

**PROSPECT PLANNING BOARD**  
**PROSPECT COMMUNITY CENTER**

**THURSDAY, AUGUST 28, 2025**

**4:15 PM**

**PRESENT: KATHLEEN JENKINS, LOIS GIANNI, HENRI GIGNOUX, LAURIE JONES, ARLINE LAMARCHE, ALFRED REYNOLDS, BECKY AMES,**

Jenkins called the meeting to order at 4:15 pm.

**READING AND APPROVAL OF MINUTES OF REGULAR MEETING FOR AUGUST 14, 2025:**

Minutes from the meeting were sent to all members. Gignoux made a motion to accept the minutes as read. Reynolds seconded the motion. All others approved.

**1. COMMUNICATION:**

**a. Potential Buyers of Lot 15-1 in Prospect:**

There have been two inquiries about a property in town, lot 15-1. Matt Chaney and Daniel Little have both asked about building on the property. Per the Attorney *“It is always best practice to avoid telling a prospective buyer what can or cannot be done with a property, without having an application before you. While a bit cold, I would suggest responding that “I’m afraid we are unable to provide guidance on what can be done with a property without a complete application having been filed. Buyers are encouraged to consult with a building professional and/or lawyer as part of their due diligence related to a purchase”.*

Jenkins will email both individuals noting the suggestion from the attorney and inviting them to a Planning Board meeting.

**b. Mary Szatkowski and John Hopeck – Decide on Aquifer Map :**

Jenkins said a print out of a map detailing the town lines and roads would be very helpful to the Planning Board and Land Use Committee. Jones will confer with the Land Use Committee and see if there is anything else they have for map preferences. Jenkins mentioned they may want to reach out to John Hopeck for more details.

**2. NEW BUSINESS:**

**a. Review of Municipal Officers Meeting/Public Hearing & Correspondence from the Town Attorney:**

The Municipal Officers held a Public Hearing and invited the Planning Board in case the Public had any questions concerning a Solar Ordinance and Setbacks in the Minimum Lot Size Ordinance. This meeting was held at a regular Municipal Officers meeting on Wednesday, August 20, 2025. A vote was taken at the meeting and it was clear that the public did not want any further commercial solar arrays in Prospect. The Municipal Officers tasked the Planning Board with creating a Solar Array Ordinance not allowing any commercial solar in Town. Per the Attorney: ***“I do think it’s important that the Town articulate the reason why commercial solar arrays can’t be sustained anywhere in town. If a developer wished to challenge this on the grounds that the regulation is a taking, they could find some success”.***

There was a discussion about the setbacks in the Minimum Lot Size Ordinance at this meeting. Planning Board members referenced Section VIII, Appeal, a. undue hardship, #4 change or (typo) ***to of*** but that section could be reviewed on behalf of a landowner as well as b. ***removing not*** and changing of (typo) ***to or***. The Planning Board wanted the Public to know there was an Appeal process available.

The setback causing questions by the Public is Section IV, Specifications, B. set back a minimum of 40 feet .....

Per the Attorney: ***“The Town’s ordinance cannot override state law as to set back from state and state-aid highways. I’ve reprinted the relevant statute from Title 23 below – note that it has required setbacks from centerline, prohibits all installations within the full width of the right of way (which is often much larger than the traveled way), and from the edge of the way”.***

***As a matter of good planning, I think minimum setbacks from both public and private ways are sensible. They allow for roads to be expanded in the future as areas become more populated and roads potentially get taken over by the municipality and improved. Because the width of ROW’s vary, I like ordinances to consider both centerline and side line setbacks. 50’ and 15-20 feet are the most commonly used numbers. Sample language might read, “All structures shall be set back 50’ from the centerline of a public or private way, or 15’ from the edge of the right of way of the public or private way, whichever is greater. Setback from a state or state aid highway shall comply with 23 M.R.S. Section 1401-A, as may be amended from time to time”.***

The Planning Board will further discuss the 25-40 foot setback.

The Municipal Officers received a copy of the Attorney’s email comments as well.

**3. OLD BUSINESS:**

**a. Commercial Solar Array Ordinance: Directive to Prohibit Future Commercial Solar Arrays:**

It was agreed by the Planning Board that we would use the Town of Sangerville Solar Array Ordinance as a template and reference the Town of Morrill Solar Array Ordinance as well. The Planning Board started a review of the Sangerville Ordinance and Jones made changes to the document on her computer copy.

There needs to be an educational component as well as a strategy to the presentation of any Solar Array Ordinance for the town. It should contain an explanation as to why, just saying no to an Ordinance, could create issues for the town. Reference the Attorney again: *“I do think it’s important that the Town articulate the reason why commercial solar arrays can’t be sustained anywhere in town. If a developer wished to challenge this on the grounds that the regulation is a taking, they could find some success”*. Taking people’s property and not letting them do what they want violates due process rights and could put the town in jeopardy if we don’t have proper language.

The question came up whether we use acreage or production size or both or whichever is larger in an enclosed fence area.

We do have some time to develop this Ordinance. The town already has a Moratorium in place. The repercussions are broad if the Ordinance does not cover all issues.

Again the Comprehensive Plan clearly states that the public wants to maintain the rural setting.

The Planning Board members will review and come to the next meeting with their suggestions on changes to the Sangerville and Morrill Solar Array Ordinances that we can apply to the Ordinance for the Town of Prospect.

**b. Planning Board Draft of Revised Minimum Lot Size Ordinance from Rights-of-Way:**

The set backs are an important issue to the town. It can affect everyone. Again the Comprehensive Plan clearly states that the public voted to maintain a rural setting. This doesn’t mean houses being built close to the road. Also road maintenance and plowing could be affected by any close setbacks. We obviously need another Public Hearing and vote on the changes made to the Minimum Lot Size Ordinance.

**c. Date for Workshop with Attorney:**

Jenkins will contact the Municipal Officers and the Town Attorney regarding a timeline for the work the Municipal Officers have tasked the Planning Board with completing.

- **September 11, 2025** – Review Sangerville and Morrill Solar Ordinances, revise them to meet the town of Prospect’s needs
- **September 25, 2025** – Invitation to Municipal Officers to attend the Planning Board meeting to discuss the Solar Array Ordinance and the changes to the

MLSO and to understand the suggestions by the Town Attorney so that both Boards are clear on her legal advice and how to move forward

- **October 9, 2025** – The Planning Board will hold a Public Hearing on Rights-of-Way with the Town Attorney attending per Zoom

**4. OTHER BUSINESS:**

N/A

**5. MOTION TO ADJOURN MEETING:**

Jenkins adjourned the meeting. All approved. The meeting was adjourned at 5:55 pm.

The next meeting of the Planning Board will be Thursday, September 11, 2025 at 4:15 pm at the Prospect Community Center.