

Minutes  
Town of Waldoboro  
Planning Board Meeting  
February 12, 2020

Roll Call

The meeting was called to order by chairman Scott Simpson at 6:03 p.m. in the meeting room at the Municipal Building. Other members present were Barbara Boardman, Sara Hotchkiss, Johnny Kosnow and Jim Russo. A quorum was present throughout. Planning and Development Director Max Johnstone was present. Tom Tetreau of Stantec represented Sun Raise Investments, the firm that would install and operate the proposed solar farm on North Nobleboro Road. The audience included Bob Butler, Mary Oakes, Ron Phillips and Marilynn Wilson, and reporters Christine Simmonds from the Courier-Gazette and Alexander Violo from the Lincoln County News.

1. Change to the Agenda - none

2. Minutes of January 8, 2020

Planning Board members voted 5 - 0 to approve the minutes of January 8, 2020 as distributed.

3. Citizen Comments – none

There were no citizen comments on matters other than those pertaining to tonight's agenda.

4. New Business

4.1 Pre-application, Solar Farm at 441 North Nobleboro Road, Sun Raise Investments LLC (Tax Map R16 Lots 59 and 65C, Travis Reed)

Tom Tetreau, a consultant who works for Stantec, an environmental consulting firm, was in to describe plans for a solar array on parts of two properties owned by Travis Reed on the east side of North Nobleboro Road. Sun Raise Investments proposes to lease the land for 30 years and install solar panels, poles, transformers and related equipment from SolRebel of Alameda, CA. The proposed site includes wetlands and a vernal pool. The perimeter of the solar array will be enclosed by a chain-link fence with barbed wire across the top and a six-inch gap at the bottom for wildlife. Tree clearing will be required near the array to allow maximum solar gain, especially on the east side, much of which is zoned Resource Protection. The panels are tilted, so that snow accumulation is not usually a problem. The site is expected to produce 3 megawatts of power. It is necessary to stay under 5 megawatts in order to be connected to the regional power grid.

Tetreau hopes to submit a complete application in May. It will include a stormwater management plan. There will be roadside ditches, but no retention pond. Lines of three-phase electric power already go down North Nobleboro Road. Three-phase power is used at the Industrial Park and the Transfer Station. Power generation will produce a certain amount of noise, but this is expected to be minimal at 100' distance.

Part of the land is forested, and the part around the Hoch cemetery is open. The landowner runs cattle on part of the land. A 250' setback is required from the edge of the vernal pool. The proposed installation covers less than 25% of the 250' setback around the vernal pool. The Town water well is located southeast of the vernal pool. The eastern wetland drains to the Medomak River. The western wetland is more isolated.

Ron Phillips said he is familiar with Sun Raise, a young team of five or six engineers based in Portsmouth NH. See its web site for more information. There is a lot of available material about the environmental benefits of solar power. Phillips offered to do research and provide articles to the Planning Board. Waldoboro used to have a working group on renewable energy. Phillips suggested sharing information about the proposed solar project with the Waldoboro group and getting their input. (According to Johnstone, this group has been disbanded, and renewable energy matters should be referred to the Economic Development

Committee.) Phillips asked Tetreau who will buy the electricity from the proposed facility. Tetreau said that a buyer will be lined up closer to the time when the facility is operational. Waldoboro has a 110 kw solar site at the Transfer Station. Phillips offered to help arrange site visits to local solar facilities for members of the Planning Board, Select Board, and other interested persons.

### Discussion

The Maine legislature approved LD 1711 that allows community solar farms to connect to the grid. Kosnow asked what would disqualify a site. Tetreau said a site might be disqualified if it were too small, not cost-effective, or if too many changes would be required in order for the site to be approved.

Boardman said that she and her husband have a community solar farm on their property. Each investor can expect to make back his or her initial investment in 10 years, after which they can expect 30 years of profit.

Hotchkiss was concerned about possible adverse impacts on birds. She asked about lights. She was told that night-time lighting is minimal, as small as the little blue light that shows that a TV set is on, before the picture comes on.

Kosnow has spent time recently in the Low Country of South Carolina, where rain can change the topography weekly. He asked whether the developer would be obliged to do something different if there were changes to the site after installation. Johnstone will check with the Maine Dept. of Environmental Protection. He does not anticipate a problem unless DEP declares the whole area Resource Protection.

Boardman asked for more information about the chain-link fence with barbed wire.

Simpson asked for the final plan to show the distance from the project to the road at its closest point.

Kosnow recommended a group site visit. It would be good for Planning Board members to visit the site, get an idea of sight lines, and visualize what the public will see when the project is up and running. Tetreau said this would be a good time of year to visit the site. Simpson said that a Planning Board site visit is a public event, and needs to be announced and advertised 10 days in advance. Kosnow said that if he did not personally visit the site, he might have to abstain from voting on the application. Butler suggested that Kosnow could visit the site on his own, without an official Planning Board site visit. Russo said that he drives North Nobleboro Road several times a month on his way to and from the Transfer Station. He thinks people could see what they need to see with a drive-by. Johnstone said that if three members of the Planning Board were to go on-site at the same time, that would constitute a public meeting, one that must be announced and advertised in advance. He asked Planning Board members to notify him in advance if they plan to go onto the property.

Simpson asked when to expect a complete application. Tetreau hopes to be able to submit a complete application in May. Johnstone needs enough advance time to get a public notice in the newspapers and to distribute the complete application to Planning Board members 10 days ahead of the meeting. The regular Planning Board meeting date for May is the second Wednesday, May 13.

Kosnow asked whether Waldoboro residents get any advantage from having a local solar installation. Select Board chairman Butler said that some towns tax solar panels, others do not. The landowner pays the property tax. Tetreau said that Sun Raise would be willing to pay any tax due from them as developers of the installation. Russo asked whether capital improvements to the Reed property would change its tax liability. No answer is recorded. Simpson said that it would be good to get the tax situation clarified before the Planning Board gets more applications for solar installations.

Butler asked whether Travis Reed intends to keep on raising cattle on the property. Tetreau did not know, but assumes so.

Boardman asked if there is room for a truck to drive between the rows of solar panels. She was told there is no access for trucks between the rows.

Russo asked about the developer's long-term maintenance obligation. Tetreau said that a 30-year lease is proposed, with options for five-year extensions. At the end of the lease period, all solar panels and materials are to be removed, and the site regraded and revegetated.

Simpson called for a clearer understanding of the amount and location of proposed tree cutting and site clearing. This should be clearly indicated on the site plan. Tetreau offered to go on-site and take photographs.

#### Developer's Questions for Planning Board/Town Planner

Tetreau had questions about the Planning Board requirements and review process. He has already determined that there are no sites of historical significance on the property. The developer must get a stormwater permit from the DEP. Would this permit satisfy the Planning Board's requirements for stormwater management? Simpson told him that the plan his firm submits to DEP should also be submitted to the Planning Board. Sun Raise will be submitting a maintenance plan for the solar facility. A copy of that plan should be given to the Planning Board. Tetreau was advised to consult pages 4-19 and 4-20 of the Land Use Ordinance. There are limits on the maximum amount of clearing of vegetation in Resource Protection areas. See also LUO Article 7, Shoreland Zoning.

Tetreau asked about the driveway permit. He was told this is straightforward. There is already an existing entrance. Johnstone can take care of the driveway permit. The narrow pink crosshatched strip on the site plan shows the location of a proposed 14'-wide gravel driveway running from North Nobleboro Road, across a new bridge, through a gate and along part of the west side of the solar array. Tetreau was told that there needs to be a 25' buffer between the road and the Hoch cemetery (Map R16 Lot 64).

Tetreau asked about the application fee. Johnstone said he cannot answer that tonight. He will check with Code Enforcement Officer Stan Waltz.

#### Summary/Final Details

Johnstone wants to receive the complete site plan application three weeks ahead of the requested review date. He sends out copies to Planning Board members 10 days in advance of the meeting. He sends notices of the meeting to neighbors, abutters, and the newspapers.

Simpson said that the Planning Board will need to see a copy of the lease agreement and proof of ownership of the land being leased. Currently, the two properties involved are in single ownership. There should be provision for maintaining the required setbacks in the event that one of the properties is sold to a new owner.

Discussion of the Sun Raise solar farm application ended at 7:24 p.m. No votes were taken.

5. Old Business - none

6. Planning Board Comments

Kosnow asked about the status of the A.D. Gray building redevelopment. Johnstone said that a background check is being done on the proposed developer. He had nothing new to report.

7. Visit to American Unagi Facility in Franklin, ME, on Feb. 21

Johnstone plans to visit American Unagi's facility in Franklin on Friday, Feb. 21, along with Planning Board member Ted Wooster. He is willing to take one additional Planning Board member, but cannot take more

than two PB members, or else the visit will become a public event requiring advance public notice. He asked Board members to let him know if they are interested in going with him on the 21<sup>st</sup>.

8. Next Regular Planning Board Meeting: Wednesday, March 11, 6:00 p.m.

American Unagi wants to build a new facility at the Waldoboro Business Park (Environmental Park). The Park is an approved subdivision. American Unagi wishes to adjust lot boundaries, which would require Planning Board approval of an amendment to the subdivision. The Planning Board needs to verify that the proposed lot change complies with building setback and acreage requirements under Article 3 of the Land Use Ordinance.

Campground, 35 Orffs Corner Rd.: Another agenda item for the March 11 meeting is a preapplication for a campground at 35 Orffs Corner Road. The applicant seeks approval for a campground that can be reserved ahead of time for retreats or vacation. It would include 10 to 12 tent campsites, a field for common use, and a sauna area. The existence of the sauna may mean that the application is for a campground and a recreation facility. Both uses are allowed in the Rural District. The applicant does not want to begin financing the project until the Planning Board has given preliminary review and input. Johnstone wants to know whether Planning Board members want a site visit at this point in the application process. No decision was made.

Adjournment: The meeting was adjourned at 7:38 p.m.

Respectfully submitted,

Susan S. R. Alexander

Action Items

Planning Board members

1. Let Johnstone know if you want to travel with him to visit American Unagi on Feb. 21, leaving at 11 a.m.
2. Notify Johnstone in advance if you plan to visit the solar farm site on North Nobleboro Road. Do not go in groups of more than two Planning Board members, or it will become a public meeting requiring advance public notice.