

TOWN OF WATERBORO
PLANNING BOARD
MEETING MINUTES
October 21, 2020
6:30 p.m.

SITE WALK: 5:00pm - 41 Sokokis Trail, E. Waterboro – NBD Solar Maine

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

Absent: Edward Zelmanow Kala Godard

Others: Lee Jay Feldman Angela Theriault Dennis Abbott Christian Loranger
 Gary Lamb Justin Stone Shawn Meehan Donald Holden Jason Ramsell
 Crystal Savage Devin Chamberlain Mrs. Chamberlain

Lori Anthony opened the site walk at 41 Sokokis Trail, E. Waterboro at 5:00pm. Lori noted a quorum is present at this location.

Christian Loranger – NBD Solar gave a brief overview of the 36.78+- acre project in the Agricultural / Residential zone. The project included development of the site to construct a ground mounted solar facility with access roadways, fencing, and electrical utilities. The tables are mounted using ground screws that placed approximately 6' into the ground, which is the same format utilized at the Main Street project location. He explained that the panels would be at 20 degree angled toward the sun. An abutter to this property had requested a glare study due to the potential of his development of personal land to which Shawn Meehan explained these projects have been signed off by the FAA in previous projects due to runway locations and have determined there is no glare. The goal of the project is to absorb every bit of sunlight. Any glare would result in loss of potential power. When asked what the tallest point of the table Christian stated that it would be approximately 9.5'. When asked what impact a Maine winter would have on the panels regarding ice and snow build up Christian explained that the black panels will grab whatever light from the sun they can and warm the panels causing any snow and ice to slide off. They anticipate the first rows on the tables will be lost power as they will be covered with snow build up from the sliding off occurring. The main access roads in the project will be maintained during the winter with plowing provided by the solar company owner. Todd Abbott from the Ossipee Mountaineers ATV club provided Christian with a couple of trail maps with potential trail options for movement around the project location. He also asked would there be a potential for the Town of Waterboro to shut down from the CMP grids and obtain power directly through the solar fields. Christian explained there is really no way to segregate and close Waterboro off as other towns are fed off the substations and lines running through the town. With no further questions on site Lori closed the site walk at 5:36pm.

Prior to the site walk there has been an agreement of additional planting that was with an abutter and an updated plan would be provided.

I. ROLL CALL

Present: Lori Anthony, Chair Edward Zelmanow Dwayne Prescott Michael Provencher
Kala Godard (ZOOM) David Christensen, Vice-Chair (ZOOM)
Debra Burrows (ZOOM)
All members present.

Others: Lee Jay Feldman Angela Theriault Dennis Abbott Christian Loranger
Gary Lamb Justin Stone Shawn Meehan Donald Holden Jason Ramsell
Crystal Savage Devin Chamberlain David Watson (ZOOM) Steelgrave (ZOOM)

II. NEW BUSINESS & PUBLIC HEARINGS

Lori Anthony opened the Public Hearing for NBD Solar Maine at 6:30pm, stated that a quorum has been met with all 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 about 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 20-25 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. Lori Anthony opened the floor to public comments, questions, and concerns.

Donald Holden –1. What is the timeline for construction on the projects?

Christian stated that due to the late season the construction window is closing so they would start construction in the spring with completion of approximately 3.5 to 4 months.

2. Are both projects similar in the 18,000 panels?

Christian stated that yes they are both similar in the amount of panels.

3. Every month you read about a company coming forward with a better solar panel that operates and generates more power than the last panel. What if 10-15 years down the road there is a panel that operates better, would you be swapping out panels.

Christian explained that there would have to show a major financial benefit to make that swap as they are already paying for the panels that would currently be in place.

David Watson of Roberts Ridge Rd. - 1. Stated that the property had been harvested approximately 12 years ago and it has regrown and is a great wildlife habitat and hopes this won't impact the wildlife currently living out there.

Christian explained that their fencing will maintain approximately 6"-8" off the ground with no solid bar across the bottom to allow flexibility in the fence for animals climbing under the fence. The fence will be 7' in height with no barbed wire at the top and has continually seen deer and other wildlife in the solar array fields he has been working in .

2. What is this going to do to the value of my property?

Christian stated that he has been involved in the sale of multiple properties that look directly at a solar array in Massachusetts and Real Estate Agents have done reports showing no property value depreciation. Edward Zelmanow felt this was irrelevant to the project application.

3. There are wetland areas out there, what is your proposal as far as fencing and the wetland areas?

Christian stated that he would allow the site engineer Shawn Tobey to speak to this question. Shawn stated that they would be staying the required 75' back from the wetland areas plus an additional 20'-25' with the only disturbance being a permitted culvert installed. All the vegetation will remain in the wetland area.

Devin Chamberlain – 1. Addressed Edward Zelmanow regarding the property value depreciation comment that it was an irrelevant question and what would he consider a relevant question.

Edward stated that questions regarding building codes and land use questions are relevant. Dwayne stated that they had a clause that the Planning Board could turn down any project that could be considered detrimental to the town. He also requested that a quick study be done for the abutter regarding the potential if any impact to his property value. Shawn Meehan stated that he has this study and it would be provided to the abutter right away. Shawn was provided David Watsons email and the study was emailed right out to him.

Dwayne Prescott asked David Watson how long he would need to feel comfortable about the project to which David stated probably 3 days.

Lori Anthony asked at this time if there were any further public comment or questions. With none being heard Lori requested a motion to close the Public Hearing.

Dwayne Prescott made motion to close the public hearing, second by Michael Provencher.

Roll call Vote: Debra Burrows – yes Kala Godard – yes David Christensen – yes
Dwayne Prescott – yes Lori Anthony – yes Michael Provencher – yes
Edward Zelmanow - yes

Vote 7 Agree, 0 Disagree, motion to close public hearing passed

III. OLD BUSINESS

➤ 719 Main Street – NBD Solar Maine LLC

Lori Anthony requested a motion to remove this from the table in order to continue discussion and vote on NBD Solar LLC located at 719 Main Street.

Dwayne Prescott made a motion to take 719 Main Street off the table and continue discussions, second by David Christensen.

Roll call Vote: Debra Burrows – yes Kala Godard – yes David Christensen – yes
Dwayne Prescott – yes Lori Anthony – yes Michael Provencher – yes
Edward Zelmanow - yes

Vote 7 Agree, 0 Disagree, motion to continue discussion passes.

David Christensen made a motion to approve the plan for the 719 Main Street solar array by NBD Solar Maine, LLC.

Lori requested clarification on whether it's is to just approve the project or approve with the conditions that Lee Jay laid out and if Lee Jay could please refresh all present on the conditions for approval.

Lee Jay stated that the only conditions that would need to be in place were conditions 1,4,5, and 7 as 2,3, and 6 had already been placed on updated plans. The conditions needing to be placed on the project would now read:

1. Based on the information within the decommissioning plan as submitted by the applicant, a Surety instrument in the amount of \$201,835.86 will be provided to the Town of Waterboro as the entity able to call in or collect on the non-performance of the work proposed. This surety shall be placed in a non-interest bearing account and held for the life of the project. This must be submitted and approved by the Town of Waterboro Board of Selectmen prior to the release of any permits on this project.
2. NBD Solar Maine LLC shall provide formal training to the Waterboro Fire Department on safety and operational procedures in the event of an emergency response to the facility for fire, electrocution, and/or other common issues at a solar facility.
3. Any gates on the property and buildings requiring fire department access in an emergency shall have Knox Box Padlocks and/or a Knox Box with marked keys inside the box.
4. All new trees for the buffering plan carry a 4 year guarantee. If the trees die within that period of time, they shall be replaced by the solar farm owners.

Dwayne Prescott requested that the statement of "restore to previous conditions" be added. Lee Jay went on to explain that the site would be restored with find grade & seed and that over time the shrubs and trees will restore themselves.

Edward Zelmanow second the motion to approve the application for 719 Main Street – NBD Solar Maine LLC.

Roll call Vote: Debra Burrows – yes Kala Godard – yes David Christensen – yes
Dwayne Prescott – yes Lori Anthony – yes Michael Provencher – yes
Edward Zelmanow - yes

Vote 7 Agree, 0 Disagree, application for 719 Main Street solar array by NBD Solar Maine LLC, passes.

➤ **41 Sokokis Trail – NBD Solar Maine LLC –**

Dwayne Prescott requested that we give Mr. Watson a little more time to help him feel better about the value of his property with regards to the solar field project.

Lee Jay stated we can table action but he does have the option to appeal the project within 30 days if he doesn't feel he was treated fairly.

Dwayne requested that if Mr. Watson only needs a few days to get more information and be comfortable with the decision can we come back say Monday and hold a special meeting to vote on the project?

David Christensen stated that where there has already been conversation with the abutter about the value he would be in favor of tabling the project to the next meeting, and made a motion to table any vote on 41 Sokokis Trail NBD Solar Maine LLC to the next scheduled meeting. Dwayne Prescott second the motion.

Roll call Vote: Debra Burrows – yes Kala Godard – yes David Christensen – yes
Dwayne Prescott – yes Lori Anthony – no Michael Provencher – no
Edward Zelmanow - no

Vote 4 Agree, 3 Disagree, motion to table discussion / vote on 41 Sokokis Trail NBD Solar Maine to next scheduled meeting.

Edward requested an inquiry to the town attorney regarding whether or not the impact on property value is relevant to the board when considering an application. Lee Jay stated there are 15 standards that the Planning Board members consider when an application is before them and that he would send an email getting clarification from Natalie.

Lee Jay stated the plans would need to be updated to reflect Mr. Watson as an abutter.

Christian stated the plans would be updated as well as property value assessment provided to Mr. Watson by a local assessor.

David Christensen asked Lee Jay if they could expect by the next meeting an updated summary of conditions to which Lee Jay stated he felt was possible.

IV. MINUTES

- None to review, these will be reviewed at the next meeting

V. COMMUNICATION

- Email letter from 41 Sokokis Trail property abutter Michael Allen

VI. MISCELLANEOUS

VII. ADJOURNMENT

- Dwayne Prescott made the motion to adjourn at 7:30pm. Edward Zelmanow second the motion. No discussion.

Vote by Roll Call: Debra Burrows – yes David Christensen – yes
Edward Zelmanow – yes Michael Provencher – yes Lori Anthony – yes
Kala Godard – yes Dwayne Prescott - yes

Vote 7 - 0 in favor. Meeting Adjourned.

VIII. ITEMS NEEDING SIGNATURE

Approved Date: November 4, 2020

<u>Dwayne Prescott</u>	<u>David Christensen</u>
<u>Edward Zelmanow</u>	<u>Debra Burrows</u>
<u>Lori A.W. Anthony</u>	<u>Kala Godard</u>
<u>Michael Provencher</u>	