

FARMINGTON PLANNING BOARD
153 Farmington Falls Road
September 11, 2023 – 6:00 p.m.
Minutes

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

Alternate members present: Michael Guerrette.

Members unable to attend: Clayton King and Michael Macneil.

Others present: Code Assistant, Kate Foster; Planning Assistant, Cindy Gelinis; Zoning Board members, Paul Mills, Terry Bell; applicant, Garrett Reynolds; Sean Murphy of Flycatcher LLC representing Titcomb Roost Solar LLC and Titcomb Roost Solar 2 LLC accompanied by applicant Emily Byrne. Others present were abutters Joanna Wing, Sally Speich, and Jennifer Bjorn. Other members of the public were present.

Ms. Murphy opened the meeting at 6:00 p.m.

1. Pledge of Allegiance

2. Designate alternate members, if needed

Ms. Murphy designated Mr. Guerrette as a voting member in the absence of a regular member.

3. Review minutes of August 14, 2023

Mr. Wright made a motion to approve the minutes of August 14, 2023 as written.
Mrs. McGraw seconded the motion.

VOTE: 7 – Affirmative

Motion carried.

4. Public Hearing

Zoning Ordinance

Solar Energy Systems Performance Standards

Ms. Murphy introduced the agenda item and asked Paul Mills of the Zoning Board to give an overview of the changes.

Mr. Mills started by thanking Ms. Murphy for attending the Zoning Board meetings about the Solar Energy Systems Performance Standards. He stated that the Town of Readfield was a big help with this project. Some changes are in regard to the setbacks from residential homes and not having any solar panels in the Floodplain.

Ms. Murphy opened the Public Hearing at 6:02 p.m.

Ms. Murphy asked if there were any questions or comments from the public.

There being no questions or comments from the public, Ms. Murphy closed the Public Hearing at 6:04 p.m.

Ms. Murphy asked if the Board had any questions or comments.

Mrs. McGraw asked about the classification of the PRSES (Private Residential Solar Energy Systems) and whether it requires a permit or not and feels that it is contradictory and needs more clarifying.

Mr. Mills stated there are more relaxed standards for PRSES.

Mr. Guerrette and Mr. Wright stated they agree with Mrs. McGraw.

Mr. Jordan asked if a project is stagnate for 12 months, does it have to be decommissioned?

Ms. Murphy replied that it says an extension can be granted if there is a good reason, up to two years.

Mr. Smith asked if roof-mounted solar panels have to meet setbacks.

Mrs. McGraw added that was something she felt needed clarifying as well.

Mr. Smith verified with Mr. Mills that other brooks, streams and rivers fall under FEMA and the floodplain.

Mr. Smith stated he feels as though the Zoning Board is picking on one entity by not allowing solar in the Floodplain and it will handicap a lot of people. He added that he doesn't think the general public should be able to dictate what someone wants to do with their own land.

Ms. Murphy stated she agrees with Mr. Smith to a certain extent – she thinks landowners should be able to do what they want with their land – however, looking at it from a solar companies aspect, they probably wouldn't want to put solar panels in the floodplain.

Mr. Otley brought up section "8u" about setbacks and buffers and the panels being screened. He asked if it matters if there is a house there or not in the Residential district.

Mr. Mills said there are fewer residential districts in the tax maps.

Mrs. McGraw stated they aren't getting answers to their questions and the biggest point is if they are confused – residents will be confused. She added that the Board relies on the clarity of the Ordinances to make their decisions.

Mr. Mills stated "2a" could be broken up to help clarify requirements between ground mounted and roof mounted solar.

Mr. Smith asked about the last part in section “8u” where it talks about everything having a buffer and being screened in a Residential zone – and that the solar array next to Davis Road goes up and down due to it being on a hillside – therefore it isn’t very visible and would it still be a requirement in that situation.

Mr. Otley stated it should just be screened from abutting properties.

Ms. Murphy asked the Board if they wanted to approve, deny, or approve with conditions the Solar Energy System Performance Standards.

Mr. Otley asked about having the Zoning Board make some changes on the items the Planning Board has expressed.

Mrs. McGraw made a motion to deny the Solar Energy Systems Performance Standards. Mr. Smith seconded the motion.

Mr. Otley asked if it needs to be specific.

Mr. Mills said it should be.

Mr. Smith withdrew his second so that Mrs. McGraw could amend her motion.

Mrs. McGraw made a motion to deny the Solar Energy Systems Performance Standards in order to have the Zoning Board review and clarify sections “2a, 8s, and 8u”. Mr. Smith seconded the motion.

Terry Bell asked about the screening and if they mean right in the beginning or 10 years from the beginning. He asked this because he feels someone will never be able to constantly keep it screened.

Mrs. McGraw stated she does want more clarification on the required screening. She added that the Board follows what the ordinances state.

Ms. Murphy called for a vote on the motion.

VOTE: 6 – Affirmative 1 – Abstained
Motion carried.

Mr. Mills stated that he needs the Board to be more specific and no matter what the Zoning Board puts in the Zoning Ordinance, not everyone is going to be happy.

Mr. Guerrette asked if the intent of the Zoning Board was to not have any solar panels on any hillsides. He stated that it would be good to have the intent laid out.

Mr. Smith stated that he doesn’t like a grey area and wants the requirements in black and white.

Ms. Murphy stated the Planning Board can address this again at the October 16th meeting when Code Officer Steve Kaiser is back in the office and can give them some guidance.

Mr. Mills stated the Board of Selectmen asked the Zoning Board to come up with some changes and this is what they came up with.

5. 23-SR-13 & 23-SS-10

Garrett Reynolds

169 Farmington Falls Road / U10-048

30' x 80' greenhouse & 15' x 25' addition to store

Ms. Murphy introduced the applications and called for a motion on if the applications were complete for review and if the Board wanted to review them together or separately.

Mr. Smith made a motion to accept the applications as complete and to review them together. Mr. Otley seconded the motion.

VOTE: 7 – Affirmative
Motion carried.

Applicant Garrett Reynolds introduced himself and stated that he is working on getting a grant for a 30'x80' greenhouse and for a 15'x25' addition to his currently store and he needed to file a Site Review and Soil Erosion/Storm Water application for those.

Mr. Guerrette stated it's a great project and wished Mr. Reynolds the best.

Mr. Wright asked if the new building and addition will be on a concrete pad, if the new building will be heated, and where the tank for the building will go.

Mr. Reynolds stated it will have a concrete pad, be heated, and thinks he has enough room where his current tank is.

Mr. Jordan asked if he was planning on pouring the concrete pad this fall.

Mr. Reynolds replied yes, but it will depend on the status of the grant.

There being no further questions or comments, Ms. Murphy called for a motion on the applications.

Mr. Wright made a motion to approve the Site Review and Soil Erosion/Storm Water applications as presented.

Mrs. McGraw seconded the motion.

VOTE: 7 – Affirmative
Motion carried.

**6. CDBG Grant for Garrett Reynolds
Overview by Cindy Gelinias**

Ms. Murphy introduced the agenda item and asked Mrs. Gelinias to step forward to give the Board an overview.

Cindy Gelinias who works for the Town in the Code Enforcement Planning Office stated herself and Code Officer Steve Kaiser have been working on a Community Development Block Grant (CDBG) for Garrett Reynolds. The grant is for \$90,000 for two full-time employees and two part-time. She added that the applications weren't supposed to come before the Board yet but due to deadlines with the grant, they had to move forward with the applications. There is a form the Chair signs stating that the applications meet all Town requirements.

Ms. Murphy and the Board thanked Mrs. Gelinias for the overview and agreed it's a great project.

**7. 23-SR-14&15, 23-SS-11&12, 23-SE-03&04
Titcomb Roost Solar, LLC & Titcomb Roost Solar 2, LLC
688 Titcomb Hill Road / R12-015
2 - 950KW (AC) solar array and gravel access road**

Ms. Murphy introduced the applications, verified the applicant was present accompanied by the authorized agent, and called for a motion on if the applications were complete and if the Board wanted to review them together or separately.

Mrs. McGraw made a motion to accept all the applications as complete and to review the two projects and all applications together.
Mr. Smith seconded the motion.

VOTE: 7 – Affirmative
Motion carried.

Ms. Murphy asked what the reason was to have the projects reviewed separately.

Emily Byrne the applicant, stated the projects have separate utility connections and they have to each be 1MW or under to pass right now.

Ms. Murphy asked about the amended plans the Board received showing the access road going from 16' to 20'.

Sean Murphy of Flycatcher LLC, the designated agent, stated he received the Letter of Review from the Fire Rescue Chief and spoke with him and it would be better for access.

Mr. Wright stated the applications are very well put together and the details are great regarding environmental concerns and the decommissioning.

Mr. Murphy stated it is also required at the State level for the decommissioning.

Ms. Murphy stated she liked the fact that they need to revisit the project every five years regarding the decommissioning.

Mr. Murphy replied that the State requires every fifteen years but they feel every five years is reasonable as well.

Mr. Jordan asked about the homes on the south side of the project and what the setback requirements are there.

Mr. Murphy replied the setback requirements are no closer than 75' from the nearest array. He added that they also checked the sound decibels.

Mr. Jordan asked if there are going to be any trees being cut or planted where there are fewer trees along the Titcomb Hill Road side. He also asked if the arrays will be visible from the road.

Mr. Murphy replied there will not be any trees cut and it might be visible from the road if someone is driving by the driveway.

Ms. Byrne added that they don't want to change the area outside of the project and don't want to plant any trees close to the arrays because that would defeat the purpose.

Mr. Smith stated that the applicant should not use fur trees for buffering.

Mr. Smith asked if there is an error in the decommissioning costs, in which Mr. Murphy replied no.

Mr. Otley asked about the fencing design.

Mr. Murphy said it is all fenced in and the arrays will be taller than the fence.

Ms. Murphy asked if the fence that is going to be put up is wildlife friendly in which Mr. Murphy replied yes – there is a small gap at the bottom.

Mr. Guerrette asked why two 1MW, in which Ms. Byrne replied it is a faster process.

Mr. Smith asked if they were going to keep the access road plowed out every winter storm.

Ms. Byrne replied they will plow as needed but if it is not producing power there will not be any need to keep it cleaned out.

Mr. Guerrette asked if there was a specific reason why the access road needed to be changed from the original 16' wide to the 20' wide.

Mr. Murphy replied that Chief Tim Hardy stated that in order to meet NFPA 1 requirements it would need to be 20' wide for emergency vehicles.

Mrs. McGraw asked if the power will stay local like the one in Livermore Falls that supplies power to the school.

Ms. Byrne replied that the power will stay in Maine.

Mr. Smith asked about reading that the arrays will be mounted in cement and that might be hard to tear up when the decommissioning time comes.

Mr. Murphy replied they won't be in cement, they will be driven into the ground.

Sally Speich an abutter, asked if there is any effect if trees are cut in which Mr. Murphy replied no.

Jennifer Bjorn an abutter, asked to see the plans and reviewed them with Ms. Byrne.

Joanna Wing who is the daughter of the landowners stated her parents thought they were doing a good thing for their kids but she feels her parents were pushed and pressured into signing the documents. She stated they hired Lawyer Paul Mills who said the landowners didn't have any way out of it because they signed the documents without being sued.

Ms. Murphy stated some landowners do want them on their property for the extra income.

Ms. Byrne stated the signing of the documents was a seven month long process with the landowners and Attorney Paul Mills and the landowners did not have any issues.

Ms. Wing stated it is not fair to the landowner to be threatened with being sued if they change their mind and decide they want out.

Mr. Guerrette made a motion to table the applications until the Solar Energy System Performance Standards are approved.
There being no second, the motion died.

Mr. Mills stated he met with Martha and Ethan Wing and Ms. Byrne multiple times and they agreed to sign.

Mrs. McGraw stated she doesn't feel the Board has any choice where everything required has been submitted.

Mr. Otley made a motion to approve both projects as presented.
Mr. Wright seconded the motion.

VOTE: 6 – Approved 1 – Abstained
Motion carried.

8. Other Business

Code Office:

- Safe Voices is preparing their applications for review and plan on submitting for the October 16th meeting.

Ms. Murphy stated the building where Marshall's will be going into looks to be under renovations and Rachel Jackson's project at the Farmington D has started.

There being no further business or discussion, Ms. Murphy called for a motion to adjourn.

Mr. Otley made a motion to adjourn the meeting.
Mr. Smith seconded the motion.

VOTE: 7 – Affirmative
Motion carried.

The meeting was adjourned at 7:25 p.m.

Minutes respectfully submitted by Kate Foster.

Planning Board

Date