

TOWN OF WATERBORO
PLANNING BOARD
MEETING MINUTES

October 7, 2020

6:30 p.m.

SITE WALK: 5:00pm - 719 Main Street, Waterboro – NBD Solar Maine

Present: Lori Anthony, Chair David Christensen, Vice - Chair Debra Burrows -Secretary
 Michael Provencher

Absent: Edward Zelmanow Dwayne Prescott Kala Godard

Others: Lee Jay Feldman Angela Theriault Dennis Abbott Christian Loranger
 Gary Lamb Omar Khaleel Shawn Meehan Dianne & Donald Holden Jason Ramsell
 Crystal Savage Devin Chamberlain Carlie & Daryll Sherwood
 Delani Goeben Dana Littlefield

Lori Anthony opened the site walk at 719 Main Street, Waterboro at 5:00pm. Lori noted a quorum is present at this location. One member of the Planning Board expressed opposition to the site walk and public hearing stating the public had been misinformed and he felt the site walk and public hearing this evening were illegal. Lee Jay Feldman and Lori Anthony tried to speak to the member and explain that the error was made regarding the 41 Sokokis Trail site walk and hearing and it had been corrected. The member was asked if he would be participating in this site walk and public hearing and he stated no he would not and that he would see them at the Zoning Board of Appeals and left.

Christian Loranger – NBD Solar gave a brief overview of the 52.9 acre project comprised of 4 parcels by 2 owners over the course of 3 zones, General Purpose, Residential, and Agricultural / Residential. All lots will be merged to create 1 52.9+- acre lot. The project included development of the site to construct a ground mounted solar facility with access roadways, fencing, and electrical utilities. A turtle survey was done at the request of MDIFW to determine if there were any state endangered Blanding Turtles to which none were found. The Maine DEP Stormwater Permit by Rule (PBR) will be obtained for all activities within the 75' buffer for Wetland 1 and for the replacement of an existing culvert structure crossing the stream. Christian then began walking the group through the site over an existing road that will be improved through the construction toward the back portion of the project. Throughout the walk he pointed out and explained the construction and set up of the tables and the panels on the tables. Christian stated that there would be no poured concrete, that the tables are mounted using ground screws that placed approximately 4' into the ground with each pod being fenced in with access gates at each pod. Prior to reaching the back portion of the project site it had begun pouring and lightening was seen. At this point Lori stated we would be ending the site walk to get back to the safety of the town hall. The site walk was ended at approximately 5:45pm.

I. ROLL CALL

Present: Lori Anthony, Chair Kala Godard David Christensen, Vice-Chair (ZOOM)
 Michael Provencher (ZOOM) Debra Burrows (ZOOM)
 Edward Zelmanow (ZOOM)

Absent: Dwayne Prescott

Others: Lee Jay Feldman Angela Theriault Dennis Abbott Christian Loranger
Gary Lamb Omar Khaleel Donald Holden Jason Ramsell Crystal Savage
Devin Chamberlain Carlie & Daryll Sherwood (ZOOM)
Delani Goeben Dana Littlefield Brigit McCallum (ZOOM)

Lori moved the NBD Solar Main Public Hearing to the front of the agenda.

I. OLD BUSINESS

II. NEW BUSINESS & PUBLIC HEARINGS

Lori Anthony opened the Public Hearing for NBD Solar Maine at 6:36pm, stated that a quorum has been met with members present. Lori requested that Christian Loranger give a brief overview of the project prior to any public comment for those present as well as those watching.

Christian Loranger, NBD Solar Maine, gave an overview of the construction process proposal with bullet points of construction of the ground mounted solar array. Stated that there would be just under 18,000 panels, mounted on tables utilizing 4' ground screws screwed 6' into the ground with very little ground impact. CMP, Waterboro Fire Department, and NBD Solar can all shut off the power to the site. NBD Solar would have the capability to also perform any shut downs remotely. NBD Solar would be paid for the power fed into the grid for the next 25 years and would provide a guaranteed bond to the town for the decommissioning plan. They would be utilizing the PILOT (Payment In Lieu Of Taxes) program with the town. This would allow the town to know exactly how much money they would be receiving in revenue every year instead of a depreciated value. Following the site visit there has been an agreement of additional planting that was reached with an abutter followed by a hand shake and an updated plan would be provided to the abutter and the office.

Lori Anthony opened the floor to public comments, questions, and concerns.

Donald Holden –1. If the project is sold in 3-5 years what agreements are maintained? Does everything on the plan stay in affect?

Christian explained that all agreements would be on the plan and stay in affect as that is what is approved by the Planning Board. If anything were to change it would be enforceable as if the project were under construction in the first place. All tree planting agreements etc. on all plans would remain in place. All agreements run with the plan not with the owners unless it is renegotiated through the Planning Board.

2. Several years ago there were people looking at land for solar – and he feels strongly that the Planning Board should be creating and ordinance that covers solar and taking it to the Selectmen for approval. Limerick has an ordinance in the books and they use Natalie Burns, the same attorney Waterboro does.

3. My property stakes have been there for 50-60 years, if during future surveys before cutting the surveys don't agree with where my stakes are what happens then?

Christian stated that Hoyle & Tanner is the engineering firm that will be performing the surveys through GPS and if there is a discrepancy he will be airing on the side of the homeowner. He also explained that through using the GPS there have been very minimal discrepancies.

Delani Goeben – owns Midnight Farm. She's both nervous and excited. She has numerous bee hives and is concerned about the natural pollinators being cut down and causing harm to the bees.

Christian stated that he can relate to her concern as he started out as a cranberry grower and also had bee hives. He went on to explain there would be no use of pesticides, herbicides or chemicals at the site. They don't wash their tables, they are left to the elements. The soil on the site is very sandy and will have very little disturbance. They will reseed after the completion of the project and will get field grass established as well as adding natural pollinators. All ground maintenance is done by manual mowing and weed wacking.

Devin Chamberlain – 1. What is the expected impact on local wildlife, birds, deer etc.

Christian stated that the first application was to Maine Wildlife which was approved for the project. They fence is maintained at approximately 6"-8" off the ground which allows for small animals to come and go under the fence. It's been his experience that he actually sees more deer inside the solar array fields than he does outside. They do not use barbed wire at the top of their fences so it is feasible that the deer could be either jumping the fence or smaller once crawling under.

2. For the purposes of zoning what is it considered?

Lee Jay explained that our Zoning Ordinance has no specific use called solar farms. Some towns have started ordinances. The Code Enforcement Officer categorizes it under communications, high voltage poles, and unmanned substations.

3. You say if there is a problem that you want us to reach out of you, to call you. There is no way to call you, there's no number listed anywhere if you google your company so how would we contact you?

Christian stated that while he does want to be contacted that their first point of contact should be the Code Enforcement Office as his information is on file here but that he would also provide contact information.

4. Primary question is, yes it does have some benefits to the town, but in what way do individuals have a say in how this revenue is handled.

Gary Lamb explained that it becomes part of the towns budget. If you use the construction cost method a \$7.75 million dollar project with the mil rate of \$15.39 would generate approximately \$119,000.00.

Crystal Savage – 1. When you give an overview of the project you relate it to that of a power plant due to the wattage?

Christian explained it's a ground mounted solar array not an actual power plant but they are held to engineering and construction standards of a power plant. With that being said, the project undergo extreme scrutiny to be sure all "I's" are dotted and "t's" are crossed prior to construction.

2. Feels that this project should not be voted on tonight due to hand shake agreements that need to be placed in writing and plans updated. Also not voting tonight would allow other abutters who may have questions time to ask those questions.

Carlie Sherwood – 1. Requested the Planning Boards opinion on the project to which it was explained they would have their discussions following the Public Hearing during their regular meeting. She stated that fact checking should be done, how does this compare to Limerick or Sanford projects?

Lee Jay stated that there are 15-20 solar projects going in York County and that they are all very similar in nature and size to what has been shown thus far.

2. Which part of the budget would the tax revenue go into?

Gary & Dennis both explained there's no specific part, that it would go into the general fund and is not segmented.

3. What's going to happen after tonight?

Gary explained there is a process the Planning Board will go through but that this is a good thing for the town as it would lessen the tax burden on individual tax payers.

Lori Anthony asked at this time if there were any further public comment or questions. With none being heard the Public Hearing was closed at 7:20PM.

III. OLD BUSINESS

Lori called the Planning Board meeting of October 7, 2020 to order at 6:30pm.

Lori state a quorum has been met with the members present tonight.

Michael Provencher heard a lot of comments both in favor and not in favor of the project and stated that he wasn't comfortable with a vote to approve or disapprove this project this evening.

Lee Jay stated not voting this evening would provide him with an opportunity to tighten up the plans, conditions, and agreements prior to the vote.

David Christensen stated that he would like to see Lee Jay summarize what the final conditions of approval should look like. Lee Jay gave a summary of all the conditions that would be requested and the board members agreed with his summary.

Edward Zelmanow stated that he would be comfortable voting to approve the project tonight as it's the Board's job to review the project and the application. If they have met land use rules then we should be moving forward with a vote. Whether it looks pretty is irrelevant as it is no burden on the town and schools.

Lori Anthony stated she would like to see the conditions cleaned up and schedule a vote for the next meeting on October 21, 2020. Lori stated she would accept a motion at this time to table the 719 Main Street project to the next meeting for a vote.

Kala Godard made a motion to table the vote to the next meeting, second by David Christensen.

Vote by Roll Call: Debra Burrows – yes David Christensen – yes

Edward Zelmanow – no Michael Provencher – yes Lori Anthony – yes

Kala Godard – yes

Vote: 5 Agree 1 Disagree, vote passes to table the vote to October 21, 2020

IV. MINUTES

- None to review, these will be reviewed at the next meeting due to some corrections.

V. COMMUNICATION

- Email from Dianne & Donald Holden that were forwarded to members prior to the meeting.
- Email from Devin Chamberlain with answers from Lee Jay that were forwarded to members prior to the meeting.

VI. MISCELLANEOUS

VII. ADJOURNMENT


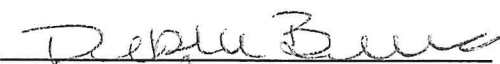

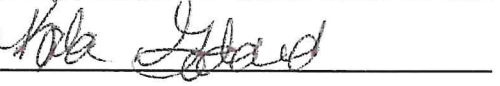
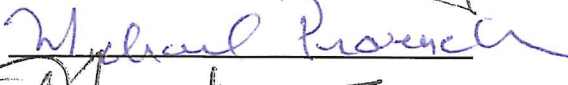
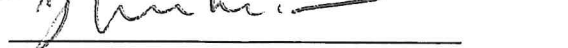
- David Christiensen made the motion to adjourn at 7:40pm. Michael Provencher second the motion. No discussion.

Vote by Roll Call: Debra Burrows – yes David Christiensen – yes
Edward Zelmanow – yes Michael Provencher – yes Lori Anthony – yes
Kala Godard – yes

Vote 6 - 0 in favor. Meeting Adjourned.

VIII. ITEMS NEEDING SIGNATURE

Approved Date: November 4, 2020

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