

FARMINGTON PLANNING BOARD

**153 Farmington Falls Road
February 8, 2021 – 6:00 p.m.
Minutes**

Planning Board members present: Clayton King, Lloyd Smith, Craig Jordan, Gloria McGraw, Jeff Wright, Michael Otley, and Judith Murphy.

Alternate members present: Michael MacNeil and Linda Brown.

Others present: Code Enforcement Officer, Steve Kaiser; Code Assistant, Kate Foster; John Titus of Burns & McDonnell representing NECEC LLC for the New England Clean Energy Connect project; Applicant Heather Chaney and property owner Lucas Sirois; Tom Donnelly of hep Farmington SPV, LLC and Jeff Read of Sevee & Maher Engineers, Inc. representing the solar project.

Mr. King opened the meeting at 6:00 p.m.

1. Designate alternate members, if needed

All members present.

2. Review minutes of January 11, 2021

Ms. Murphy made a motion to accept the minutes of January 11, 2021 as written.
Mr. Wright seconded the motion.

7 – Affirmative
Motion carried.

**3. 21-SR-02, 21-SS-02, 21-FP-02, 21-SZ-02
NECEC Transmission LLC
CMP Property/Right-of-Ways
Sign the Findings of Fact & Conclusion of Law**

Mr. King asked if every Board member received the latest copy.

Mr. Kaiser stated it was mailed out to each Board member.

Mrs. McGraw asked if the Board just needed to sign it.

Mr. Kaiser replied that he drafted two versions of a motion that could be used which he sent to Mr. King prior to the meeting.

Mrs. McGraw stated the Board should just sign the document.

Mr. Jordan added that the Board has already voted on the application and approved it.

Ms. Foster brought the document to each full-time Board member for them to sign.

4. 21-MJ-01

Heather Chaney

374 High Street / U09-002-A

Application for Adult Use Cultivation & Manufacturing Facility

Transfer of Permit/License

Mr. King introduced the application.

Mrs. McGraw asked what the process was for transferring.

Mr. Kaiser stated he mailed a memo to the Board that quoted the Marijuana Ordinance for this topic and reread paragraph five of §11-14.8 Permit/License Required.

Mr. King verified with Mr. Kaiser that the Board is to vote on completeness of the application.

Mr. Jordan made a motion to accept the application as complete.

Ms. Murphy seconded the motion.

VOTE: 7 – Affirmative

Motion carried.

Heather Chaney introduced herself as the applicant and stating they are just transferring the existing business to her name and operations at the location will remain the same.

Mr. King asked if Ms. Chaney was a resident.

Ms. Chaney replied that she is not a resident of Farmington but has lived in Maine her entire life.

Mr. King pointed out a section in the application which referred to residency requirements.

Mr. Kaiser said that applied only to corporations, partnerships, and LLCs and referred to State residency.

Mr. King asked why it wasn't coming in as a new business and if it was currently in operations.

Mr. Kaiser stated it is just a transfer of the current operation to a new permit/license holder.

Ms. Chaney replied that they are operating under medical caregiver status and have a Conditional Permit with the State for Adult Use Cultivation and Manufacturing.

Mr. King asked about documents for transferring ownership of the permit/license.

Mr. Kaiser stated they have 60 days from when the application was submitted.

Mr. Sirois stated he is remaining as owner of the building, they are transferring the permit/license to Ms. Chaney for now, and will probably be coming back to the Board in a few months to transfer it back to him.

Mrs. McGraw made a motion to approve the transfer of the Adult Use Cultivation and Manufacturing facility permit/license.

Ms. Murphy seconded the motion.

VOTE: 7 – Affirmative

Motion carried.

**5. 21-SE-01, 21-SR-03, 21-SS-03
hep Farmington SPV, LLC
Wilton Road / R9-28
4.875 MW (AC) Solar array and gravel access road**

Mr. King introduced the application.

Ms. Murphy made a motion to accept the application as complete.

Mr. Smith seconded the motion.

VOTE: 7 – Affirmative

Motion carried.

Jeff Read of Sevee & Maher Engineers, Inc. introduced himself as a representative for the project and was accompanied by Tom Donnelly of hep Farmington SPV, LLC who was also representing the project.

Mr. Read stated the project is going to be just under 5 MW (AC) on a leased portion of land owned by Kevin and Judith Vining, being almost 20 acres. He said the arrays are in the Farm & Forest district and a small portion of the electrical connection is in the General Purpose district.

Mr. Read said access will be from the existing gravel road off the Fyfe Road with a hammerhead turn around being added. He said a potential vernal pool has been identified, which they will check in the spring to verify, but they have done their best in the plans to avoid it and all wetlands with the required setback buffers. Mr. Read said the only tree removal done will be for eliminating shade on the arrays, and all ground disturbance will be done in compliance with best management practices.

Mr. Jordan was curious what types of soils were on that parcel, saying years ago north of the site blue clay was excavated and fired at the brickyard.

Mr. Donnelly stated it is mainly ledge with little clay, so there will be boring to set the frames for the arrays. Regarding the Town Manager's comment, he added they are going to be improving the gravel road off the Fyfe Road, and have no problem agreeing to a bond for any damage to the Fyfe Road.

Mr. Kaiser stated they should meet with Public Works Director Phil Hutchins to determine the existing condition of Fyfe Road, and agree that if any road damage occurs the road will be restored to as good or a better than before condition.

Mrs. McGraw stated Tom Easler, former member of the Planning Board for years, would always stress that solar panels have a limited life span and will need to be disposed of properly.

Mr. Donnelly stated they have a decommissioning plan in Appendix G of the application.

Mr. Read said there are many studies on the lifespan of panels and disposal, and they're constantly increasing in efficiency and output.

Mrs. McGraw asked if they were going to be hiding the panels at all or doing any kind of visual screening.

Mr. Read said they're using the natural topography to obscure the arrays, and they will be quite a distance from any neighbors. He said there will be natural buffers of the trees left outside and around the project area, the required array setback is 75 ft, and the project is a ¼ mile back from the road and at a higher elevation.

Mrs. McGraw asked if the solar project would be visible when driving on Wilton Road.

Mr. Donnelly replied that isn't likely and will be pretty much out of sight due to distance, elevation, and natural vegetation buffering.

Mrs. McGraw stated she didn't want Farmington to be known as the "Solar Capital of Maine", and asked about the recent controversy about connection.

Mr. Donnelly stated the controversy don't affect their project.

Mr. King asked where it was going to connect and if it was going through the new substation.

Mr. Donnelly replied that the power was going to go into the existing power line on Wilton Road which is connected to the substation.

Mr. Smith asked how often the arrays will be mowed and if that will be contracted out.

Mr. Donnelly replied that it will be mowed twice a year and they hope to have all jobs contracted out locally except the electrical maintenance. He said they'll talk to Kevin Vining about the subcontracting.

Mr. Smith asked if any herbicides will be used.

Mr. Read said they won't be using any, and mowing will do the job.

Mr. Donnelly said they are going to be using specialized industrial equipment to do the trimming under and around the arrays such as a bushhog.

Mr. Wright stated they are great plans and verified with Mr. Donnelly there weren't going to be any planted buffers.

Mr. Otley asked what was going to happen if it is confirmed that there is a vernal pool there.

Mr. Read replied that they may amend the plans and the number of panels and return to the Board for modification acceptance if necessary. He said the current buffering on the plans will likely be sufficient.

Mr. Otley asked about a Solar Ordinance.

Mr. Kaiser replied that the Town doesn't have a Solar Ordinance, but has Performance Standards for solar development in the Zoning Ordinance.

There was discussion about giving an approval with conditions.

Mr. King verified with Mr. Donnelly that they can still go forward with the plans even if the vernal pool is confirmed as long as the setbacks for same are met.

Ms. Murphy was grateful for the other Board members questions because they answered all of her questions and added that it is a great location way off the road that would be really hard to see when driving by.

Mr. MacNeil asked when the vernal pool would be checked.

Mr. Read replied that it would probably be around April or May because that is the time of year vernal pools are most saturated.

Mr. Otley asked who is responsible for determining if it is a vernal pool.

Mr. Read said they will hire a wetland scientist.

Mr. Kaiser asked if there was any future potential for additional solar development on this large property.

Mr. Donnelly replied that their array falls under what is called a "Small Solar Generation Plan" which is 5 MW max and can't be within a certain distance of another solar array. He added that he can't answer for the Vining's plans for the rest of the lot.

Mr. Smith asked about any panels that may get broken, what is in them, and how they will be disposed of.

Mr. Donnelly said it takes a lot to break them - such as large hail, but they're primarily composed of inert materials such as glass and carbon. He added that they are electronically monitored around the clock so they're immediately notified if something happens and repaired as soon as possible.

Mr. Read said there is nothing that can leak out of them in a breakage situation into the soils.

Ms. Foster told the Board that an abutter came in and reviewed the applications and didn't have any issues with them.

Mrs. McGraw made a motion to approve the Solar System application, Site Review application, and Soil Erosion/Storm Water application, with the condition that they receive all other applicable permits.

Ms. Murphy seconded the motion.

VOTE: 7 – Affirmative

Motion carried.

6. Other Business

Code Office Updates:

- Buzz and Bill's housing project [Edgewater Village] is still working its way through the Zoning Board process, and the proposed Table of Uses changes to the Wellhead Protection Ordinance which will then have to be approved by Town Meeting.
- Tawnya Clough who owns Mosher's Meat's & Seafood is on the March agenda for a 12,500 SF mini golf course.
- The solar project on Mike MacNeil's property being built by SRE Solar Origination 1, LLC is on the March agenda.

Mr. Smith made a motion to adjourn the meeting.

Ms. Murphy seconded the motion.

VOTE: 7 – Affirmative

Motion carried.

The meeting adjourned at 7:15 p.m.

Minutes respectfully submitted by Kate Foster.

Planning Board

Date