



P.O. Box 187, Oakland, Maine 04963 • Ph. 207-465-7357 • Fax 207-465-9118

OAKLAND TOWN COUNCIL AGENDA
12/18/2024, 2024
6:00 pm
OAKLAND FIRE STATION

- I. Call to order
- II. Pledge of Allegiance
- III. Roll Call
- IV. To consider approving the minutes from December 4, 2024, and signing the weekly payables warrant.
- V. Business Agenda:

New Business:

- 1. Order 38-2425 - 6/30/24 Audit Presentation- Craig Costello from Brantner, Thibodeau & Associates via Zoom
- 2. Order 39-2425 – Introduce new Employees and Swearing in Oakland’s next Town Clerk
- 3. Order 40-2425 – Solar Moratorium
- 4. Order 41-2425 - Notification System/Website

Manager Updates

12/31/24 Library asking to close at 2:00 and use own time. Typically open until 7:00

Order 34-2425 Executive Session: Personnel Matters 1.M.R.S.A.§405 (6)(A)

Adjournment

Upcoming Meetings:

January 8, 2025 – Town Council Meeting Atlantic Room - 6:00 p.m.

January 22, 2025 – Town Council Meeting Atlantic Room - 6:00 p.m.

January 30, 2025 - Downtown TIF Committee – Cascade Room - 3:30 p.m.

OAKLAND TOWN COUNCIL MINUTES
12/04/2024

I. The meeting was called to order at 6:00 pm.

II. Pledge of Allegiance

III. Roll Call

Town Council members present: Michael Perkins Dana Wrigley
Robert Nutting David Groder Donald Borman

Others present: Kelly Pinney-Michaud, Town Manager Janice Porter, Town Clerk
Abby Marshall, IT Nathan Smart, Code Enforcement Officer
Geoff Fotter Ray Gruber Angela Jurdak Jon Cox
Kelly Roderick Donald Ponitz Jean Ponitz Geoff Ponitz
Michelle Fontaine Janet Lund Sam Nepple

IV. Moved by Dana Wrigley seconded by Robert Nutting and voted 5-0 to approve the minutes from November 13, 2024, and signing the weekly payables warrant.

V. Business Agenda:

New Business:

1. Order 35-2425 Moved by Dana Wrigley seconded by Robert Nutting and voted 5-0 approving the Downtown TIF Facade Grant Application submitted by Donald Ponitz dba JD Enterprises. The property is located at 46-48 and 50-52 Main Street. The planned improvements listed the storefront improvements, restoration of historical/original windows, doors and/or trim where possible. The start date of the project was July 1, 2023, and remains ongoing. The long-term goal is to renovate the entire building with retail space and four (4) independent living spaces. The grant amount approved is in the amount of \$106,360, payable over three years. Councilor Nutting, a member of the TIF committee, spoke in support of the work being completed by Mr. Ponitz, bringing business back to Main Street and hopes of providing future affordable housing. Geoff Ponitz announced that two (2) retail businesses will be opening in the month of December and asked that Council members join in the opening of those shops.
2. Order 36-2425 Code Enforcement Officer, Nate Smart, updated Council members on work being done with Jessica Cobb at KVCOG to comply with the newly adopted "Land Use Ordinance – LD 2003". The key component to this law is to allow a second dwelling being placed on a lot that would not normally be allowed due to minimum lot size. Buildings must meet all set-back and plumbing/sewer requirements. The law was pushed through by the state because of the need for more housing in our state. It was noted that the LD is for accessory buildings only, not to include recreational vehicles. At a future date the Code Enforcement Officer will provide additional information for the proposed amendment to the current ordinance.

3. Order 37-2425 Moved by Dana Wrigley seconded by Donald Borman and voted 5-0 approving letters being sent to all delinquent personal property taxpayers.

Manager Updates

*Solar Array – The Manager is proposing a “Moratorium” , a pause, on all construction of solar sites in Oakland. Councilors expressed their concern with the run-off, storm water drainage, heavy metals, toxicity leaching into the grounds, from any proposed sites. The Manager will return with proposed language for the “Moratorium.

Fire Department – Moved by Dana Wrigley seconded by Robert Nutting and voted 4-0-1(David Groder abstained) approving the use of monies received from the sale of the old storage trailer in the amount of \$5,000 and money from the Fireman’s Association for the purchase of a replacement trailer.

Adjournment

Moved by David Groder seconded by Robert Nutting and voted 5-0 to adjourn at 6:45 pm.

**TOWN OF OAKLAND
ESTABLISHING A MORATORIUM
ON SOLAR ENERGY CONVERSION ARRAYS**

Section 1. Title; Authority.

This ordinance, duly enacted by the Town Council of the Town of Oakland, Maine (the “Town”) and entitled, “Town of Oakland Establishing a Moratorium on Solar Energy Conversion Arrays,” is referred to herein as the “Moratorium Ordinance.” The Moratorium Ordinance is adopted pursuant to Section 102 of the Oakland Town Charter; the Town’s home rule authority under Article VIII, Part Second, of the Maine Constitution and 30-A M.R.S.A. § 3001; 30-A M.R.S.A. § 4356; and any other enabling statutes.

Section 2. Necessity.

The Town Council makes the following findings:

- A. As a result of the net energy billing program established by the Maine Legislature, developers have expressed interest in and have been aggressively pursuing developing commercial and community-scale solar energy conversion systems and facilities (“Solar Farms”) throughout the State of Maine, including in the Town, and these aggressive pursuits have resulted in the approval and/or construction of at least four large-scale Solar Farms within the Town over the past several years.
- B. Although, in 2021, the Town Council enacted a Solar Array Ordinance to regulate the construction of Solar Energy Conversion Arrays, the Town’s existing ordinances are inadequate to prevent the potential for serious public harm from the siting, construction, and operation of additional large-scale Solar Farms within the Town.
- C. The prospect of siting, construction, and operation of additional Solar Farms within the Town raise legitimate and substantial questions about the impact of such facilities on the Town, including but not limited to whether such facilities are compatible with existing and permitted land uses in the Town, whether such facilities can be appropriately located to avoid or minimize potential adverse environmental effects and visual impacts, and whether excessive land is being devoted to such facilities to the detriment of other land uses.
- D. As a result of the foregoing issues, the siting, construction, and operation of additional Solar Farms within the Town has potentially serious implications for the health, safety, and welfare of the Town and its residents and visitors.
- E. The Town needs a reasonable amount of time to study the land use implications of siting additional Solar Farms within the Town; evaluate whether its existing ordinances reasonably and appropriately govern their location, construction, operation, and decommissioning; and prepare and adopt new or amended ordinances as necessary to address the foregoing issues.

- F. The Town Council, with assistance from the Planning Board, Code Enforcement Officer, and other municipal officials, intends to study the Town's ordinances to determine the land use and other implications of siting, constructing, and operating additional Solar Farms within the Town, and to consider what reasonable permitting procedures, performance standards, and locations, if any, may be appropriate for these facilities.
- G. It is anticipated that such study and development of reasonable regulations will not take more than 180 days from the Date of Applicability of this Moratorium Ordinance.
- H. Pursuant to 30-A M.R.S.A.A. § 4356 and Section 102 of the Oakland Town Charter, the Town Council may adopt a moratorium ordinance on the processing or issuance of development permits and licenses.
- I. The foregoing findings create a necessity, within the meaning of 30-A M.R.S.A. § 4356, for a moratorium on the processing or issuance of permits, approvals, and licenses for Solar Energy Conversion Arrays, as defined in Section 3, below.

Section 3. Definitions.

The term "Solar Energy Conversion Array" means an assembly of components and subsystems required to convert solar energy into electric or thermal energy for on-site or off-site use and whose solar land area is five thousand (5,000) square feet or greater. The term applies, but is not limited to, solar photovoltaic (PV) systems, solar thermal systems, concentrated solar thermal installations, solar hot water systems, and any other solar energy conversion systems that collect, convert, store, and/or deliver electricity.

The term "Solar Energy Conversion Array" does not include (i) Solar Energy Conversion Arrays that are roof-mounted on any legally permitted residential or residential accessory structure; (ii) Solar Energy Conversion Arrays that are ground- or pole-mounted for private, on-site use if the solar land area is less than five thousand (5,000) square feet; (iii) building-integrated Solar Energy Conversion Arrays (i.e., shingle, hanging solar, or canopy systems); (iv) the repair or replacement of legally existing Solar Energy Conversion Array components that do not enlarge the area of the existing array; or (v) Solar Energy Conversion Arrays located on the same lot as a legally existing commercial building which convert solar energy for on-site operational purposes only.

For purposes of this definition, "solar land area" means the total surface area of land occupied by solar panels, solar arrays, and associated infrastructure (including mounting hardware and equipment), all inter-panel or inter-array space, all impervious surfaces, and all areas adjacent to the facility that are vegetated by grasses and must be kept free of obstructions in order for the facility to capture sunlight.

Section 4. Moratorium.

The Town Council does hereby declare a moratorium on (i) the siting, installation, construction, and operation of any Solar Energy Conversion Array, or the expansion of any existing Solar

Energy Conversion Array; (ii) the acceptance or processing of any application, proposal, or request pending on or after the Date of Applicability for any new or expanded Solar Energy Conversion Array; and (iii) the issuance of any development permit, license, or other form of regulatory approval or any other action or decision by a board, officer, official, employee, agent, or department of the Town related to any new or expanded Solar Energy Conversion Array (“Moratorium”).

Section 5. Effective Date and Duration.

This Moratorium Ordinance takes effect immediately upon its adoption by the Town Council (the “Effective Date”) and shall remain in full force and effect for a period of 180 days from the Date of Applicability, unless extended, repealed, or modified pursuant to applicable law.

Section 6. Retroactive Application; Date of Applicability.

This Moratorium Ordinance is expressly intended to and shall have retroactive effect. Notwithstanding 1 M.R.S.A. § 302 or any other law to the contrary, and regardless of the Effective Date, this Moratorium Ordinance shall govern and apply to all proceedings and applications for Solar Energy Conversion Arrays that were or are pending before the Town at any time on or after **December 4, 2024** (the “Date of Applicability”) and, to the extent allowed by 30-A M.R.S. § 3007(6), shall nullify any final permit, license, or other approval of a new or expanded Solar Energy Conversion Array issued by a municipal reviewing authority within 45 days of the Effective Date.

Section 7. Enforcement, Violations and Penalties.

This Moratorium Ordinance shall be enforced by the Code Enforcement Officer of the Town. Any person who violates any provision of this Moratorium Ordinance shall be subject to civil penalties and other remedies as provided in 30-A M.R.S.A. § 4452.

Section 8. Conflicts; Severability.

Any provisions of the Town’s ordinances or regulations that are inconsistent with or conflict with the provisions of this Moratorium Ordinance are hereby repealed to the extent applicable for the duration of this Moratorium. If any section or provision of this Moratorium Ordinance is declared by a court of competent jurisdiction to be invalid, such a declaration shall not invalidate any other section or provision.

Adopted at a duly called and held meeting of the Town Council of the Town of Oakland,
on December 18, 2024:

Mike Perkins, Chairman

Dana Wrigley, Vice Chairman

Don Borman

Bob Nutting

Dave Groder

A majority of the Town Council of the Town of Oakland, Maine.