

Town of Winslow

Planning Board

Meeting Minutes 06-21- 2023

Call to order

A meeting of the Town of Winslow Planning Board was held in the Winslow Parks and Recreation room at 114 Benton Ave., Winslow ME 04901 on June 21, 2023, at 6:03 PM.

Board Members Present: Planning Board Chair – Gary Owen, Mike Desrosiers, Steve Gagnon, Elery Keene, and Chris Dawe

In-person attendees: Town Manager – Erica LaCroix, Administrative Assistant - Kaitlyn Philbrick, Town Attorney – Bill Lee, and multiple residents.

Procedural Business

1. Determine that a quorum is present.

Discussion:

There was a quorum present.

2. Discuss whether possible conflicts of interest exist.

Discussion:

There were no conflicts of interest.

Old Business

1. Review and approve the minutes from the May 17th meeting.

Discussion:

There was no discussion or suggestions on the minutes.

Decision:

Steve Gagnon motioned to approve the minutes as written, Mike Desrosiers seconded the motion, and the Board voted in favor by a vote of 5-0.

2. Zoning Change – China Rd. Map 5, lots 39, 39-A, 40, 41, 41-001, 41-002, 41-003, 41-F, and 41-B.

Discussion:

This proposal was originally presented to the Planning Board on May 17, 2023. At that time, it was submitted as a request from George Lint to re-zone his properties at Map 5, Lots 41, 41-1, 41-3 and 41-F from Conservation District Zoning to Rural District Zoning. At that time, the Planning Board voted to recommend the proposed changes to the Town Council and move forward with a combined Planning

Board/Town Council Public Hearing on June 12, 2023. After the May 17th meeting, following conversations with the Town Attorney, the recommendations were changed to include the properties at Map 5, Lots 39, 39-A, 40, 41, 41-001, 41-002, 41-003, 41-F, and 41-B. There was a combined public hearing with the Town Council and Planning Board on June 12th, 2023, to discuss the proposed changes and allow time for public comments. No vote was taken at that time by either the Planning Board or Town Council.

During the June 21, 2023, meeting, Elery Keene made a motion to recommend the above zoning changes to the Town Council. Chris Dawe seconded the motion, and the Board passed it 5-0. There were multiple comments and concerns from the public attendees regarding the possible effects this change could have on the Pattee Pond water quality.

Erica LaCroix suggested that an alternative the Planning Board could consider would be to change the wording under the current Conservation Zoning Ordinance, (Chapter 300, Article IV, §300-50 C2), to say “stores” plural rather than “store” singular. This would allow for businesses along the China Rd. corridor while still maintaining the standards and requirements of properties currently within the Conservation District as set forth in our Zoning Ordinances. All members of the public who spoke were agreeable to this alternative. The Board voted to not recommend the zoning change by a vote of 1-4 with Elery Keene voting for the change.

Decision:

Steve Gagnon made a motion to change the wording in Chapter 300, Article IV, §300-50 C2 to say “stores” rather than “store”. Mike Desrosiers seconded the motion, and the Board passed it by 4-1 with Elery Keene voting against the change. This new recommendation will go to the Town Council on July 10, 2023.

New Business

1. Proposed Zoning Changes regarding recreational marijuana.

Discussion:

The Town Council is considering several changes to the current Medical Marijuana Ordinance (Chapter 164), as well as the allowed uses in the Zoning Districts (Chapter 300). The changes in the Zoning District Ordinances include allowing adult-use marijuana establishments and/or cultivation facilities depending on the zone. The Planning Board reviewed the proposed changes to the Mixed-Use, Industrial, Rural, and Conservation Zoning Ordinances allowing adult-use marijuana stores and/or adult-use cultivation depending on the zone. They then voted on each Zoning Ordinance individually.

Erica LaCroix explained that the Planning Board would have to vote on each zoning change individually and explained some of the reasoning behind the suggested changes. She explained that the ordinances were changed to allow adult-use cultivation in districts where agriculture is already an allowed use, and to allow adult-use stores in the districts that currently allow medical marijuana stores.

Bill Lee made a recommendation to change every area of the proposed ordinances that say, “cultivation facilities” to state, “cultivation facilities, including registered medical caregiver facilities.” Because a medical marijuana caregiver is allowed to both cultivate and sell medical marijuana to patients. This would avoid any confusion between regular grow facilities versus registered medical caregiver facilities.

Decision:

Conservation Zoning District (Chapter 300, Article IV, §300-50-C):

Elery Keene made a motion to recommend the amendment of the proposed changes to the wording of the Conservation District Zoning Ordinance as suggested by Bill Lee above. Mike Desrosiers seconded the motion, and the Board voted in favor by a vote of 4-1 with Chris Dawe voting against the change.

Steve Gagnon motioned to recommend the proposed changes to the Conservation District with the above amendments as agriculture is already an allowed use in that zoning district, so it would make sense to allow marijuana cultivation as well. The Board voted to approve the recommendations by a vote of 3-2. Chris Dawe and Elery Keene voted against the recommendations.

Rural Zoning District (Chapter 300, Article IV, §300-47-C):

Mike Desrosiers motioned to recommend the above amendment of the proposed changes to the Rural District. The Board voted to approve the amendment by a vote of 4-1 with Chris Dawe opposing the change.

Mike Desrosiers motioned to recommend the proposed changes to the Conservation District with the above amendments as agriculture is already an allowed use in that zoning district. The Board voted to approve the recommendations by a vote of 3-1. Chris Dawe voted against the recommendations and Elery Keene abstained from the vote.

Industrial Zoning District (Chapter 300, Article IV, §300-48-C):

Mike Desrosiers motioned to accept the changes as written. Gary seconded the motion stating that the Industrial District is small so this would have limited impact. The Board voted to approve the recommendations by a vote of 4-0. Chris Dawe abstained.

Mixed-Use Zoning District (Chapter 300, Article IV, §300-45-C):

Steve Gagnon made a motion to not recommend the proposed changes in the Mixed-Use Zoning District as it is too close to neighborhoods. Elery Keene seconded the motion. Erica LaCroix stated that most of our “commercial areas” are in the Mixed-Use District as are the existing medical marijuana facilities. The Board voted against the motion by a vote of 2-3 with Gary Owen, Mike Desrosiers, and Elery Keene opposing the motion.

Mike Desrosiers made a motion to recommend the changes to the Town Council, Elery Keene Seconded the motion, and the Board voted in favor by a vote of 3-2. Chris Dawe and Steve Gagnon voted against the change.

2. Conditional Use Application:

Applicant: S.D.G. Investors Inc.

Location: 410 China Rd. Winslow ME 04901

Purpose: Conditional Use Application – Wants to convert his existing wood shop into two apartment units

Discussion:

On May 17, 2021, the Planning Board originally approved a sub-division plan to build 9 apartment units within the existing building. The applicant never moved forward with the project and the sub-division plans were never registered with the Kennebec County Registry of Deeds.

On December 6, 2021, the Planning Board approved a Conditional Use Permit application to convert the building into climate-controlled storage as well as a woodshop.

The applicant is now proposing to convert the woodshop into two apartment units. There was a question as to whether the original sub-division plan would need to be amended. However, after researching the Ordinance it was found that the original plan is now null and void as, according to Ordinance Chapter 250, Article VII, §250-19B of the ordinance, “any subdivision not recorded in the Kennebec County Registry of Deeds within 90 days of the date upon which the plan is approved and signed by the Planning Board shall become null and void.”

Decision:

Chris Dawe made a motion to approve the proposed Conditional Use Permit application, Steve Gagnon seconded the motion, and the Board voted in favor by a vote of 5-0.

3. Conditional Use Application:

Applicant: Winslow PV LLC

Location: Cushman Rd. Winslow ME 04901

Purpose: Conditional Use Application – Wants to revise the site plan for a previously approved solar farm application.

Discussion:

The Planning Board originally approved this solar farm project on December 22, 2022. They are now submitting a Site Plan Revision application to make the following changes to the project:

- The northernmost array has been removed from the Project.
- Removal of the northernmost array has reduced the length of the access road for the Project. The access road now terminates at the southern end of the northwesternmost array as shown on the attached civil site plans. The access road length has been reduced from 5,056 linear feet to 2,634 linear feet.
- Removal of the northernmost array and the associated access road reduction has eliminated the stream crossing that was originally proposed.
- The impervious area has been reduced from 1.92 acres to 1.02 acre.
- The fenced area has been reduced from 28.4 acres to 22.2 acres.
- The clearing limits have been reduced from 32.7 acres to 27.1 acres.
- The total Project area has been reduced from 90.2 acres to 34.2 acres.
- The type of inverters to be used has changed. The Project now includes 33 small string inverters. (16 mounted on one equipment pad and 17 on the other pad) instead of the six large inverters originally proposed.
- During a site visit conducted in March of 2023, it was observed that a portion of one wetland contains a few trees that will need to be removed to prevent panel shading. Therefore, the total wetland impacts for the Project have increased slightly from 57,756 square feet to 62,267 square feet.

There was an easement running through the middle of the project and the Town Ordinance says that easements cannot be built on. Therefore, the project that the Planning Board originally approved worked around that restriction. Since the original approval, the easement has been released, allowing Winslow PV LLC to revise their site plan to make use of that space and dramatically reduce the overall footprint of the project. It also eliminates nearly half of the originally proposed access road.

Decision:

Mike Desrosiers made a motion to approve the Site Plan Revision application as presented, Elery Keene seconded the motion, and the Board voted in favor by a vote of 5-0.

Public Comment

Discussion:

There were no further public comments.

Adjournment

Steve Gagnon motioned to adjourn the meeting at 7:34 PM, Mike Desrosiers seconded the motion, and the Board voted in favor 5-0.

Minutes completed by:

Kaitlyn Philbrick
Secretary to the Planning Board

Approved on:
