

PROSPECT PLANNING BOARD
PROSPECT COMMUNITY CENTER
THURSDAY, SEPTEMBER 25, 2025

4:15 PM

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

OTHERS: BRANDY BRIDGES, MARK SMOLK

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

READING AND APPROVAL OF MINUTES OF REGULAR MEETING FOR SEPTEMBER 11, 2025:

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

1. COMMUNICATION:

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

There was another inquiry from someone from Texas on this property. Jenkins provided the person with the information the Board received from the Attorney about any potential development.

b. Potential Buyer for the Dyer Property:

Jenkins received an inquiry from Alan Duffy of Washington D.C. about the Dyer property. He is interested in adding on buildings for a cat/alpaca living area. The Town currently has no regulations for animals. Jenkins referred him to the Town CEO for further information.

c. Mark Smolk Switzer Spring Development:

Smolk will attend another meeting to discuss development on his acreage on Switzer Springs that he is hoping to sub-divide. He decided to sit in on the meeting.

2. NEW BUSINESS:

N/A

3. OLD BUSINESS:

a. 4:15 Meeting with Municipal Officers to Review Legal Advice Regarding ROW's and Commercial Solar / Compile Questions for Town Attorney:

Jenkins compiled a list of concerns on a visual board and posted for bullet points to address the above concerns.

Right of Way/Setbacks:

- Why? Attorney Recommendations:
50' center / 15' edge

For Safety purposes – placement of utilities, plowing, maintenance of roadways, etc., culverts & future growth

Preserve the rural character of the Town - this was addressed by the people of the Town in the Comprehensive Plan

Eminent Domain – State Law Requirements

Only Structures – Definition of Structure – we already have definitions in the Ordinances for Structures

Commercial Solar Ordinance:

- Why? Attorney Recommendations:
No complete prohibition

Constitutes a "Taking" the Developer / Owner could challenge – takes away the ability for what a person wants to do with their property

Punitive Damages

Source of Revenue

Municipal Officers lose qualified immunity if they act against the Attorney's advice/state law/ personal immunity

Jones clarified regulatory taking – could void our insurance, lawsuits, expenses, time – avoid this by taking the advice of the Attorney.

Municipal Officer Bridges asked what the rationale was for comparing farm vs. solar and asked what the Attorney suggested. At the Public Hearing people did not have a problem with small solar arrays and the Planning Board said in reviewing other Town's Ordinances the size limit of the solar array could be addressed in an Ordinance.

An Ordinance can be written that has restraints as well, visual, size, setbacks, maximum size, you wouldn't be limiting but prohibiting certain things. None to 4 or 5 Solar Arrays, how close can they be, make sense to define by size, different size panels, Taking, Liability, etc., but as Jones stated the Ordinance will allow the Town to deal with the above and more.

Bridges mentioned that the current 180 day Solar Moratorium would be extended and that would give the Planning Board some more time to develop a Solar Array Ordinance for the Town.

Bridges will take the Visual Board to the next Municipal Officers Meeting (next week) and discuss these issues.

Bridges would also like a workshop sometime in October with the CEO, Planning Board and Municipal Officers.

It was decided that the upcoming Work Shop should be on October 9, 2025 with the CEO and the Municipal Officers. Jenkins will contact the CEO to see if he can attend in person or by Zoom to discuss/review setbacks, structures, etc.

b. 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 meeting with the CEO and Municipal Officers.

c. 5:15 pm Zoom with Mary Szatkowski (State Hydrogeologist) Regarding Aquifer Map:

The Board reviewed the maps that Szatkowski provided and decided to combine map #4 and map #5 and add the well head where the Searsport Water District has their access to water. Red shows areas that drain into the Aquifer. Also have the Aquifers in another color. She will also include sand and gravel areas that are in protected areas. Other things to include on the map - roads, boundaries, mountains, town lines and the marsh.

The Planning Board was hoping to show an expanded boundary around the aquifer maybe 200 feet? Szatkowski said as a Hydrologist, that would have to be determined scientifically so it would have to be justified.

Explain what secondary recharge means. Create a narrative. Jenkins has language from John Hopeck which she will email to everyone.

Szatkowski can print a good size map but not huge, but thought handouts would be better and a PDF to show on a screen.

Gignoux made a motion to accept the revised Aquifer map as proposed with changes that Szatkowski will prepare. Reynolds seconded the motion. All others approved the motion.

d. Continue Review of Sangerville and Morrill Solar Ordinances, revise to meet the Town of Prospect's needs:

Bypass review of Solar Ordinances for this meeting.

e. Planning Board Draft of Revised Minimum Lot Size Ordinance setback from Right-Of-Way:

IV Specifications (B) – revised to Attorney's language

VIII Appeal (A) 4 – change to (of) and (b) remove not and fix typo to or – Jones has fixed the document and will send to Jenkins for review to send to Municipal Officers.

(Note – Intention to Build Form will need to be revised to meet changes above.

4. OTHER BUSINESS:

N/A

5. MOTION TO ADJOURN MEETING:

Jenkins adjourned the meeting. All approved. The meeting was adjourned at 6:00 pm.

The next meeting of the Planning Board will be Thursday, October 9, 2025 at 4:15 pm at the Prospect Community Center.