

FARMINGTON PLANNING BOARD

**153 Farmington Falls Road
September 10, 2018 – 6:00 P.M.
Minutes**

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

Others present were Town Manager, Richard Davis; Code Enforcement Officer, Steve Kaiser; Planning Assistant, Cindy Gelinas; applicants, Darryl Wood representing LEAP, and Elizabeth Peyton, Lauren Leclerc, and James Cote representing NextEra/Farmington Solar LLC. Also present were abutters Stephen Drosdik, Robert Zundel, and Maurice Hovey, resident Paul Hersey, and other members of the public and press.

1. Designate alternate members, if needed

Mr. King designated alternate member Ms. Murphy for the meeting and welcomed new member David Robbins as a Board alternate.

Mr. King stated Dr. Thomas Eastler, who was a long-time member of the Board, recently passed away, and we are going to honor him with a moment of silence before starting the meeting.

2. Review minutes of August 13, 2018

Mr. Smith said there was a motion and second on page three with no vote recorded.

Mrs. Gelinas said she did not see the members vote nor did she hear it on the tape.

Mr. King said we will leave it the way it is and continue with the discussion.

Mr. Smith said there is also a typo on page four.

Mr. Smith made a motion to approve the minutes of August 13, 2018 with the correction. Ms. Murphy seconded the motion.

VOTE: 7 – Affirmative
Motion carried.

- ### **3. LEAP**
- 313 Farmington Falls Road
 - U06-020 & 020-C
 - Adding office and training space to existing building
 - 18-SR-12
 - 18-SS-10

Mr. King introduced the item.

Mr. Wood stated he is the Executive Director of LEAP, and they are consolidating offices and moving their training center from Wilton to their Farmington location at 313 Farmington Falls Road. He said they purchased the home to the east of their existing building, the home has been demolished, and they have combined the lots. Mr. Wood said we will be constructing a state-of-the-art training facility and offices connected to our existing building.

Mr. Jordan made a motion to accept the plans as presented.

Mrs. McGraw seconded the motion.

Mr. King said we haven't voted on anything, this is to put it on the table for discussion.

Mr. Otley and Mr. Wright said they had no problems with the proposal.

Ms. Murphy asked about the comment regarding entrances on the letter of review from the Director of Public Works.

Mr. Kaiser said LEAP will eliminate one driveway.

Mr. Wood said we would like to eliminate the driveway directly across from High Street to make it safer and move the entrance to the far end.

Mr. Jordan asked about permits from the Fire Marshal.

Mr. Wood said we have the stamped architectural drawings and had a preliminary meeting with the Fire Marshal. He said next week we hope to formalize the permit process at another meeting with them.

Mrs. McGraw asked about setbacks.

Mr. Kaiser said they combined the lots to comply with the setback requirements.

Mr. Woods said we have spoken with the abutters about our plans.

Mrs. McGraw thanked him for the services his organization provides within the town.

Mr. Smith and Mr. King said they had no issues with the project.

Mr. King asked if there were any abutters present to comment, there being none present, he called for a vote on the Site Review application.

VOTE: 7 – Affirmative
Motion carried.

Mr. King called for a motion on the Soil and Erosion Control application.

Mr. Jordan made a motion to accept the application as presented.
Mr. Wright seconded the motion.

Mr. King said it is now open for discussion.

Mr. King asked if they were planning any additional plantings.

Mr. Wood said they would be planting evergreens and bushes to compliment the park across the street and to protect and screen their building from the road. He said we have removed some big white pine trees and we'll plant dogwood and arborvitae with adequate setbacks from the road.

Mr. King asked if there were any abutters present to comment, there being none present, he called for a vote on the Soil and Erosion Control application.

VOTE: 7 – Affirmative
Motion carried.

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 said we had a motion made and seconded for discussion of this project at the prior meeting and we will continue with the same motion.

VOTE: 7 – Affirmative

Ms. Peyton said this meeting we will follow up on the site visit, noting that they've been working with Mr. Drosdik and other residents of Stanwood Park Circle, and they've proposed doing a tailored visual simulation from their vantage point overlooking the project. She said they're using software that will show what the project will look like including the proposed vegetative buffers that will reduce the visual impact on residents. Ms. Peyton continued saying they're still working with the Department of Environmental Protection (DEP) on their permits, and DEP's storm water engineer has seen the updated plans that we will share with the Planning Board. She thanked everyone for coming to the site walk and hoped it was useful to see the project areas.

Mr. Otley asked about the Phase 2 assessment being done by the Maine Historic Preservation Commission (MHPC).

Ms. Peyton said MHPC is asking to see more information on three particular areas.

Ms. Leclerc said the Town's ordinances require that the project have no impact on historic sites, adding that DEP is aware that we are working to comply with MHPC on the status of these historic sites.

Mr. Otley asked where these sites are located.

Ms. Peyton said one is the remnants of the narrow gauge railroad bed, another is an old homestead off the Hovey Road, and she would have to get back to them on the other one. She said we would have a plan if any of these sites were judged to be impacted by the project.

Mr. Wright asked if the visual simulation will include audio.

Ms. Peyton said yes, we will calculate the distance from the inverter to the residence to get the decibel levels and use an equivalent sound similar to an air conditioner. She said the project will generate minimal sound from the inverters and we will try to mitigate it as best we can.

Mr. Otley asked about fencing to mitigate sound.

Ms. Peyton said we will fence the area for safety and use the trees as one more level to buffer the sound.

Mrs. McGraw thanked them for their four-page summary response, and asked if it is possible to shift the project further away from the houses.

Ms. Peyton said proximity to the Sandy River and flood plain make are constraints that make it hard to move away from Stanwood Park. She said we need a certain number of panels to maximize the power and they must be placed so they aren't shaded. Mrs. McGraw asked if the panels near Stanwood Park covered 19 acres?

Ms. Peyton said we have 13 acres there, and there is new technology that is making the panels more efficient and we may need fewer panels or we may be able to move the panels closer together. She added that they're being conservative in our estimates and we will have to wait until we have the panels.

Mrs. McGraw said she heard Bowdoin College had joined with the Madison solar project, and she asked if they would still need power from this project.

Ms. Peyton said she can't answer regarding their purchasing power through the Madison project, but they have executed an agreement with NextEra for this project.

Mrs. McGraw asked Mr. Kaiser if the decommissioning plan and costs needs to be spelled out for the Board or will it be negotiated through attorneys.

Mr. Kaiser said they submitted a decommissioning plan in their application spelling out the different components and costs, totaling \$2.35 million, including 300,000 solar panels, 37 inverters, 8 miles of overhead collectors, and 1.5 miles of underground collectors.

Ms. Peyton said the decommissioning bond for the 22-megawatt project in Vermont went through a similar process and it was approved by that State. She stated we have used that figure as a reference for other projects that we then scale proportionally according to the project size.

Mr. Kaiser said we will consult with our attorney and other experts she may recommend to determine if this plan and amounts are adequate, and we'll need the draft bond document from NextEra before we can start this process.

Mr. Jordan said, getting back to the 13 project acres next to Stanwood Park, the York's have almost 500 acres available and it would be nice if you could move this portion. He said if you really need to use this piece, it should be with the greatest setbacks possible, using 10'-12' trees for screening, noting that the Madison project was not aesthetically pleasing.

Mr. Robbins asked if there was a specific reason that they can't put everything on the other side of Route 2.

Ms. Peyton said with all the environmental constraints we identified the areas with the least amount of impact that would be permitted by DEP. She said we have an energy capacity we must meet, and we are maxed out of acreage on the York farm side of the road. Ms. Peyton said they would look into moving the portion near Stanwood Park somewhere else that would be acceptable to the neighbors and Planning Board.

Ms. Murphy said I appreciate your efforts to work with everyone, but at some point it is going to be in someone's back yard.

Mr. King asked if the visual simulation done for the neighbors will be from the perspective of looking from the house down to the panels.

Ms. Peyton said yes.

Mr. King said the Board would also like to see these.

Ms. Peyton said she would send them to the Code office once they are created to share with the Board.

Mr. King asked about rain water sheeting off the solar panels.

Ms. Peyton said we see the greatest potential for impact from storm water after tree clearing and during construction, and therefore we'll be stabilizing these areas with various erosion controls and mixes. She said DEP only allows individual development areas of 10 contiguous acres at a time, and they've worked multiple such sites simultaneously with oversight of DEP's storm water engineer who has permitted other projects we have done. Ms. Peyton said the DEP inspector will come after big rains to evaluate their storm water control, there will be space between the panels so water can flow on all sides, and the grass underneath acts as a buffer to allow the runoff to be absorbed into the ground.

Mr. King asked what kind of cleaning material is used on the panels.

Ms. Peyton said rain keeps them clean.

Mr. King asked about disposal of the panels as they contain hazardous materials from the panels and recommended that the disposal site for the panels be confirmed.

Ms. Peyton said they have been in contact with the disposal site referenced in the application.

Mr. King said we would like to have a third-party inspector to oversee the project.

Ms. Peyton said DEP requires a third-party inspector of their choice paid for by NextEra.

Mr. King asked if NextEra would pay for the Town's counsel to review the decommissioning bond.

Mr. Kaiser said we need a draft of the bond so we can ask our attorney if she can review it or if we need a special bond counsel.

Ms. Peyton said we are amenable to paying for up to \$3,000 in bond counsel costs but we need to know if it will exceed that before paying more.

Mr. Drosdik asked if they could put the inverters over by the windrow.

Ms. Peyton said they are looking into that.

Mr. Drosdik asked if there was enough acreage on the other side of the windrow to put the panels.

Ms. Peyton said there wasn't enough land in that area to support both inverters and panels because some of that area was in the flood plain.

Mr. Drosdik said there is some high ground on the other side of the trees.

Ms. Peyton said they can look into it.

Mr. Otley asked if they are going to fix up the access to the staging area near Stanwood Park.

Mr. Wright said he's concerned about slow pull-outs by trucks in a 55-mph zone on a curve with 60+ mph traffic which can be dangerous.

Ms. Peyton said their construction manager is looking into those issues, and they're considering flaggers for traffic management during times of higher volume in that area.

Mr. Kaiser asked if NextEra would be hardening their yard access road near Stanwood Park to prevent breaking the edge of the pavement on that street.

Ms. Leclerc stated the laydown area would be using a separate entrance and using a farm road.

Mr. Robert Zundel stated he lives on the Horn Hill Road and shares approximately 1,000 feet of roadway with properties where the solar panels are proposed, and NextEra will be building up and maintaining many miles of gravel roads that are to be widened to 16 feet in places throughout this project. He said he is very concerned because some area gravel pits are infested with Japanese knotweed and colts foot plants that would be harmful to the area habitat if imported.

Mr. Zundel asked if they could inspect and certify as uncontaminated any material imported from area gravel pits and eradicate these plants immediately if any take hold.

Ms. Peyton said we will take every measure to make sure these plants aren't traveling with the gravel, but we need make sure any commitment we make isn't adding to cost and we would want to research a safe way to eradicate any of these plants.

Mr. Hersey asked how many panels were located on the approximate 13 acres of the Stanwood Park site.

Ms. Peyton said approximately 18,000 panels.

Ms. Leclerc added that and the full development footprint there would include the inverter and grassy areas between the panels.

Mr. Hersey asked why can't 13 acres be found somewhere else because it is a small percentage of the overall acreage of the project.

Ms. Peyton said we will shrink the footprint in that area if we can.

Mr. Hersey stated the property values will decrease.

Ms. Peyton said there aren't any statistics supporting such decreased property values in proximity to solar projects, and in fact such a project preserves the land and keeps it from being developed with more houses.

Mr. Hersey said there's lots of land beyond the windrow that's not in the floodplain.

Ms. Peyton said we'll be looking into that.

Mr. Davis asked if there are any similar projects that are located on closed municipal landfills and would they consider putting a portion of this project at the Town's closed landfill site as an alternative to Stanwood Park. He said the landfill site gets full sun with no close neighbors and the connectivity isn't that far.

Ms. Peyton said solar projects are often proposed for brownfield sites, but these and landfills pose different problems such as having to use ballast bases because they can't drive piles into the ground

Mr. Davis said regarding property values that he wouldn't want a solar project in his backyard and agreed it could devalue Stanwood Park properties.

Ms. Peyton said they will look into the landfill site and it may mean they have to amend the DEP permit application.

Mrs. McGraw said everyone has asked her what the benefit to the town is and she doesn't see it - we'd rather look at houses than panels. She said you need to sell this project to the townspeople, as the Yorks own 1,200 acres, and she complimented them on the quality of their application.

Ms. Peyton said we started looking over 1,800 potential acres which shrank to 490 acres because of all environmental constraints, with 381 acres actually covered with panels. Regarding property values, she stated they researched the largest taxpayers in Farmington, which were CMP and WalMart, and we'll be up there with them in property taxes.

Mr. King suggested tabling this review for now and continue at the next meeting, saying he appreciated NextEra's cooperation with the Board on this project.

Mr. Jordan made a motion to continue review of the NextEra Solar project until the next meeting.

Mr. Otley seconded the motion.

VOTE: 7 – Affirmative
Motion carried

Mr. King said we should have a public hearing on this project at our next meeting.

Mrs. McGraw said we shouldn't vote until we have all the additional information we need to make an informed decision.

Mr. Otley asked when NextEra anticipates their DEP approval.

Ms. Peyton said we should have the DEP permit by the end of the year, but you could make a conditional Planning Board approval contingent on DEP approval.

Mr. King said we'll see what they have at the next meeting.

5. Rachel Jackson
367 Wilton Road
U34-008A & 008-D
Temporary storage of prefabricated diner
18-SR-13

Mr. King stated this is not the old Farmington Diner.

Ms. Jackson stated she owns two diners, one the old Farmington Diner that she moved to her land in Wilton, and another from Connecticut that's on property in Jay. She said she recently purchased the Harvest House restaurant property, and she's working with an engineer and architect John Turk of Portland to incorporate the Connecticut diner with the Harvest House. Ms. Jackson said it must be moved off land in Jay soon, and she wants to move it to the back of the Harvest House property and cover and screen it so it won't be an eyesore. She plans to come back before the Board with an application for permanently installing it, and she's applied to the Maine Historic Preservation Commission (MHPC) for tax credits towards this project.

Mr. King made a motion to accept application for discussion.

Ms. Murphy seconded the motion.

Mr. King said for starters the old diner will have to be completely shielded until put into use.

Mr. Kaiser said Ms. Jackson is putting a lot of effort into reopening the restaurant. and brought this application to the Board now so she could move and store the diner on the property then permanently install it later. He said she volunteered to screen and cover it until renovation and she's willing to comply to any restrictions imposed by the Board.

Ms. Jackson said her land has a flat area that extends behind the Harvest House and Family Dollar Store but she would be open to other sites on her property.

Mr. Robbins asked if we could put limitations on the application.

Mr. King said he thinks a year is a reasonable length of time for such storage.

Mr. Kaiser said she is willing to voluntarily screen and cover the diner with plans to submit an application for renovation/installation within a year.

Ms. Murphy asked if Site Review would apply for the connection to the restaurant phase.

Mr. King said yes.

Mr. Wright said when you moved the Farmington Diner it was a CMP nightmare.

Ms. Jackson said she bought the Harvest House to bring back the diner concept and has renovated using the old counter and panels from the Farmington Diner. She said it's not just about the restaurant, it's also about providing a sense of community and a place to meet and gather.

Mr. Wright thanked Ms. Jackson for being up-front with her plans.

Mr. Jordan said as long as she pays her property taxes, which will include the diner structure, he doesn't see how we can put a limit on the time allowed to keep it there.

Mrs. McGraw said it will be covered and asked if there have been concerns about one of the diners.

Ms. Jackson said she had to go before the Planning Board in Wilton where there were issues.

Mr. Smith said he feels she should screen the diner if stored there, and file a Site Review application for the project within a year.

Ms. Murphy withdrew her second

Mr. Kaiser said Ms. Jackson wanted to be transparent with her plans so when she moves the diner onto her property there are no problems, and this is essentially a preliminary presentation expressing her willingness to work with the Town.

Mr. King withdrew his motion, asking that Ms. Jackson screen and cover the structure as a favor to the Board until she files for approval for installation.

Mr. King then made a motion that Ms. Jackson return for Site Review when she wants to incorporate the diner with the restaurant.

Mr. Jordan seconded the motion.

VOTE: 7 – Affirmative

Motion carried.

6. Other Business

Mrs. McGraw asked if we knew any more about the homeless shelter.

Mr. King said he heard they were holding off until spring.

Mr. Kaiser said the Board of Selectmen will hold a hearing at their meeting on September 25th on renewing the Adult Use and Medical Marijuana moratorium for another 180 days until the March Town Meeting. He said this gives us protection while we are finalizing our ordinance and application for same.

Mr. King asked about new Aubuchon building.

Mr. Kaiser said he and Steve Millett will be there on Wednesday to check potential access improvement to the Town's pump station there.

Mr. Kaiser said the Woodlands project is going very well and is slated for an October opening.

Mr. Wright asked about the new church for the Jehovah Witness.

Mr. Kaiser said they will start that project this coming spring.

Mr. King asked about lighting.

Mr. Kaiser said he is getting responses from his lighting letters, and now that it's getting dark earlier it will be easier to check compliance.

Mr. Otley made a motion to adjourn.
Mrs. McGraw seconded the motion.

VOTE: 7 – 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