

Board of Appeals Minutes

Town of Winslow, Maine
February 17, 2022

Members Present:

Joe Marcoux (chairman)	Dr. Charles Kriegel	
Jerome Leclair	Christopher Dawe	Wyatt Quirion

Others Present:

Amos Michaud (Code Enforcement Officer)	
Audra Fleury	Lynne Choate-Planning Board
Matthew Morrison - Appellant	Elery Keene-Planning Board
Greg Robie -Appellant (Zoom)	Bill Lee, Esq. (Attorney for Town)-Zoom
Gordon Smith, Esq. (Attorney for Applicant)	Brooke Barnes
Ben Aparo	Alan Boucher
Daniel Serber-Zoom	Rob Rukowski-Zoom

Meeting called to order: 6:13 pm, Dr. Charles Kriegel arrived at 6:20. Started with new business to have a quorum for Cushman Road, Jerome Leclair needed to recuse himself.

Old Business:

Review and appeal of the Large-Scale Principle Solar project off Cushman Road

Jerome Leclair recused himself, due to conflict of interest 2 Planning Board members were present, Lynne Choate and Elery Keene

Bill Lee, Esq. reviewed bond issues and decommissioning plan/ordinance for board State ordinances regarding bond and decommissioning is much stricter than towns, bond will be in place for the full amount before project starts and will be at the stricter standards (State)

Motion (Robie Appeal): The decision of the Planning Board that Winslow PV LLC met the requirements for a conditional use permit for a Large-Scale Principal Soar Energy System on parts of Tax Map 1, Lots 43, 44, 51 and 54 is supported by substantial evidence and the Planning Board had the authority to reconsider earlier decisions.

The decision of the Planning Board is affirmed, and the code enforcement officer is directed to issue the permit requested by Joseph Marcoux, seconded by Jerome LeClair, seconded by Dr. Charles Kriegel All in Favor, vote passed 4-0

Motion (Morrison Appeal): Motion the decision of the Planning Board that Winslow PV LLC met the requirements for a conditional use permit for a Large-Scale Principal Soar Energy System on parts of Tax Map 1, Lots 43, 44, 51 and 54 is supported by substantial evidence and the Planning Board had the authority to reconsider earlier decisions.

The decision of the Planning Board is affirmed, and the code enforcement officer is directed to issue the permit requested by Joseph Marcoux, second by Wyatt Quirion All in favor vote passed 4-0.

Review a reconsideration of an appeal from Greg Robie regarding the decision by the Code Officer on a building permit.

Greg Robie requested the Board table reconsideration so that he and the Code Enforcement Officer, Amos Michaud to come to an agreement. He wants 2 lots to become 1 lot which is a merge of lots and needs to go through planning board, not CEO or board of appeals. Per Amos Michaud he wants to change use from single use (residential) to accessory dwelling (residential) since both uses are categorized as residential there is no change to be done. Motion to reconsider the original decision made on January 26, 2022, by Wyatt Quirion, seconded by Dr. Charles Kriegel, All in favor, vote passes 5-0

Motion that the Board find that Greg Robie is co-owner of a property at 264 Cushman Road (Map/Lot: 001-114), which contains a dwelling and co-owner of a property at 265 Cushman Road (Map/Lot:001-122), which contains a barn and dwelling.The Board finds that these properties are on opposite sides of Cushman Road, which is a town accepted road.The Board finds that while the two properties are in common ownership at present, the barn and dwelling at 265 Cushman Road were once owned by a third party.The Board finds that Greg Robie's change of use request is an attempt to have the property at 265 Cushman Road become an accessory use to the property at 264 Cushman Road and have both properties be considered a single lot by Jerome Leclair seconded by Dr. Charles Kriegel, All in favor, vote passes 5-0

Motion that based on the foregoing findings of fact, the Board makes the following conclusions of law: 1. The property at 265 Cushman Road is not an accessory use to the property at 264 Cushman Road but is instead a separate lot. 2. The attempt to have 264 Cushman Road and 265 Cushman Road considered to be a single lot is not a matter within the jurisdiction of the Board. For the foregoing reasons, the decision of the code enforcement officer is affirmed by Jerome Leclair seconded by Wyatt Quirion, All in favor, vote passed 5-0

New Business:

Review the appeal from Tony Bernard regarding the decision by the Planning Board to approve the Large-Scale Principal Solar Project off Roderick Road.

Discussion with Tony Bernard regarding reason for appeal. Main concerns were lack of buffer on west side of property-Per code screening would satisfy ordinance, Service issues with postal service not having people sign for registered mail-we have no authority of postal

services, and that property values will decrease-planning board can not deny project on this issue.

No Ordinance standards were missed.

Motion that the decision of the Winslow Planning Board that NextGrid Sweetleaf LLC met the requirements for a conditional use permit for a Large-Scale Principal Solar Energy System on the Roderick Road (Tax Map 20, Lot 47) is supported by substantial evidence.

With the exception of the certified mailing to Tony Bernard, notice of the public hearing to those within 500 feet was properly given and notice to those within 1000 feet to submit written comments were properly given. Tony Bernard had actual notice of the January 3, 2022, Planning Board hearing and participated in it.

The decision of the Planning Board is affirmed, and the CEO is directed to issue the permit requested by Joseph Marcoux, seconded by Jerome Leclair, All in favor, vote passed 5-0.

Review a Variance request from Alan Boucher regarding the property line setback requirements within the Mixed-Use District 715 Benton Ave.

Mr. Boucher closed store and converted it into 3 apartments. Bank will not allow him to get a mortgage unless the house lot and apartment lot is separated. Set back for single family home is 10 ft and multi family is 20 ft. There is 10 ft between buildings. 2 variances are required.

Motion to grant 5 foot setback variance for house by Joesph Marcoux seconded by Wyatt Quirion, all in favor, vote passes 5-0

Motion to grant 15 foot setback variance for multifamily unit by Joseph Marcoux, seconded by Wyatt Quirion, all in favor, votes passes 5-0

Motion to Adjourn by Joseph Marcoux seconded my Dr. Charles Kriegel, all in favor

Time: 8.15

Time: 8:58pm