

FARMINGTON PLANNING BOARD
153 Farmington Falls Road
November 19, 2018 – 6:00 P.M.
Minutes

Planning Board members present: Chairman Clayton King, Lloyd Smith, Jeff Wright, and Mike Otley.

Alternate members present: Judith Murphy and David Robbins.

Members unable to attend: Gloria McGraw, Donna Tracy, and Craig Jordan.

Others present: Town Manager Richard Davis; Code Enforcement Officer Steve Kaiser; Code Assistant Kate Foster; NextEra/Farmington Solar LLC representatives Liz Peyton, Lauren Leclerc, Jon Gravel, and James Cote; abutters/landowners Robert Zundel and Bussie York; and a member of the press.

1. Designate alternate members, if needed

Mr. King designated Ms. Murphy and Mr. Robbins as voting members for this meeting in the absence of regular members.

2. Review minutes of October 15, 2018

Mr. Smith made a motion to approve the minutes of October 15, 2018.

Mr. Wright seconded the motion.

VOTE: 6 – Affirmative

3. 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 Energy Systems Application

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

18-SZ-02 Shoreland Zoning Application

18-FP-03 Floodplain Management Application

Ms. Peyton introduced consultants Jon Gravel and Lauren LeClerc who both accompanied her tonight, and said she would like to start by answering some of the questions and concerns that were brought up at the last meeting as well as what they have done since then. She stated: the Decommissioning Bond has been finalized with Town Attorney Amanda Meader; they followed up with Mr. Zundel on his concerns regarding Horn Hill Road; they provided the Town with EMF [Electro Magnetic Frequency] information which they forwarded to Ms. Comeau; they continued to address questions and concerns with Mr. Drosdik and Mr. York as well as other abutters; and, they've received their DEP approvals.

Ms. Peyton continued, noting they have provided the Board tonight with an actual 340 watt 3'x5' polycrystalline silicone panel from a solar power site for the meeting. She stated: the panels are nut & bolt connected; there will be 8,658 in the 13 acre parcel by Stanwood Park Circle; each panel will be attached to pre-installed racks with wire trays; and, there will be string lines (rows) with 28 panels each.

Ms. Peyton said that there will be a couple inches between each panel to dissipate runoff and aid in storm water management, and with Mr. Gravel she presented photo boards of the company's Coolidge Solar project in Vermont. She pointed out what one photo showed underneath and between the panels including grass growth, and another showing a large array of panels and how they are installed to flow with the topography of the land which requires less ground disturbance and grading.

Mr. York asked if they would be using sheep to mow the grass.

Ms. Peyton replied by saying that they are not opposed to the idea of using sheep for this, and would recommend using sheep instead of goats due to goats' reputation for eating more than just grass.

Mr. Robbins, in reference to the pictures presented, asked how long the panels have been in place and about the dirt underneath. He said he is worried about the amount of snow we get in Maine, and it seems like the panels would be like a house roof where the snow would build up until warm enough to melt and slide off into a pile creating more of a water run-off problem than a normal rain storm.

Ms. Peyton said the Coolidge project is a new project that was only completed this year so it has yet to see much snow, but they've done studies to prepare for all types of run-off situations as well as having a solar project in Minnesota. She added the storm water buffers will help control runoff.

Mr. Robbins asked if the buffers were part of the project's engineering.

Ms. Peyton said yes.

Mr. Wright asked if NextEra had any pictures of solar panels during the winter that the Board could see.

Ms. Peyton said yes, she will look them up.

Mr. King asked if they have had any winter problems with the project in Minnesota.

Ms. Peyton stated that there haven't been any that she is aware of.

Ms. Murphy asked how high the panels would be.

Ms. Peyton said they could range from 6-10 feet from the ground to the top of the panel.

Mr. Otley asked if the panel angle in the photo display was the same as proposed here.

Ms. Murphy said the ones in the photos look flatter.

Ms. Peyton said they're low profile.

Ms. Peyton stated that she met with Town Manager Mr. Davis regarding taxes and is going to be meeting with Mr. Davis again along with the Assessor and Selectmen in the same regard. She said she still thinks they will be one of the largest taxpayers in town.

Mr. King mentioned that there was a rumor going around that NextEra was looking to get tax exemption for the project.

Ms. Peyton said that she wasn't aware of any such exemption.

Mr. Robbins asked what the lowest panel height would be.

Mr. Gravel said 24 inches.

Mr. Robbins asked if the panels would give off a glare and, if they do, could the angle be adjusted. He stated that he was worried about the traffic traveling east or west on Route 2 getting glare off the panels

Ms. Peyton said that there won't be any glare off these panels, adding that NextEra did a glare study for a project in southern Maine near an airport.

Mr. King stated his understanding is that older style panels used to have a glare but the new style panels being used for this project would not have any glare.

Ms. Murphy said that she read in the DEP permit that if the project is non-operational for 12 consecutive months that the development has to start the decommissioning process. She asked what would cause it to not be operational for 12 consecutive months.

Ms. Peyton said it would have to be a major disaster such as the main transformer malfunctioning which might take months to replace.

Ms. Murphy asked what would happen after the project was decommissioned.

Ms. Peyton stated that it would be hard to say what comes next, but there would have to be a new DEP permit and power purchase agreement for any subsequent energy development. She said in the future there may be new more efficient technology requiring less land area.

Mr. Otley asked which way the panels would sit on the racks - vertically or horizontally.

Ms. Peyton, Mr. Gravel, and Mr. Cote held up the photos of other arrays to display that the panels would sit vertically on each rack.

Mr. Wright asked if there was any new information regarding CMP.

Ms. Peyton said they've had good communications with CMP on connecting the project to the grid. She said that electrons from the project would take the path of least resistance and therefore be used locally, noting that power from the project goes into a pool of energy.

Mr. Otley asked if the NextEra project has any connection with the CMP corridor project.

Ms. Peyton stated that the projects were completely separate, the corridor being DC, while this project's output to the grid is AC.

Mr. Robbins asked if NextEra would be liable if for some reason there were a problem with the decommissioning bond - such as not having sufficient funds.

Ms. Peyton stated that surety will be in place as soon as we break ground, and the bond will be reviewed every five years and updated as needed.

Mr. King asked Mr. Zundel if he has had all of his questions and concerns answered.

Mr. Zundel said he has met and spoken with Ms. Peyton, Mr. Gravel, and Mr. Cote several times and he is all set with his questions and concerns.

Mr. Smith asked if the bond has to come back to the Board of Selectmen for approval every five years.

Ms. Peyton stated that they'll submit updates to the Code Office and she assumes they'll forward same to the Board of Selectmen.

Mr. King stated that during the site walk over NextEra representatives had said that people wouldn't be able to see the panels from Route 2 - but they actually will be able to do so.

Ms. Peyton said they will be providing vegetation buffers along the highway and elsewhere which should screen the panels from view.

Mr. King asked, when it comes time for decommissioning, and in case a panel containing cadmium breaks, who the disposal company is going to be and where the disposal site is. He also asked about the 13 acres near Stanwood Park Circle and if there was thought to adding 10 feet around the whole area across the highway to eliminate that 13 acres. He said it wouldn't be that difficult to modify the DEP permit.

Ms. Peyton said stated that they will get information to the Board on panel disposal. She said regarding Stanwood Park Circle they have worked things out with Mr. Drosdik, and due to environmental constraints and natural resources they are not able to expand the panel area across the highway without encroaching on these sensitive areas.

Ms. Murphy mentioned that NextEra representatives have stated that the 13 acre site near Stanwood Park Circle would be more efficient than other panel areas and would like to know in what way.

Ms. Peyton said yes, it would be more efficient because they would have to run less power line for interconnection.

Ms. Leclerc added that the project and the current 13 acres is designed to minimize any impacts, and expanding on the other side would increase the environmental impacts.

Ms. Peyton stated that they have taken everything very seriously, continue working with all parties involved, and have made progress with Mr. Drosdik. She said they've maximized energy output and each inverter location is fully utilized.

Mr. King asked if NextEra has received their letter from the MHPC [Maine Historical Preservation Commission].

Ms. Peyton stated that they are confident they should be receiving that letter by March 2019, and per the DEP permit it will have to be issued as "no impact".

Mr. Robbins asked if the panels are breakable, and if one breaks will cadmium contaminate the ground.

Ms. Peyton reassured Mr. Robbins that the panels contain crystalline silicone and no cadmium telluride, and the research shows they will not contaminate the ground if broken.

Mr. King asked Mr. Kaiser his thoughts on the the panels where one of the new style panels that are proposed for this project could be replaced with a panel that has cadmium in it.

Mr. Kaiser stated that there could be a condition of approval stating that no cadmium telluride panels are to be used.

Mr. Smith asked to confirm that the fence around the arrays would be chain-link.

Ms. Peyton said they would and added that the fence would be six feet high and there would be another foot of barbed wire on top of the fence.

Mr. Smith asked if there was a plan to get all wildlife out of the fenced in areas before they close it off or are they going to get the wildlife out after it is enclosed. He stated that he is worried about wildlife such as bobcats getting stuck inside the enclosure, and he knows of two currently in the area.

Ms. Peyton stated that usually most wildlife disperse when construction starts but they will make sure there aren't any animals stuck in the enclosure. She said deer are able to jump in and out as they please and this is a large area - they're utilizing 490 acres of the 1,800 studied - so there should be lots of room for wildlife, and a TPI [Third Party Inspector] could keep watch for the bobcats.

Mr. York stated there will still be a lot of area untouched and not fenced in that can be used for wildlife and recreation like hunting. He added that a snowmobile trail may go through one of the enclosure sites and asked what will happen with that.

Ms. Peyton stated that the solar company works with snowmobile clubs and recreational trails to avoid the fenced in areas. NextEra would also make sure that fencing by any snowmobile trail is clearly marked for night and day travels.

Mr. York said all the access roads can be used as walking trails.

Ms. Foster asked if NextEra had considered making the fence by Stanwood Park Circle solid instead of chain-link as one of the residents had mentioned at the last meeting.

Ms. Peyton stated that they did consider it but due to the NEC [National Electric Code] it has to be a chain-link fence - but they may add more vegetation or put fabric covering on the fence.

Mr. King said snowmobile trail marking is important.

Mr. Cote said they've already spoken with the clubs regarding safety measures.

Mr. Zundel asked about habitat and conservation easements.

Ms. Peyton said DEP didn't require any because there was very little impact being made.

Mr. Otley asked when NextEra expects to get a response from MHPC [Maine Historic Preservation Commission].

Ms. Leclerc said they expect to hear back from MHPC in March or April 2019.

Ms. Peyton said NextEra cannot start any construction until they have the approval letter from MHPC.

Mr. King asked if the Board does not vote or give NextEra approval tonight would it hold the project up.

Ms. Peyton said she feels that NextEra representatives have provided sufficient information for the Board to make a decision and agrees to come back with updates if approved tonight. She said if the Board holds off on its decision, it would only delay them if not made by March 2019.

Mr. Smith said he's not comfortable voting on this large a project yet, and he would like more information about the chemicals in the panels and hearing what the tax impact is after the meeting with the assessor before he votes.

Ms. Peyton added that if the Board is not comfortable voting without conditions at this time, then NextEra would rather the Board table their review until the next meeting since NextEra would rather not have a conditional approval.

Ms. Murphy stated that she is comfortable voting tonight without conditions knowing that NextEra will receive their approval letter from MHPC by March 2019.

Mr. Robbins asked Ms. Peyton if the Board grants NextEra an approval tonight can NextEra then apply for a tax exemption afterwards.

Ms. Peyton said this is not in their plans.

Mr. Wright acknowledged that the applicant did a good job on the application and the review process.

Mr. Smith reiterated that he is not comfortable going ahead and approving the project yet.

Mr. Otley made a motion to approve the site review application as submitted.

Ms. Murphy seconded the motion.

Mr. King asked the Board to review the Site Review Checklist prior to voting.

Mr. Robbins said although he is in favor of the project, he does not want to vote now if Mr. Smith wants to wait for further information.

Ms. Peyton stated that NextEra will agree to provide updates periodically to the Board if they approve it tonight.

Mr. Otley asked if copies of the TPI reports would be submitted to the Town.

Ms. Peyton said yes.

Mr. King asked if there was any further discussion. There being none Mr. King called for a vote on the Site Review application.

VOTE: 4 - Affirmative 2 – Opposed

Mr. King made a motion to approve the Solar Energy Systems application as submitted.
Mr. Wright seconded the motion.

VOTE: 4 - Affirmative 2 - Opposed

Mr. Otley made a motion to approve the Soil Erosion Control & Storm Water Management application as submitted.
Ms. Murphy seconded the motion.

VOTE: 4 – Affirmative 2 – Opposed

Ms. Murphy made a motion to approve the Shoreland Zoning application as submitted.
Mr. Otley seconded the motion.

VOTE: 4 – Affirmative 2 – Opposed

Ms. Murphy made a motion to approve the Floodplain Management application as submitted.
Mr. Otley seconded the motion.

VOTE: 4 – Affirmative 2 – Opposed

Mr. Cote summarized the items they would be following up on such as the snowmobile trails and bobcats, and asked the Board if there was anything else.

Mr. King said they'd like more information on panel disposal as well.

Mr. Otley added he'd like a follow-up on the possibility of solid fencing on the Stanwood Park Circle side.

Ms. Peyton agreed to come back to the Board with more information on those items once they're finalized, and she then thanked the Board for their review and approvals.

Mr. Smith said he wanted to make it clear to the NextEra representatives that he is in favor of the overall project and he would just like more information.

Ms. Peyton replied by stating they will keep the Board updated and have the TPIs give periodical reports to the Board as well.

4. Wireless Telecommunications Facilities Ordinance Discussion

Mr. King introduced the item as well as gave an overview of why it was being brought to the Board and the changes in the Ordinance that are up for discussion.

Ms. Murphy asked how a motion would be made for a change to an ordinance.

Mr. Kaiser stated that customarily a Board member makes a motion to modify the ordinance as drafted.

Ms. Murphy made a motion to add the proposed paragraph in section 11-11.10-A.6 of the Wireless Telecommunication Facilities Ordinance.

Mr. Otley discussed the letter he received from a co-locator, and asked Mr. Kaiser when this paragraph was going to go into effect.

Mr. Kaiser said the usual process after the Planning Board has reviewed and given their approval is to then forward a draft article to the Board of Selectmen for a Public Hearing and then inclusion on the Town Meeting warrant for a vote. He added he feels this draft change should first be sent to Town Attorney Amanda Meader for review.

Ms. Murphy withdrew her motion.

Mr. King asked the Board if they were all in favor of sending the proposed changes to the Town's Attorney first and they all concurred.

5. Other Business

Mr. Smith requested that the Board secretary highlight any changes to revised minutes that are sent out so Board members don't have to reread the whole draft to see what's been changed.

Ms. Murphy stated that she attended the AVCOG's Planning Day and wanted the Board to know she appreciated going and found it very informational.

Mr. Wright asked what the status was of the new Aubuchon's being built on the Wilton Road.

Mr. Kaiser said that Butch Haggan finally got pavement down, noting he'll have to submit an "as built" site sketch for Board acknowledgement and acceptance of the exact positions of all project components.

Mr. Kaiser updated the status of the Adult Use and Medical Marijuana drafts, saying he would be taking these to the Zoning Board again and then to the Board of Selectmen.

Ms. Murphy mentioned that the State laws will be in effect in December.

Mr. Kaiser said the State is now drafting rules and regulations to implement the Adult Use and Medical laws passed this year, and the Town will vote to opt in or not at the Town Meeting in March.

Mr. King asked what was going on with the Granary.

Mr. Kaiser stated there was nothing new going on that he was aware of.

Ms. Murphy made a motion to adjourn the meeting.

Mr. Smith seconded the motion

VOTE: 6 - Affirmative

The meeting adjourned at 7:24 P.M.

Minutes respectfully submitted by Kate Foster.

Planning Board

Date