

COMMERCIAL WIND ENERGY FACILITY ORDINANCE COMMITTEE
PUBLIC HEARING MINUTES: SEPTEMBER 11, 2024, 5:30 P.M. TOWN OFFICE
MEMBERS PRESENT: CARRIE PEABODY, AL GRIGNON, DIANE SMITH, CYNTHIA BEAUVAIS

MEETING START 5:30 PM.

Meeting minute notes courtesy of Diane Smith and Cynthia Beauvais.

Outline process for ordinance review. Attendees read through each section due to length of ordinance. Feedback, comments addressed at the end of each section.

Discussion below:

Section 1 & 2:

No issues.

Section 3:

1. Clarification of application for buildings, e.g. are buildings included or just the windmills.
2. Question as to whether Type 1 Residential was defined. Comment, the definition is further in the ordinance.
3. Concern about existing permits for 2 areas on Mason Bay – Advised, the Planning Board has reviewed and determined that those permits are no longer valid. Any further work would need a new application.

Section 4:

1. Question about archeological and historic resource, primarily as to does the work stop if digging unearths anything.
2. Recommend changing wording in sentence on item #8 from the word 'Provide' to 'Require'.
Adopted.

Section 5:

1. Concern about wording on 1st paragraph – 1.a. mostly about differences between site permit versus license. Advised, licenses are issued by Maine State Departments whereas the permits are issued by the Town. Normal Planning Board practice is to ensure that all licenses are complete prior to issuing, if valid, a permit. Board has ability to limit at their discretion.
2. Quite a bit of discussion regarding abandonment, sound levels, boundary, 1 mile distance, etc. Advised, it is to be understood that Section 5 highlights the general procedures and requirements whereas the section on Standards provides the detail in these instances.
3. Question on should the Type 1, Residential windmill be listed as well. After discussion, advice is that not needed. All agreed to remove.
4. Recommendation that wording on paragraph #13, Permit Expiration, be reworded. Agreed to delete the words, 'by one (1) year' at the end of item b.

Section 6:

1. Some discussion on prohibiting Type 4. Final decision was not to restrict. All agreed.

Section 7:

1. Recommendation to add the wording, 'and specified local/public locations/businesses postings' to item #4. Adopted.
2. Question on wording regarding financial instruments given that some instruments are stronger than others, e.g. Performance Bond versus Letter of Credit. Advised, wording is standard as found from other ordinances thus will remain.

Section 8:

1. Recommendation to change wording on item #13 to replace '200% of Turbine Height' to '2000 feet to boundary.' Adopted.
2. Continuing on item #13, recommended to delete item 'a' which mentions waiver of property setback. Adopted. Relabel as "a,b,c"
3. With removal of "a" need to Re-letter all in item #13.
4. Question on item #17, waterbodies. Recommendation to add the word add "inland" before waterways to ensure no confusion with offshore/ocean. Adopted.
5. #18 – include reference to [Erosion Control BMPs, Maine Department of Environmental Protection](http://www.maine.gov/dep/land/erosion/escbmps/) to note <http://www.maine.gov/dep/land/erosion/escbmps/> link.
6. Discussion on item #33, height restrictions – references table that does not actually include maximum heights. Recommended to delete entire item re: max on 3A&4. Adopted.
7. Renumber balance of section.

Section 9:

Discussion on wording of item #2, subsection j. Recommendation to delete the wording of 'a portion of the CWEF component' to clarify intent. Strike out "or...component"

1. All agreed.
2. Spell check in item #3 to fix the word 'rebuttable'.

Section 10:

1. Recommendation to move definition of 'Private Windmill Energy Facility' to section that delineates Type 2, Type 3, etc. Suggestion to add Type 1 to Definitions. Adopted
2. Discussion on definition of Substantial Start especially as it notates equipment 'such that they are taxable by the Town of Jonesport' given that there is a taxable distinction between what is taxable, buildings versus equipment. Recommendation to delete last portion of definition "*such that they are taxable by the Town of Jonesport*". Adopted.

Remaining sections adopted.

The moratorium extension expires on December 8, 2024. It will be renewed at that time and the ordinance will be put forth for a vote in March 2025 at the next Annual Town Meeting.

Once all changes are amended, the final wind ordinance will be reposted on the Town website.

Meeting adjourned at 8:30 P.M.