

Town of Fort Fairfield
Wind Energy Technical Review Committee
Council Chambers
Monday, December 1, 2014
6:00 P.M.

Members: Dick Langley, Jim Everett, Carl Young, Todd Maynard, Barbara Hayslett, John Herold,
David McCrea, Michael Bosse, Tim Goff and Phil Christensen
Excused: Brent Churchill, Heather Cassidy
Also Present: Tony Levesque
Citizens: 2

- I. Call to Order – Richard Langley, Esq. – Committee Chair
- II. Review/Acceptance of Minutes of November 17, 2014

Motion: Phil Christensen moved to approve Minutes of November 17, 2014 as written.
Second: Tim Goff Vote – All affirmative

- III. Old Business - Review of the Mars Hill Wind Site – Mike spoke with Don Theriault and he has agreed to allow us to tour the facility. Mike has tentatively established the date for the next scheduled meeting date of December 15th at 10AM. They are open to any day, they are very flexible. The majority of the group agreed that they could make it for a morning tour, with a few members agreeing to go on a Saturday morning tour.
- IV. New Business
 - A. Review of Montville Sample Ordinance / Discussion on Perceived conflict of Interest in Selection of Montville Ordinance as a Starting Point.

Dick – Raised a question to Carl regarding a couple of issues he raised in an email, one being the Zoning Ordinance Comprehensive Plan and what we are doing. Dick was under the understanding that we would be working at drafting an ordinance that will either end up as a standalone ordinance or as an ordinance that will be incorporated into the existing Zoning ordinance. He wondered if this a housing keeping thing that we can deal with at the end as to how it is implemented or if we need to address it now?

Carl – The thing that concerns me is that any amendments to an existing ordinance or any new ordinance are supposed to go along with what is in the comprehensive plan. We have ~~to have~~ a comprehensive plan in place. It describes Fort Fairfield’s nature and it’s a farming community - the natural resources, and its demographics, and it speaks to any changes that are made. Ordinances have to be reflective of what is in the comprehensive plan of the Town. In this comprehensive plan it speaks of Fort Fairfield as an agricultural community, it has thousands of acres of farm land. It does not speak of wind farms per say se. If a wind farm comes about it is going to take over many acres of farm land that we currently have today. It is going to change Fort Fairfield from its rural farm community kind of atmosphere that is described in the comprehensive plan, by having this industrial wind farm. ~~Which, which~~ is, by all definitions, a commercial industry, which is very limited in the original comprehensive plan as far as being established out in the rural farm district. Also there is the

Shoreland Zoning Ordinance that comes into play. Wetlands, setbacks from streams, rivers and those sort of things, we have a tremendous amount of those in Fort Fairfield.

Dick – So do you have an opinion as to whether we can do this or not?

Carl – ~~Suggested~~ I'm suggesting that at least we step back and take a look at the comprehensive plan, what we have to do relative to that, if anything. How the various other ordinances of the Town are impacted and interrelated to what we are trying to do. Plus look at the existing zoning ordinance. In that, it describes a public utility and provides a definition for that, and this wind farm would in fact qualify, in my humble opinion.

Dick - Isn't the housing keeping part of this process, if we come up with a product here that it is clearly intended to supersede any provisions to the existing zone ordinance?

Carl – We could, but I think it's best if we address it up front. If we come up with anything as restrictive as the Montville ordinance, there will be no wind farms in Fort Fairfield. That was my purpose in raising the question and there are an awful lot of other things that need to be considered before we jump right in.

John – Indicated that he read through the Comprehensive Plan, his impression was to consider it industrial development as long as it took into account the character and nature of the Town. Using that as the basis, I don't see any reason why we shouldn't go ahead formulating this ordinance. Carl also mentions Shoreland Zoning and there are many other requirements such as DEP approval, FFA and so on. We can do this without saying that we need to modify the shoreland zoning, we need to do this in compliance with the Shoreland Zoning.

Tony - I have had to deal with this for 26 years, it is a planning tool, and we have to meet States goals and policies. We implement that comprehensive plan by adopting the zoning ordinance. Under home rule authority, I believe the legislature body - through the process established by our charter, can amend the ordinance or adopt a new one if they are found to be consistent with what the intent was here. You are supposed to give some consideration for the character of the community and how this is going to impact the community as a whole. Carl is correct, when all is said and done, we need to further define what we are going to do.

Mike – So this ordinance is interrelated with other ordinances and the comprehensive plan, which is Carl's point.

Carl – There is no problem with using the Montville ordinance as a template as long as we understand that Montville is so far from a representation of Fort Fairfield. Their intent was clearly to eliminate wind energy in Montville. It is listed to be one of the most restrictive ordinances ever developed. ~~I'm Concerned~~ concerned that we are starting out with such a restrictive language ordinance as opposed to the vanilla State model and clearly eliminating any perceived bias on our part.

Todd – The reason I passed out the Montville ordinance was to consider it as a template. When we had the last meeting there was a lot of terms and definitions that

were unclear. The one way to educate yourself on it is to either read the ordinances or have a template to go by. When you look at the rest of the towns who have done their ordinance, they are not looking at the State's. They are hiring consultants to come in, and if the Town is in a position to hire a consultant, then I welcome it. These ordinances are something to educate us and we have to start with a template somewhere.

Mike – Utilizing Montville as a template, template is a strong term for Montville, it is more or less reference material. Utilizing the State's as a template is a bare bones template that you can add the reference material to. My biggest concern at last week's meeting was that David, Tony and I went through a pain-staking process to assemble this group of people. We did it so it was above reproach, without bias and that we be perceived as doing what is best for Fort Fairfield. Then to choose Montville as a template as opposed to reference material, I think taints that view within the community as being ultra conservative. I don't just mean Fort Fairfield, but also the wind turbine community, state wide community, no matter who is looking at Fort Fairfield as to how we are assembling this ordinance. I think choosing Montville leans us as anti-wind.

Carl – We have digressed from my original point and question, which was ~~to take~~ taking the Montville ordinance as the starting point. I would like to suggest that we could take the State model, it has a lot of material there and we do have the capability around this table to name that, start down through line by line. We can refer to Montville, Dixmont and all the other ordinances. But we will have ~~to start~~ started down the path that says that we started from the State of Maine's vanilla document and we applied our scientific methodology, our investigative methodology, and we put things in and ~~take~~ took things out in a way to fit the Town of Fort Fairfield.

Tim - I am a fan of progress, I would like to see us start at the beginning because what is our goal here? I feel like if we discuss the ordinances that we have already looked at and we have all made huge leaps in the last meeting as to our understanding. All of these seem to start at the same place. What's the title, the authority, the purpose, then get into the definitions so we can define what flicker is. Just start there, maybe we can walk away at 8pm tonight feeling like we got line one done, next week we will do line two. We have to jump in.

Todd – We have an ordinance here, I think we need to make out our own Fort Fairfield ordinance here. ~~Lets~~ Let's get a blank sheet of paper out and use these ordinances as a reference.

The beginning of the Wind Energy Development Ordinance is attached to these minutes.

- B. List of Topics to be researched in Advance for Next meeting – It was agreed for everyone to review the definitions for the next meeting.

- V. Public Comment Period – Rick Shepard thanked the group for their hard work. He then passed out the easement agreement that he received from Shamrock along with a map outlining where the proposed wind turbine sites would be.

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VI. Other – NONE

Next meeting scheduled for December 15th will be a tour of the Mars Hill Wind Farm at 10am with the next scheduled meeting will be December 29th at 6:00 pm in the Council Chambers.

Motion: Barbara Hayslett moved to adjourn at 7:55 PM

Second: Carl Young

Vote – All affirmative

Respectfully submitted,

Rebecca J. Hersey
Secretary Pro-Tem