

FARMINGTON PLANNING BOARD

153 Farmington Falls Road

August 13, 2018 – 6:00 P.M.

Minutes

Planning Board members present were Clayton King, Lloyd Smith, Craig Jordan, Gloria McGraw, Donna Tracy, Jeff Wright, and alternate members Mike Otley and Judith Murphy.

Others present were Town Manager, Richard Davis; Selectmen, Joshua Bell; Planning Assistant, Cindy Gelinis; Dr. Thomas Eastler and Sue Eastler; applicants, Erica Emery of Rustic Roots Farm, and representing NextEra/Farmington Solar LLC, Lauren Leclerc, Elizabeth Peyton, and Jon Gravel. Members of the public were Kevin Reed, Stephen Drosdik, William Crandall, Bussie York, Erik Johnson, Peter Tracy, Robert Zundel, and other members of the public; and members of the press Ben Hanstein Daily Bulldog, and Rachel Ohm Central Maine Newspapers.

1. Designate alternate members, if needed

Mr. King designated Ms. Murphy as an alternate member and he welcomed Mr. Otley as a full-time member of the Board.

Mr. King said we were going to honor Dr. Thomas Eastler for his service, but he has not yet arrived. He said he may have to interrupt one of the applicants later in the meeting.

2. Review minutes of June 11, 2018 & July 9, 2018

Mrs. Tracy made a motion to approve the minutes of June 11, 2018
Mrs. McGraw seconded the motion.

VOTE: 8 – Affirmative
Motion carried.

Mrs. Tracy made a motion to approve the minutes of July 9, 2018
Mrs. McGraw seconded the motion.

VOTE: 8 – Affirmative
Motion carried.

3. Rustic Roots Farm / Erica Emery

Add a 10' x 16' shed
120 Vipah Lane
R06-018
18-FP-02

Ms. Emery said she is here to get permission for a shed because it is in the flood zone and they want to install a meter for electricity.

Mr. Wright asked what they need the power for.

Ms. Emery said scales, refrigerator, and power tools.

Mrs. Tracy asked if the shed was currently there.

Ms. Emery said, yes.

VOTE: 8 – Affirmative

4. NextEra/Farmington Solar LLC

Solar Panels and energy conversion buildings to be installed at various locations throughout the Town (U07-007-14.5, R06-002, R06-005, U03-006, U03-009, U05-004A, U06-018, R06-12B, R06-006, R06-008, R06-009, R06-013, R06-010, R06-003, R06-027, R06-028, R06-021, R06-022, R06-023, R01-011, R06-022A, R06-026)

18-SR-11 Site Review Application,

18-SE-02 Solar Application,

18-SS-09 Soil, Erosion & Stormwater Control Application,

18-SZ-02 Shoreland Zoning Application,

18-FP-03 Floodplain Application

Mr. King introduced the item and said NextEra will be giving a presentation.

Project Manager Liz Peyton said she will give an overview of the solar project, and they will come back at the September meeting to provide more details. She said this is a 77 megawatt solar project located on areas off of Route 2, Horn Hill Road, and Hovey Road that is split into four general development areas:

- Area 1 - south of Route 2 will be a temporary construction lay-down area with project roads, solar panels, collector lines, and inverters. The project collector lines will take the power underground to the Central Maine Power (CMP)/Sturtevant substation. This area will have some solar panels and equipment needed to connect into the grid.
- Area 2 - north of Route 2 is pastureland owned by a local dairy farmer and will have solar panels, collector lines, roads and inverters.
- Area 3 - north of Route 2 is primarily wooded and will have solar panels, roads, and inverters. The collection is going to come south through pasturelands and across Route 2 via a horizontal directional drill and back to the point of collection.
- Area 3 and 4 are separated by Beales Brook and won't be connected with a road.

Ms. Peyton said the permitting process for this type of project is lengthy and must follow Planning Board and Town regulations along with Department of Environmental Protection (DEP) requirements under the Site Location Development Act and for the Natural Resource Protection Act. She stated they have filed all necessary State and local permits.

Pause for Dr. Eastler's presentation.

Mr. King said Mr. Eastler has given 40 years of public service with 24 years on the Planning Board and we thought it was fitting to give him a plaque in appreciation.

Mr. York said he served on the Planning Board for many years with Dr. Eastler who has made a contribution to the Town that can't be measured in dollars and cents. He said we always looked to him for sound advice and information.

Dr. Eastler thanked everyone.

Ms. Peyton continued, stating that they have been working on this project since 2015, and started with the Sturtevant station because it can handle the additional amount of power from the project. She said they then looked for landowners who would be interested in hosting the project, and conducted studies for any negative impacts to the power supply. Ms. Peyton said that during this process, we did extensive environmental research to design and engineer the site. She said we were awarded several power purchase agreements for customer's purchasing power from the project and also received renewable energy credits. Ms. Peyton said they've submitted all applications to the Town, and she gave an overview of these. She said Farmington Solar LLC will not begin any construction or site preparation until all applications have been approved and a notice to proceed has been issued.

Mr. King addressed the Board and said we will limit questions to one or two each so everyone has a fair chance.

Mr. King made a motion to accept the plan as presented to put it on the table for discussion.

Mr. Smith seconded the motion.

[There was no vote on this motion and second]

Mr. Otley made a motion to conduct a site walk-over.

Mr. Wright seconded the motion.

VOTE: 8 – Affirmative

Motion carried.

Mr. King said we will set a date later in the meeting but we won't walk all the acres.

Ms. Peyton said we will provide a map to show the different areas of the site walk-over.

Mr. Wright stated he had concerns about the traffic crossing Route 2.

Ms. Peyton said they will manage traffic by directing all trucks to a central laydown area and then they will be escorted to the correct areas. She said we will use a horizontal directional drill to avoid trenching across Route 2 for the collection lines.

Mrs. McGraw asked if there was more land elsewhere that could be utilized instead of down by the Sandy River to keep it all on the same side of Route 2.

Ms. Peyton said there were many factors considered in creating an optimal design. She

said they used the Sturtevant station as the central point for electrical interconnection to so as not to create a need for additional electrical lines. Ms. Peyton said we also considered set-backs from natural resources.

Mrs. McGraw asked about the temporary and permanent buildings down by the Sandy River.

Ms. Peyton said the temporary site south of Route 2 will be used as a lay-down area, housing for equipment, and for parking, and this area will be restored once construction is finished. She said the site adjacent to Stanwood Park will have solar panels, inverters, and collector lines which will be screened. Ms. Peyton said there will be one permanent building collocated with our substation called a control house that contains all the equipment that speaks to the grid and will contain metering, communications, relay protection, and control equipment.

Mr. Jordan said Dr. Eastler provided a list of solar project failures at a 2015 meeting, he is concerned about the decommissioning bond in event of failure, and asked how the bonding works.

Ms. Peyton said this is a \$110 million investment, and the leases with landowners have a requirement to restore and return their lands to them in largely the same condition as prior to construction. She said the Solar Ordinance requires the cost of decommissioning be reevaluated every five years, and the surety will be provided by the bonding company.

Mr. Jordan asked if NextEra has had a failure.

Ms. Peyton stated they are the largest owner/operator of wind and solar in the U.S., and she didn't believe they have had a failure.

Mr. Jordan asked about the name change, and who will hold the bond.

Ms. Peyton said Ranger Solar was the developer, and they sold to NextEra prior to construction. She said the Town will be listed as the beneficiary on the bond.

Mrs. Tracy asked if the applicant is willing to pay for lawyer costs for the decommissioning bond and other legal aspects.

Ms. Peyton said we are willing to discuss this and we usually put a cap on legal fees.

Mr. King asked if they are doing the logging near the substation.

Ms. Peyton said, no, that is a landowner and not us because we don't have a notice to proceed.

Mr. King asked what the value of Farmington Solar, LLC was.

Ms. Peyton said NextEra is public company with revenues of approximately \$17 billion,

and Farmington Solar, LLC is a subsidiary but doesn't currently own anything so it has no value.

Mr. King asked about using an independent source to monitor the bond.

Ms. Peyton stated they would be open to that.

Mr. King asked about toxic chemicals in the broken panels and how the panels will be disposed of.

Ms. Peyton stated there are no toxic chemicals in the panels that we are using. She said the broken panels would be disposed of at a qualified facility, and the construction material would go to the Norridgewock facility.

Ms. Murphy asked what the project benefits would be.

Ms. Peyton said there will be 185 construction jobs over the 12-24 months, 8-10 long-term security/mowing/plowing monitoring jobs, and these people will be spending money on food and rent with the businesses in and around Farmington. She said we will speak with the assessor to discuss the tax benefits for the increased property value.

Mrs. McGraw asked about using local companies and where are the panels being built.

Ms. Peyton said we used the local archeological company, but the subcontractors need to have expertise in this field. She said the panels are manufactured by JinkoSolar which is based in Jacksonville, Florida.

Mrs. McGraw asked about reducing the cost for electricity locally.

Ms. Peyton said the electrons will go into the transmission grid at the Sturtevant substation to be used in the immediate area. She said NextEra needs a long-term revenue stream to finance and build this project, and they have a contract with Massachusetts, Connecticut, and Rhode Island who have renewable portfolio standards that mandate the purchase of green renewable energy. Ms. Peyton stated she can't speak to local cost reduction because of CMP sets the rates that are approved by the State. She said, in theory, with more free power coming into the grid from the sun, it should increase the supply for the demand which would stabilize the energy supply to bring the price down.

Mr. Jordan asked about fencing and screening around Stanwood Park.

Ms. Peyton said there will be some panel visibility around Stanwood Park and therefore they will plant a vegetative buffer around the fencing.

Environmental Specialist Lauren Leclerc said they would plant evergreen and deciduous trees along with shorter shrubs.

Mr. Jordan asked about dust control for the substantial traffic during construction.

Ms. Leclerc said it will be busy during construction but infrequent during maintenance.

Mrs. Tracy asked how this will increase our valuation.

Ms. Peyton said we will speak with the assessor and the Selectmen and the \$110 million could be shielded with Tax Increment Financing (TIF).

Mrs. McGraw asked who will be responsible to pay the penalties for taking the land that is in tree growth or farm and open space out of those programs.

Ms. Peyton said NextEra would be responsible for paying any penalties.

Mr. Smith asked about construction work during spring and winter months, and is this a 40 year life-expectancy project.

Ms. Peyton said the winter work will be comprised of tree clearing and working in the wetlands that require frozen ground, and the weather was taken into consideration when allocating two years for construction. She said 40 years would be the maximum life of the project, and we have a power purchase agreement for 20 years that we would try to renew or resell after that time.

Mr. Smith asked if they have calculated how high the trees will grow outside of the project's footprint, and the impact of not taking the stumps out.

Ms. Peyton said they have taken into account growth management for shading of panels and overhead lines. She said we will do some grubbing in areas and some stumps will be ground down and used for erosion control.

Mr. King asked about blasting and digging test pits.

Ms. Peyton said we need to do additional work to know where we need to blast and we will provide a blasting plan to ensure there is minimal impact for the residences.

Kevin Reed stated his home is on Stanwood Park and he asked how they will shield his view of the solar panels when his house is 16 feet above the field.

Ms. Peyton said we have a visual simulation and we can talk about that later.

Mr. Reed asked if the property values will be negatively affected and what are the associated health risks.

Ms. Peyton said there hasn't been any correlation of decreased valuation with the proximity to a solar project, and the health risks are much less than living near power lines.

Mr. Reed said he has researched several sites that state values of properties located next

to solar farms are devalued between 40%-80%. He stated the view of the river is the selling point for his house. Mr. Reed said solar panels haven't been around long enough to conduct a study of the health risks.

Ms. Peyton said the panels have anti-glare coating.

Mr. King said we will make a point of going to Stanwood Park at the site walk-over.

Stephen Drosdick asked what the acreage next to Stanwood Park for the solar panels was.

Environmental Project Manager Jon Gravel said it is approximately 19 – 20 acres and the panels are outside of the flood plain.

Mr. King stated we will talk with the assessor and real estate agents when considering property values.

Bill Crandall said while property values are a valid concern, we must also take into account the property owners who should be able to do what they want with their land. He said we should look at both sides to find a compromise.

Robert Zundel said he owns a home business located on Horn Hill Road and he asked what improvements would be made to the road and if gates would be installed.

Ms. Peyton said Horn Hill Road will see some improvements to allow the trucks to access the site. She said there will be a six-foot fence topped with barbed wire, with a gate that will be locked and a Knox box for maintenance and emergency vehicle access.

Mr. King asked Mr. Davis to respond to the TIF question.

Mr. Davis said the Selectmen would consider any such proposal on its own merits. He said the assessor would research the valuation of the panels which would be depreciated over the lifetime of the panels. Mr. Davis said a \$110 million valuation would bring approximately \$2 million annually into the Town's budget and allow us to reduce our tax rate by approximately a quarter. He said if you granted a TIF for 10-30 years, the added valuation would be sheltered and the timeframe should be commensurate with the lifetime of the project. Mr. Davis said a TIF would shelter the additional value from the project by not including it in the Town's total valuation in terms of the State's calculation of revenue sharing and education sharing. He said the Selectmen would need more information to make a decision on whether or not to grant a TIF if a proposal were brought before them.

Mr. King asked what the manufacturer's lifespan is.

Ms. Peyton said approximately 20 - 35 years.

Mr. Bell asked who would be responsible for future maintenance of Horn Hill Road.

Ms. Peyton said we would be responsible for the maintenance and plowing to maintain

access to the inverters year-round, and this may include some improvements to the Hovey Road.

Mr. Zundel asked about areas 3 and 4 where there is a transmission line, and if they have a vegetative management plan.

Ms. Peyton said there is an above-ground project collector line that will span Beales Brook with lower voltage.

Mr. Gravel said they will maintain it as a typical power line by promoting natural vegetation.

Mr. Smith said an abutter sold their house, and he asked that the new owner be notified. He stated the preliminary plan needs to be more solid before he can make a decision.

Ms. Peyton said we designed for site permit application using the largest impact possible, and the foot print would shrink with any adjustments and modifications.

Mrs. McGraw asked to clarify the acreage.

Ms. Leclerc said the project totals 490 acres and approximately 380 acres of that acreage is where the panels are located.

Mrs. McGraw asked how many of the approximate 300 acres of forest are being clear-cut.

Ms. Peyton said there will be some clear-cutting as shown in the application, and we have done no clearing activities at this point.

Mrs. McGraw said the panels will be seen for 2-3 miles and this is a visual concern.

Ms. Peyton said we have visual simulations of all areas which will be minimal impact.

Eric Johnson stated Sandy River Farms is the only party who is conducting timber harvesting. He said we have been inspected by State authorities and timber purchasers. He stated we have been cleared by the State and told the job was done properly with no violations and we have followed all best management practices.

Mr. King asked who will be the overseer or if they will be hiring an independent clerk of the works.

Ms. Peyton said we are evaluating contractors and hiring a third-party inspector to make sure we maintain compliance.

Mr. Smith asked if different landowners have enough land for buffers and basal areas to meet standards.

Ms. Peyton said we will follow up on that question.

Peter Tracy said this is a change of use so it doesn't come under the Maine Forest

Service Practices Act and so the buffers don't apply.

Discussion followed regarding the site walk over and the Board agreed it would be on Wednesday, August 29th at 3:00 P.M. and everyone will meet at the York's farm located at 560 Farmington Falls Road.

Mr. Smith made a motion to table the application.
Mrs. Tracy seconded the motion.

VOTE: 8 – Affirmative
Motion carried

6. Other Business

No other business

Mr. Tracy made a motion to adjourn.
Mr. Smith seconded the motion.

VOTE: 8 – Affirmative
Motion carried

There being no further business, the meeting adjourned at 7:48 P.M.

Minutes respectfully submitted by Cindy Gelinis.

Planning Board

Date