

TOWN OF CAPE ELIZABETH  
MINUTES OF THE PLANNING BOARD

December 18, 2007

7:00 p.m. Town Hall

Present: Barbara Schenkel, Chair  
Paul Godfrey  
James Huebener

Peter Hatem  
Beth Richardson

Absent: Scott Collins.

Also present was Maureen O'Meara, Town Planner.

Mrs. Schenkel called the meeting to order and called for discussion or corrections of the minutes of November 26, 2007. Mr. Godfrey moved to accept the minutes, and Mr. Huebener seconded. The minutes were approved without amendment, 5-0.

OTHER BUSINESS

Small Wind Energy Zoning Amendments - The Planning Board is considering amendments to the Zoning Ordinance that would permit the installation of small windmills in the RA, RB, RC, TC, BA, BB and FWP Zoning Districts, Sec. 19-10-3, Zoning Amendments Public Hearing

Mrs. Schenkel outlined the draft amendment. She stressed the point that it is a draft, and will be revised, if necessary after tonight's public hearing. Then it will go to the Town Council, where it will probably have another public hearing.

Mrs. Schenkel opened the public hearing.

Jeff Armstrong of 18 Avon Road, asked if the definitions mean that one can only generate electricity for this property and cannot feed any excess power back into the grid.

Mr. Godfrey replied that the purpose of this Zoning Amendment is to allow generating for one property, not for commercial consumption. However, the intent is not to limit the ability to tie into the grid and allow excess generation to back into the grid.

Mr. Hatem also stated that the intent is to have generation for just one lot, not an entire neighborhood.

Mrs. Schenkel noted that the average household uses 600 KW per month, and most of these generators, produce around 200 KW per month, depending on their location.

Mr. Armstrong was concerned about the 20,000 sq ft needed for the windmill.

Mr. Godfrey clarified that the 20,000 sq ft, is for the entire property, including the house, not just for the windmill. And the setback is 50% of the height of the pole.

Warren Roos of 36 Kettle Cove Road questioned the wording that makes it seem that you can't connect to the grid.

Mr. Hatem replied that the amendment is designed as one unit for one property.

Mr. Roos also asked for clarification about the pole.

The reply was it is for a monopole, not a guy.

Mr. Roos also noted that there is a two year backlog of people waiting for towers and rotors. He said we live in a world made possible by oil, and we need to find a way to get out of that dependence.

Mr. Roos gave a brief history of the development of alternative energies, and the taxation policies that have encouraged or discouraged them. He then asked a series of questions, and provided his answers to those questions.

Will it increase or decrease property values? He says there is no evidence to support that it hurts property values.

Are they noisy? Some are, but the one he wants to put up makes no noise. It will make 45 dbL at 45 mph.

Does it make economic sense? Wind generation will cut 2/3 of my electric use, and will have a 5 to 6 year payback.

Can it help the environment? There is no pollution from wind generation and it offsets the pollution that would be generated by CMP to provide his electricity.

Does it interfere with TV reception? No.

Is it safe for the neighbors? Yes, it has been tested. The tower stability has an excellent record. Trees fall down all the time, and there is no setback required for them. They will not energize a downed power line.

Do they kill birds? Yes, they do. The number one killer of birds is glass windows, and the second is cats. Cars and trucks and power lines are also big sources of bird kills.

Mr. Roos wants the Board to consider this measure, not on dislike, but because it is the right thing to do.

Priscilla Armstrong of 18 Avon Road thinks this is a great idea, and she wants to recommend strongly that the Town install one in Gull Crest to supply the Schools' needs and cut down on their oil use.

The public hearing was closed.

Mrs. Schenkel said the Board had received emails from the public and that they were both pro and con.

Mr. Hatem responded to an email concerning conservation. He said that conservation is still being encouraged and this measure is in addition to conserving, not instead of it. He also feels the proposed size of the lot is a good balance with engineering data and safety.

Mrs. Schenkel says the literature suggests a lot size of over ½ acre, but if we make the lot size too large it will severely limit who can have a windmill.

Mr. Godfrey thinks we have struck a good balance.

Mrs. Schenkel is still concerned about aesthetics and heights. She also thinks the KW limit is too high.

Mr. Huebener noted that the Board is trying not to limit the capacity for future technology.

Mr. Hatem doesn't think there should even be a limit on KW.

Mr. Huebener asked if we need to be more specific on where the setbacks are measured.

Ms. O'Meara urged the Board to be specific about those setbacks.

It was agreed that the setback should be measured to the nearest edge of the pole.

Mr. Godfrey questioned whether the Board needs to limit the color of the pole.

It was decided to limit the color to a non-reflective neutral color.

Mrs. Richardson proposed that they add language to clarify that the standard is not intended to prohibit the transfer of energy back to the grid.

Mrs. Richardson made the following motion:

**BE IT ORDERED** that the Planning Board recommends proposed amendments, as amended, to the Zoning Ordinance that would make small windmills a permitted use.

Mr. Huebener seconded the motion and it was approved, 4-0. Mrs. Schenkel abstained.

The Board also agreed to recommend the construction of a windmill by the Town to be used for the power needs of the schools.

Mr. Hatem commended my Godfrey for his service to the Planning Board. He expressed the appreciation from the Board for all his time and expertise.

Mr. Hatem moved to adjourn, and Mrs. Richardson seconded. The board voted 5-0 to adjourn at 7:45 pm.

Respectfully submitted,

Hiromi Dolliver