosion, or sedimentation to surface waters.
PI Board voted in the affirmative.
 3. Will adequately provide for the disposal of all wastewater.
PI Board voted in the affirmative.
 4. Will not have an adverse impact on spawning grounds, fish, aquatic life, bird and other wildlife habitat.
PI Board voted in the affirmative.
 5. Will conserve shore cover and visual, as well as actual, points of access to inland waters.
PI Board voted in the affirmative.
 6. Will protect archaeological and historic resources as designated in the comprehensive plan.
PI Board voted in the affirmative.
 7. Will avoid problems associated with flood plain development and use.
PI Board voted in the affirmative.

8. Is in conformance with the provisions of Section 15, Land Use Standards.
PI Board voted in the affirmative.

George Seel motioned to approve the application as presented. Peter Sargent seconded the motion. 5 for/0 oppose

OLD BUSINESS

1. **Consideration of meeting minutes from March 5, 2020; Sept. 3, 2020; Sept. 17, 2020; Oct. 1, 2020.**

George Seel motioned to approve the March 5, 2020 meeting minutes as amended with one clarifying edit (not "slope protection district" s/b "resource slope protection district". Rich Baker seconded the motion. 4 for/1 abstain MStocco

Rich Baker motioned to approve the September 3, 2020 meeting minutes as amended with a word usage edit (not "notice" s/b "noticed". Peter Sargent seconded the motion. 5 for/0 oppose

George Seel motioned to approve the September 17, 2020 meeting minutes as amended with a grammar usage edit (not "Macs" s/b "Mac's". Peter Sargent seconded the motion. 5 for/0 oppose

Rich Baker motioned to approve the October 1, 2020 meeting minutes as presented. George Seel seconded the motion. 4 for/1 abstain PSargent

Belgrade Planning Board
Findings of Fact and Conclusions of Law

Application for Shoreland Permit

APPLICANT: _____
ADDRESS: _____
TAX MAP # ___ LOT # ___

I. Findings of Fact

The Applicants on DATE applied for a shoreland permit for _____

(PROJECT DETAILS).

The application was presented to the Planning Board on _____

(DATE, WITH DATES OF ANY SUBSEQUENT MEETINGS AT WHICH THE APPLICATION WAS CONSIDERED). These Findings of Fact and Conclusions of Law were developed in conjunction with consideration of the permit application.

II. Conclusions of Law

Based upon the application materials, testimony, statements, evidence, documents and other materials submitted to it and the above Findings of Fact, the Belgrade Planning Board finds that the Project is/is not a permitted _____ (USE) under Section 14, Table 1 in the Ordinance, and further makes the following conclusions based on the applicable provisions in Section 16(D) of the Ordinance:

1. Will maintain safe and healthful conditions.
 - By a vote of X-X, the Board found this standard was/was not met based on _____
_____.
2. Will not result in water pollution, erosion, or sedimentation to surface waters.
 - By a vote of X-X, the Board found this standard was/was not met based on _____
_____.
3. Will adequately provide for the disposal of all wastewater.
 - By a vote of X-X, the Board found this standard was/was not met based on _____
_____.
4. Will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat.
 - By a vote of X-X, the Board found this standard was/was not met based on _____
_____.
5. Will conserve shore cover and visual, as well as actual, points of access to inland waters.
 - By a vote of X-X, the Board found this standard was/was not met based on _____
_____.
6. Will protect archaeological and historic resources as designated in the comprehensive plan.
 - By a vote of X-X, the Board found this standard was/was not met based on _____
_____.

- T. Shoreline Stabilization _____
- U. Soils _____
- V. Water Quality _____
- W. Historical and Archaeological Sites _____
- X. Resource Protection _____

Conditions of Approval Needed to Meet Required Belgrade SLZ Ordinance Findings in Section 16(D):

1. Manage stormwater run-off from new or expanded structure(s) in accordance with Section 15(I) of the Belgrade Shoreland Zoning Ordinance and the Maine Department of Environmental Protection's (DEP) **Best Management Practices** as outlined in the Conservation Practices for Homeowner's publication. Such measures are to be put in place prior to building use. *NOTE: This is a standing condition that applies to all permits unless deemed unnecessary by the Planning Board, based on the following rationale.*

Rationale: _____

2. _____

Rationale: _____

3. _____

Rationale: _____

- _____
- _____
7. Will avoid problems associated with flood plain development and use.
- By a vote of X-X, the Board found this standard was/was not met based on _____
- _____
8. Is in conformance with the provisions of Section 15, Land Use Standards,
- By a vote of X-X the Board found that this standard was met based on evidence in the record and further as follows:
- A. Minimum Lot Standards _____
 - B. Principal and Accessory Structures _____
 - C. Campgrounds _____
 - D. Individual Private Campsites _____
 - E. Commercial and Industrial Uses _____
 - F. Parking Areas _____
 - G. Roads and Driveways _____
 - H. Signs _____
 - I. Storm Water Runoff _____
 - J. Septic Waste Disposal Systems _____
 - K. Essential Services _____
 - L. Mineral Exploration and Extraction _____
 - M. Agriculture _____
 - N. Timber Harvesting and Land Management Roads _____
 - O. Clearing or Removal of Vegetation for Activities other than Timber Harvesting _____
 - P. Hazard Trees, Storm Damaged Trees and Dead Tree Removal _____
 - Q. Exemptions to Clearing and Vegetation Removal Requirements _____
 - R. Revegetation Requirements _____
 - S. Erosion and Sedimentation Control _____

III. Decision.

Based on the above findings of fact and conclusions of law, on _____(DATE), the Town of Belgrade Planning Board approved by a vote of _____ the Shoreland Permit application of _____ (APPLICANT'S NAME) With the above conditions, and at a meeting on _____(DATE), developed these written Findings of Fact and Conclusions of Law and adopted these findings on _____(DATE).

Dated _____

BELGRADE PLANNING BOARD

BY: _____
Peter Rushton, Chair

NOTE: The Maine Department of Environmental Protection's stormwater best management practices are posted at townofbelgrade.com/bmps.

Belgrade Planning Board
Findings of Fact and Conclusions of Law

Application for Shoreland Permit

APPLICANT: _____
ADDRESS: _____
TAX MAP # ___ LOT # ___

I. Findings of Fact

The Applicants on DATE applied for a shoreland permit for _____

(PROJECT DETAILS).

The application was presented to the Planning Board on _____

(DATE, WITH DATES OF ANY SUBSEQUENT MEETINGS AT WHICH THE APPLICATION WAS CONSIDERED). These Findings of Fact and Conclusions of Law were developed in conjunction with consideration of the permit application.

II. Conclusions of Law

Based upon the application materials, testimony, statements, evidence, documents and other materials submitted to it and the above Findings of Fact, the Belgrade Planning Board finds that the Project is/is not a permitted _____ (USE) under Section 14, Table 1 in the Ordinance, and further makes the following conclusions based on the applicable provisions in Section 16(D) of the Ordinance:

1. Will maintain safe and healthful conditions.
 - By a vote of X-X, the Board found this standard was/was not met based on _____
_____.
2. Will not result in water pollution, erosion, or sedimentation to surface waters.
 - By a vote of X-X, the Board found this standard was/was not met based on _____
_____.
3. Will adequately provide for the disposal of all wastewater.
 - By a vote of X-X, the Board found this standard was/was not met based on _____
_____.
4. Will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat.
 - By a vote of X-X, the Board found this standard was/was not met based on _____
_____.
5. Will conserve shore cover and visual, as well as actual, points of access to inland waters.
 - By a vote of X-X, the Board found this standard was/was not met based on _____
_____.
6. Will protect archaeological and historic resources as designated in the comprehensive plan.
 - By a vote of X-X, the Board found this standard was/was not met based on _____
_____.

- _____
- _____
7. Will avoid problems associated with flood plain development and use.
- By a vote of X-X, the Board found this standard was/was not met based on _____
- _____
8. Is in conformance with the provisions of Section 15, Land Use Standards,
- By a vote of X-X the Board found that this standard was met based on evidence in the record and further as follows:
- A. Minimum Lot Standards _____
 - B. Principal and Accessory Structures _____
 - C. Campgrounds _____
 - D. Individual Private Campsites _____
 - E. Commercial and Industrial Uses _____
 - F. Parking Areas _____
 - G. Roads and Driveways _____
 - H. Signs _____
 - I. Storm Water Runoff _____
 - J. Septic Waste Disposal Systems _____
 - K. Essential Services _____
 - L. Mineral Exploration and Extraction _____
 - M. Agriculture _____
 - N. Timber Harvesting and Land Management Roads _____
 - O. Clearing or Removal of Vegetation for Activities other than Timber Harvesting _____
 - P. Hazard Trees, Storm Damaged Trees and Dead Tree Removal _____
 - Q. Exemptions to Clearing and Vegetation Removal Requirements _____
 - R. Revegetation Requirements _____
 - S. Erosion and Sedimentation Control _____

- T. Shoreline Stabilization _____
- U. Soils _____
- V. Water Quality _____
- W. Historical and Archaeological Sites _____
- X. Resource Protection _____

Conditions of Approval Needed to Meet Required Belgrade SLZ Ordinance Findings in Section 16(D):

1. Manage stormwater run-off from new or expanded structure(s) in accordance with Section 15(I) of the Belgrade Shoreland Zoning Ordinance and the Maine Department of Environmental Protection's (DEP) **Best Management Practices** as outlined in the Conservation Practices for Homeowner's publication. Such measures are to be put in place prior to building use. *NOTE: This is a standing condition that applies to all permits unless deemed unnecessary by the Planning Board, based on the following rationale.*

Rationale: _____

2. _____
- _____

Rationale: _____

3. _____
- _____

Rationale: _____

III. Decision.

Based on the above findings of fact and conclusions of law, on _____(DATE), the Town of Belgrade Planning Board approved by a vote of _____ the Shoreland Permit application of _____ (APPLICANT'S NAME) With the above conditions, and at a meeting on _____(DATE), developed these written Findings of Fact and Conclusions of Law and adopted these findings on _____(DATE).

Dated _____

BELGRADE PLANNING BOARD

BY: _____
Peter Rushton, Chair

NOTE: The Maine Department of Environmental Protection's stormwater best management practices are posted at townofbelgrade.com/bmps.

Town of Belgrade

Planning Board

Mar. 17, 2022 / 6 p.m.
Belgrade Town Office
990 Augusta Road
Belgrade, ME 04917

This meeting can be watched at

<https://youtu.be/V7DL1p22fjc>

MINUTES

Planning Board members present: Peter Rushton, Craig Alexander, Rich Baker, Sara Languet, Peter Sargent, George Seel.

In-person attendees: Town Manager Anthony Wilson, Code Enforcement Officer Richard Greenwald, Selectperson Dan Newman, Steve Buschbaum.

Remote attendees: Gina Coppens, Nicholas Alexander, Travis Burton, Nuni Rebenack, Susan Pangborn, Elliot Thayer.

Mr. Rushton called the meeting to order at 6:03 p.m.

1. OLD BUSINESS

A. Discussion and consideration of **Commercial Development Review Ordinance amendments** addressing commercial solar and wind facilities, and telecommunications towers. In considering which facilities should be regulated, Mr. Seel moved that the regulations apply to all commercial, industrial and other non-residential ground-mounted solar energy-producing facilities regardless of their size and electrical output. Mr. Alexander seconded. Motion approved 5-0.

Mr. Seel moved to define non-residential solar energy-producing facilities as any commercial, industrial, institutional or other non-residential solar energy facility producing electricity with ground-mounted solar modules regardless of total size or power output, including, but not limited to, any facility: 1) selling power to the regional electric grid; 2) that is classified by the Maine Public Utilities Commission as a community-based or a distributed generation renewable energy project; 3) producing energy for use by a commercial, industrial or institutional land use; or 4) generating and providing electrical power to the grid under a net-metering agreement with Central Maine Power Company in accordance with Chapter 313 of the Maine Public Utilities Commission regulations. Mr. Alexander seconded. Motion approved 5-0.

Mrs. Languet moved to exempt the following solar energy-producing facilities from a Commercial Development Review: 1) A facility only providing electricity to the owner's residential land use or offsetting the electrical utility bill of a residential land use by means of net metering, and

when the facility is located on property owned by the owner of the residential land use; 2) Roof-mounted solar energy facilities on any legally permitted non-residential or residential principle or accessory structure; 3) Building-integrated solar power, including shingle, roof, hanging or canopy solar modules, windows, skylights or walls, installed in a legally permitted non-residential or residential principle or accessory structure; and 4) repair or replacement of solar modules or other facility components that do not enlarge a non-residential facility's structural footprint, or disturbed or impervious surface area. Mr. Seel seconded. Motion approved 5-0.

Mr. Sargent moved to approve the following definitions: A community-based renewable energy project is a solar energy-producing facility which meets the definition in state statute (Title 35-A, subsection 3209-A) of a "community-based renewable energy project." A distributed generation renewable energy project is a solar energy-producing facility which meets the definition in state statute (Title 35-A, subsection 3209-A) of a distributed generation renewable energy project. Net metering means the same as net energy billing (NEB) as defined by the Maine Public Utilities Commission in Chapter 313, titled "Customer Net Energy Billing," of the Commission's regulations, and includes both kWh credit and tariff rate programs. And "cutting and clearing of vegetation, grubbing and stump removal" were added to the definition of development in the Commercial Development Review Ordinance. Mrs. Languet seconded. Motion approved 5-0.

In light of those actions, the Board reviewed previous changes made to the solar ordinance template provided by the Kennebec Valley Council of Governments to ensure no conflict between those prior changes and the new definitions. That review included the purpose of the proposed amendments, the authority, the applicability, definitions, administration and enforcement, and the beginning of specific application requirements. Mr. Seel asked the town manager to consult with KVCOG on whether it can provide a demonstration of a visual impact model to determine if it yields an adequate analysis. He also asked that the town attorney be asked whether the Board could legally consider the visual impact of a proposed development on neighboring communities.

2. NEW BUSINESS

A. SHORELAND ZONING APPLICATION – Applicant: John Schlosser.

Location: 90 Pine Beach Rd. Map 42 Lot 15. Purpose: Install new septic system on a non-conforming lot. **This item was pulled by staff before the meeting.**

3. OLD BUSINESS

A. Consideration of March 3, 2022, Planning Board **minutes**. Mr. Alexander clarified that in considering the Feb. 3, 2022, minutes, he proposed not regulating solar facilities with roof panels and up to five ground-mounted panels. Mrs. Languet moved approval of the March 3 minutes as amended. Mr. Alexander seconded. Motion approved 5-0.

4. ADJOURN. Mrs. Languet moved to adjourn. Mr. Seel seconded. Motion