

Minutes
Town of Waldoboro
Planning Board Meeting
March 11, 2020

Roll Call

The meeting was called to order by vice chairman Jim Russo at 6:10 p.m. in the meeting room at the Municipal Building. Other members present were Barbara Boardman, Sara Hotchkiss and Johnny Kosnow. A quorum was present throughout. Planning and Development Director Max Johnstone was present. George Seaver was present for review of the proposed amendment to his subdivision, Waldoboro Environmental Park. The applicants for the proposed solar farm project on North Nobleboro Road were represented by Brooke Barnes from Stantec and Joe Harrison from Sun Raise Investments. Travis Reed, who owns the property to be leased for the solar farm, was present, along with his son Alden. The audience included Richard McLain, Sara McLain, Amy McLeod and Tom Vannah, all of whom live on North Nobleboro Road, and reporter Alexander Violo from the Lincoln County News.

1. Minutes of February 12, 2020

On motion of Boardman/Kosnow, Planning Board members voted 4 - 0 to accept the February 12, 2020 minutes as distributed.

2. Citizen Comments – none

3. Approval of Subdivision Amendment at Waldoboro Environmental Park, One Pie Road (Tax Map U14 Lots 10-2 and 10-3) – George Seaver and American Unagi

David A. Starr, Jr., of Gartley & Dorsky Engineering and Surveying was present to explain the reason for the requested amendment to the approved subdivision plan for Waldoboro Environmental Park, Inc. (a/k/a Waldoboro Business Park). George Seaver, who owns the Park, was present in the audience. American Unagi LLC plans to build a new facility at the Park to raise eels for sushi. Their proposed use was reviewed by the Planning Board at its meetings in January 2019 and November 2019. American Unagi originally intended to lease a 6.01-acre portion of existing Lot 2 at the Environmental Park. Now they seek Planning Board approval to create a new 6.01-acre lot at the Environmental Park, proposed Lot 5, consisting of a 5.6-acre portion of Lot 2 and an 0.4-acre portion of Lot 3. Seaver seeks Planning Board approval for an amendment to the existing subdivision plan at the Environmental Park, to reconfigure existing Lots 2 and 3 and create Lot 5. Lot 5 will be leased to American Unagi on a 99-year lease with the option to be purchased. An amended subdivision plan dated Feb. 21, 2020 was provided showing the reconfigured lots.

On motion of Kosnow/Boardman, Planning Board members voted 4 – 0 to approve amending the existing subdivision plan for the Waldoboro Environmental Park, Inc., in order to create new Lot 5. They signed a revised subdivision plan for the park, to be filed at the Lincoln County Registry of Deeds.

4. Solar Farm at 441/475 North Nobleboro Road (Tax Map R16 Lots 59 and 65C), Patrick Johnson and Travis Reed (North Nobleboro Road Waldoboro Solar LLC)

Joe Harrison of Sun Raise Investments, a small-scale solar developer, was in to describe plans to clear 14.26 acres of land on parts of two lots on North Nobleboro Road leased from Travis Reed, and install 10.7 acres of solar panels (8,460 modules), to produce 3.3 megawatts of energy. Landowner Reed was present in the audience. The solar panel area would be fenced with 7' high chain-link fencing, with a 6" gap at the bottom to allow passage by small animals. Three-phase power would be transmitted to existing three-phase power lines on North Nobleboro Road. Selective cutting would be required in 2.07 acres of land zoned Resource Protection within the Shoreland Zone. A 14-foot-wide gravel road would provide vehicular access. The access road in to the solar site includes a bridge 30' long over the wetland, so there should be no impact on

the wetland (or only very minimal impact) due to the road. The project requires approval by the Maine Public Utilities Commission (PUC). Construction would start in October 2020 and be complete by May 2021. Sun Raise would have an initial 20-year lease, with the option for three five-year extensions. At the end of the lease period, all solar equipment and related materials will be removed from the site. The former solar site will be graded, grass planted, and the area restored to a natural state as meadow.

Johnstone's comments on the application summary for this project include the following:

- a) Clearing or removal of vegetation in the Resource Protection District requires approval from the Code Enforcement Officer. Maine DEP has advised that removal of trees in the Resource Protection District for this project would not be considered timber harvesting.
- b) The proposed solar array would be categorized as "Essential Services Buildings". See 2019 edition of Waldoboro Land Use Ordinance, Chapter 16 Definitions, p. 16-9. See also the definition of "structure" on p. 16-27 of the 2019 LUO.
- c) There may be a significant vernal pool in the project area. Maine DEP has no record of one, but this will be verified in the spring/summer of 2020. The application is being evaluated as though a significant vernal pool is present. [See Appendix C, Significant Vernal Pool Permit-by-Rule Application, including photographs of a potentially significant vernal pool.]
- d) A bridge is proposed to cross a wetland. The wetland is not in the Resource Protection District.

Planning Board questions

Kosnow attended the site visit, which he found very helpful. He asked where the solar panels would be manufactured. Harrison said that most solar panels are made in China. Kosnow asked if the panels for this project could be bought locally. Harrison said that not many firms in the U.S. make solar panels. He is not sure whether any Tier A solar panels (the highest quality) are made in this country. The investors who own the project will make the decision about panel purchase.

Kosnow is a member of the Sylvania Task Force, which thinks that a large solar farm may be the best use for the former Sylvania property on Friendship Road. If that project were developed, he asked whether that would affect Sun Raise's interest in developing the Reid land for solar. Harrison said the proposed Sun Raise project on North Nobleboro Road would not be in direct competition with a solar farm at the Sylvania site.

Kosnow asked about the potential vernal pool. Harrison said that a vernal pool is a habitat type. It is ephemeral, existing as a visible area of standing water mainly in the rainy season. The vernal pool on the Reed land is surrounded by a large wet area. There is typically a "wrack line" that shows the outer limit of the vernal pool within the larger wet area.

Kosnow asked how far back from the solar panel array will existing trees need to be cut in order not to shade the panels. Harrison said that on the south side, a 50' tree would need to be 150' away from the solar panels in order not to shade them. To the east or west, there can be a lesser setback. The solar panel site is on a knoll, so that it is somewhat higher than adjacent land to the west and south, which helps.

Audience questions

Amy McLeod owns property at 541 North Nobleboro Road, on the east side of the highway, abutting the Reed property and the proposed solar development. She said that the proposed fence line around the solar array will be 180' from her property line, and 215' from her house. Harrison said that there will be 60' - 80' of existing woods between the McLeod property and the proposed development. He said that Stantec can plant rows of arbor vitae to provide year-round visual screening. They try to select deer-resistant varieties.

Tom Vannah of 500 North Nobleboro Road said that he and his wife live across the road from the proposed development. They are thinking of selling their property. What impact would a solar project like this have on the value of adjacent residential properties? Harrison said that a solar farm is a quiet neighbor. There will be essentially no vehicular traffic on the access road. Vannah asked about health issues. Harrison said that

the solar panels consist of glass and aluminum. There are no moving parts to cause noise, no liquids, no risk of toxic spills, no radiation, and no reason for health concerns. When the solar arrays are active, the noise level is around 50 dB, nearly as quiet as a library (~40 dB). The panels don't work in the dark, so there is no noise at night. Kosnow asked whether Vannah is concerned about aesthetics, the visual impact of the solar array. Would the solar array be visible from the Vannah property? (No answer is recorded.) Vannah asked whether there is any benefit to the Town of Waldoboro from having a solar array on North Nobleboro Road, other than providing some local jobs. Harrison said that the Town will gain revenue from personal property tax. The State of Maine reimburses the Town for property tax revenue lost, so there should be a net tax benefit to the Town, which might be \$10,000/year. Max asked the Town Assessor—Darryl McKenney—to clarify this part after the meeting. Darryl said that the State of Maine's tax law exempts solar installations under 25 acres from paying property taxes, but the State will pay half of what the town assesses for value so there is no loss in taxes. Darryl mentioned that the State legislature also has some bills in the works right now that will likely change the assessment for solar farms.

George Seaver asked who will own the solar array. Harrison said that Sun Raise Investments is probably the owner, but might also sell the array at some point. A lot of energy companies want to own solar farms and other renewable-energy projects. Sun Raise is developing several such projects. Thousands of individuals might invest in a solar project, or a single large entity like a college or university. Seaver asked about the life expectancy of the solar panels. Is the owner required to remove them after 35 years? (No answer is recorded.)

Kosnow asked whether someone, or some firm, could buy all the power produced by the solar farm. Harrison said yes, anyone can buy the power. Kosnow asked whether the new owner could make changes to the solar array. He was told that in that case, the new owner would have to come before the Planning Board. Russo commented that the project would be limited by the capacity of the local substation to receive the power. He said that the benefit of the cheaper power does not necessarily stay local. Hotchkiss asked whether there could be a requirement that residents of Waldoboro get first refusal if the owner of the solar array ever wanted to sell. Harrison said that would be difficult. Credit-worthiness would be an issue. Maine is not a big state with a large demand for sale of electric power. Hotchkiss asked whether requiring an option of first refusal is something that the Waldoboro Planning Board could seek to impose. Planning Director Johnstone did not think that the Planning Board should consider imposing such a stipulation.

Rick McLain of 650 North Nobleboro Road said that he and his wife Sara will be able to see the project. Construction vehicles will drive right by his house and disturb his dogs. His wife works from home. She needs peace and quiet. There is a risk that a truck might take out a power line, so that their home would lose power and she would be unable to work. He keeps bees. He fears that the construction phase of the project will involve dust, dirt, debris and odor, and adversely affect his quality of life. Harrison reassured him that the construction crew is small, and will stay on site all day. Trucks will arrive in the morning and leave at the end of the work day. Wood chips will be used for erosion control on site. After the road in has been built and stabilized, most of the work will involve attaching the solar panels to rocks, which is not noisy. Most of the construction work will be done over three or four months in the winter. No blasting or dynamite is involved in installing the panel supports. Once the panels are in place and operational, there will be almost no traffic in and out of the site.

Abutter Amy McLeod wanted to know how many vehicles will come and go from the site each day during construction, and where they will park. Would it be possible for workers to park off-site and come on-site by bus? Johnstone read from the spiral-bound site plan application. Table 1 on p. 3 addresses the estimated construction schedule and associated traffic, and gives an approximate time of year for each phase. Construction is estimated to begin in October 2020 and end in May of 2021. Subsection J Parking and Loading on p. 8 says, in part, "A temporary laydown and staging area will be created and utilized during construction near the proposed project entrance. Additional parking and loading will occur within the solar array and access road during construction. Warning signs and flaggers will be used as appropriate during construction to control traffic." Regarding noise, the application states (p. 8) that all construction activities will take place during daytime hours between 7 a.m. and 10 p.m. [If construction is done during the winter,

as intended, daylight ends well before 10 p.m.] A noise study by Reuter Associates is contained in Appendix K, but it addresses ambient noise after the solar array is operating, not during construction.

The solar array will be installed behind a fence with a locked gate for access. Travis Reed agreed that someone local ought to have a key to the gate so that people can get inside the fence in case of emergency, for example if a dog were to get inside and be unable to get out again.

Russo said that another buffer zone could possibly be negotiated, located between the wetland and the road. That could be made a condition for Planning Board approval.

Johnstone said that when he tried to contact the Hoch Cemetery (tax map R16 Lot 64, the small private cemetery located inside the Reed lot R16/65C), the letter came back undeliverable. The cemetery is in poor shape, not being maintained currently, and is not part of a cemetery association to our knowledge. Boardman suggested having a parking area near the cemetery. Sara McLain suggested having a hedgerow behind the cemetery. She wants to be able to see the cemetery and anyone using it, from her property across the street. Russo suggested that screening and parking could be conditions on project approval.

VOTE: On motion of Boardman/Hotchkiss, Planning Board members voted 4 - 0 to approve the proposed solar project at 441/475 North Nobleboro Road by the firm North Nobleboro Road Waldoboro Solar LLC, subject to three conditions:

- 1) that a decommissioning bond be in place before a building permit is issued;
- 2) that map C-3 be amended to include converting the lay down area into permanent parking when construction is done and to include screening north of the Hoch Cemetery;
- 3) approval by the Code Enforcement Officer for tree cutting in the Resource Protection District.

Russo asked Harrison to make sure that the construction manager for the project is aware of all commitments made to neighbors. Review of the solar farm agenda item ended at 7:45 p.m.

5. Comments from Planning Board Members – none

6. Announcements from Planning and Development Director - none

7. Adjournment: The meeting was adjourned at 7:47 p.m.

Respectfully submitted,

Susan S. R. Alexander

Action Items

1. Johnstone to review draft minutes before distribution to the Planning Board, in the absence of chairman Simpson, who usually does this.