

**Minutes**  
**Starks Planning Board Meeting**  
**March 5, 2025**

**Present:** Gwen Hilton, Ken Lust, Claire Nelson, Joe Hartigan, Byrne Wright

**Guests:** Maggie Wright, Joe Hayden

Adequate public notice was given of the meeting, a quorum was present, and no conflicts of interest nor bias were reported. The meeting's agenda was approved, and public comments were invited.

**Old Business:**

The minutes of the February 5, 2025 meeting were approved by unanimous consent.

**New Business:**

*NECEC status update*

Ken had received an email from Gerry Mirabile seeking confirmation from the Planning Board that it would not require approval for NECEC, LLC to relocate an anchor some 20 feet from its present position on structure 258. The Planning Board agreed with Ken's judgement that the minuscule nature of the relocation of the guy anchor needed no further Board approval. A copy of Ken's response is attached.

*Regulation of Hazardous Materials*

As noted in the PB's February minutes, Ken had agreed to research whether it was advisable to consider introducing a "stand-alone" ordinance to address the storage or handling of hazardous materials in quantity. In reviewing both State and Federal statutes and regulations, his recommendation is that the permitting requirements outlined in our existing Shoreland Zoning and Site Plan Review Ordinances, coupled with existing State and Federal Laws and Regulations which would likely preempt any local ordinance anyway, adequately provide safeguards that speak to these concerns and that no additional ordinance is needed.

### *Enforcement of the Maine Uniform Building and Energy Code*

Once again, the Board discussed whether to recommend to the Selectmen that they consider taking formal action on the enforcement of MUBEC. Byrne had done considerable research on the application of the Code, particularly as it relates to towns with populations below 4000. Some of the Board's observations and considerations include, 1) the option of requiring third-party certification on all new residential construction 2) the MUBEC is law, and the Code needs to be enforced. Since builders are required to comply with the rules, enforcement of the Code only seems logical 3) the responsibility for ensuring that a structure is sound and meets all State codes falls to the buyer 4) the existing language, as it relates to its applicability to log cabins requires further clarification by the State.

Byrne took the position that Starks' current regulations support compliance with MUBEC. That said, the Board agreed that it would be beneficial to have a conversation regarding MUBEC with the Town's new CEO. To that end, the Selectmen will invite him to attend their April 7<sup>th</sup> meeting and, pending his availability, the PB will cancel their regularly scheduled monthly meeting to attend the joint meeting either then or at a subsequent date.

Gwen thanked Byrne Wright for his service as alternate and wished him well as he is moving on to the Select Board.

Adjourn: 7:20 p.m

Respectfully submitted,

Claire Nelson, Secretary



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**Town of Starks Planning Board**

Gerry J Mirabile  
Director - NECEC Permitting & Compliance  
83 Edison Drive, Augusta, ME 04336

February 26, 2025

NECEC Relocation of guy anchor for structure 258

Dear Gerry:

This is in response to your inquiry yesterday by telephone and follow-up email regarding moving a guy anchor 20 feet from its present position on structure 258 and Town of Starks Planning Board approval for such.

In my judgment as Vice-Chair of the Planning Board this request does not require Planning Board approval for the following reasons:

- The Planning Board could not grant approval of this request as the most recent approval has actually expired and the work currently being done is under the Final Decision Document dated October 16, 2024 which relates to the expired approval.
- Given that, the only way I know to get this back in front of the Planning Board would be to require an entirely new request under the Site Plan Review and Shoreland Zoning Ordinances which, given the minuscule nature of relocation of a **guy anchor** 20 feet (not the pole itself) would beggar reason.
- Moving a guy anchor 20 feet one way or another due to engineering requirements is insignificant given the totality of the 6 mile project through the Town of Starks,

Accordingly, the Planning Board has no objection to this *de minimis* relocation.

Best regards.

/S/ Kenneth Lust

Kenneth Lust  
Town of Starks Planning Board, Vice-Chair