

**Town of Farmington  
Zoning Board  
Public Hearing  
Thursday, October 20, 2021 – 6:00 p.m.  
MINUTES**

Zoning Board members present were Paul Mills, John Moore, Jane Woodman, and Kyle Terrio. Kelly Kading was unable to attend, alternate member David Ballard was present. Planning Assistant Cindy Gelinias, Planning Board members Clayton King, Judith Murphy, and Lloyd Smith, and applicant Adrian Harris were present. Also present were John Davis, Junior Turner, Marie Turner, Rob Martin, Susan Gagnon, Bob Bond, Dave Tompkins, and other members of the public.

Mr. Mills brought the meeting to order at 6:04 p.m.

Mr. Mills gave an overview of the procedures required to change the Town's Zoning Ordinance.

1. There were no alternate members in attendance. Mr. Ballard arrived at the meeting at 6:15 p.m.
2. Approve Minutes of September 23, 2021

The Board agreed to table the vote until the next meeting.

3. Open Public Hearing

- Adrian Harris  
124 Harris Lane  
Farmington, ME 04938  
21-ZC-01

The applicant proposes an amendment to the Town of Farmington Zoning Ordinance Solar Energy Systems Performance Standard's for Industrial Solar Energy Systems (ISES) setbacks from property lines Section 11-8.11K.8.d. He proposes increasing the current setback from 75 feet to 500 feet.

Mr. Mills opened the Public Hearing at 6:06 p.m.

Mr. Harris said we need to change the setback from 75 feet to 500 feet because of the of the impact to our environmental resources due to the land, air, and water displaced by the panels which are critical to our environment. He said an environmental impact study of the impact in the surrounding area with guidelines to landowners and homeowners for this type of project is needed. Mr. Harris said the environmental deficiency of a property decreases its value and the characteristics of the surrounding area. He said this area is some of the best farmland, and this has impact on the wildlife and birds in the area. Mr. Harris said Farmington has always been considered a scenic town, now it doesn't look that way, and I would like to protect our neighbors and town. He thanked everyone for listening and hoped they would implement the 500-foot set back as it would be good for the town.

John Davis said he grew up on Davis Road and his family built most of the houses in that area. He said this is a wildlife area for deer and bird hunting up behind the York farm, and outdoor recreation, and these panels are impacting the wildlife. Mr. Davis said ask the residents of Stanwood Park Circle if they are happy with the solar panels, and he thought they would say it's awful. He said Mr. Harris is in the worst place for the solar panels and everyone in the neighborhood feels the same, and that the solar panel companies are taking over every area of open space in town.

Mr. Moore asked if this application is in response to a phase II solar project of the Buzzy York's or another proposed project.

Mr. Davis said he didn't know.

Junior Turner said the Town of Farmington has also proposed a solar farm at the 25-acre land fill site.

Mrs. Gelinis said the Planning Board hasn't received the application for a proposed solar project at the old Nusman Farm that abuts Mr. Harris and these homeowners' properties, which is expected to be heard at its November meeting.

Marie Turner said you can look from the high school and see the panels where once there were fields, and we need to put a pause on anymore to see how this one goes. She said it's the largest solar farm in the state, and people bought their homes to enjoy.

Rob Martin stated he has lived on Gilbert Avenue for 10 years and said he has put roughly \$100,000 into his house and feels the solar will be devastating to his retirement. Adding there was a pause on the wind and marijuana and feel the Town has been ruined enough. He clarified for Mr. Moore where the residents are talking about because they heard there is going to be a solar farm put at the location and asked for further clarification if that is true or not.

Mr. Mills told Mr. Martin they are not the Planning Board but Mrs. Gelinis works in the office and may have some information.

Mrs. Gelinis told the residents and Board there are not any applications at this point but there has been talk of them coming into the Planning Board for the November 8<sup>th</sup> meeting.

Mr. Ballard entered the meeting at this time.

Mr. Terrio asked why the request was to go from 75 feet to 500 feet.

Mr. Mills asked if other Towns have adopted the 500-foot mark that they can point to as some type of precedent and Mr. Harris said he looked into other Towns but couldn't find anything but he said they seem to be looking to Farmington to see what is going to be done.

Mr. Martin said they really want to not have the solar at all but understand a property owners rights and that's why they are requesting to put the brakes on it so they can get the wording right.

Mr. Mills explained the process they seem to be looking for is a Moratorium.

Mr. Martin asked the Zoning Board to recommend a Moratorium to the Board of Selectmen under Facts and Findings.

Ms. Murphy pointed out that most of the small solar projects are not connected to the York's solar facility and added that there are two sides to these between the property owners and the abutters and understands each side but also stated most of the people for solar are property owners who want it on their property and maybe some need it. She added that yes, some will miss the view they have had but most of the time it is a view that they have had for free from someone else's property.

Mr. King stated this ordinance wasn't something that just happen overnight and they spent roughly 18 months working on it, mirroring it from a big project in Vermont so there was knowledge to back up the information and the Planning Board knew it was coming. He stated that if as many of the abutters from the NextEra Solar project Stanwood Park side came in and showed their concerns as these folks have, there might have been a chance of stopping the panels being put in that location but only one person showed up instead of many coming and saying they don't want it. The board pressured for things to be setback and the company did work with them and there has been discussion of devaluing property which they say it doesn't.

Mr. Harris said he thinks there needs to be a Moratorium put on this or do something serious to make sure the residents' properties are protected.

Susan Gagnon stated she lives on Gilbert Avenue and has created a video of Farmington and part of it being the richest soils in Maine. She said her family for generations and other residents now have used these fields and open areas as recreational aspects for years. She stated she hasn't received any notification or anything in the mail about the project and feels it's unfair to wake up one day and see the beautiful neighborhood filled with solar panels. She ended her statement by saying that the agricultural aspect of this area has already been greatly affected and will be even more if this gets approved and this is not a view.

Bob Bond a resident of Gilbert Avenue as well said he is very tuned into landowner rights having represented them for years and has also enjoyed that piece of land for years without paying any taxes on it, so he understands both sides very well. We have failed to see other opportunities such as selling carbon credits and other options. He said Mr. Harris has a good idea and has heard other areas are looking at doing a Moratorium because they don't want solar. However, he doesn't agree with a Moratorium because it infringes on someone's rights.

Mr. Mills stated a Moratorium is just a pause and may be a necessary obstacle to do.

Ms. Murphy stated sometimes progress needs to be slowed down but thinks these solar projects will slow down very soon due to CMP because the solar companies are waiting to see what happens with CMP, same thing with the marijuana and how that will slow down. She said she thinks the 75 feet to 500 feet is a lot and maybe too much but wouldn't be opposed to an increase.

Mr. Martin verified with Mr. Bond that there are things people are allowed to do and not allowed to do with their property. He said with that, he thinks the Town should disallow solar in Farmington.

Marie Turner asked what the next step is and asked if the Zoning Board is going to make a recommendation.

Mr. Mills explained the next steps and process adding that if it doesn't go to Town vote then 10% of the voting residents can sign a petition to force the Board of Selectmen to put it to Town vote.

Mr. Moore stated everyone is welcome to go to the Board of Selectmen meetings and make their voices heard, adding it is a very long process.

Ms. Turner asked what the next step was.

Mr. Mills replied that no matter what they do tonight, it will be kicked upstairs to the Board of Selectmen in which you the residents should go when this is on the agenda for consideration.

Ms. Turner asked how they would know when the meeting is.

Mr. Mills stated they have their regular meetings on the 2<sup>nd</sup> and 4<sup>th</sup> Tuesday of every month but could have special meetings as well. Adding anyone can ask to be on the list of people to receive the agenda.

Mrs. Gelinas added that the agendas are always posted on the Town website and in the building.

Ms. Turner asked why the Zoning Board can't put the Moratorium on the Board of Selectmen's agenda.

Mr. Mills said they would give the Board of Selectmen notice.

Mr. Turner said nothing can upset a taxpayer more than telling them what they can/can't do on their property but also another aspect of it is that you can upset a taxpayer by putting solar just outside the property line that they have to look at. He added that there needs to be something to protect all residents and their views.

Ms. Murphy stated some residents don't mind the view with the solar panels in it and have specifically asked not to have trees planted to obstruct it and there are no guarantees that someone else is going to have a problem with it either.

Mr. King verified Ms. Murphy's statement saying the request not to have trees came right to the Planning Board. He said there is a possibility of two more smaller solar facilities coming before the Planning Board, one on the Webster Road and one on the Holley Road. He brought up the fact that people say there isn't much benefit to these solar farms but the big NextEra one will bring in a guaranteed \$1.4 Million dollars in taxes every year for the next 5 years. He added the Planning Board goes by their Rules and Regulations and put in a

Performance Bond that increases every 5 years to protect the Town and personally feels the towers to run the wires are way uglier than the panels.

Dave Tompkins clarified with Mr. King the Planning Board were the ones to come up with the 75-foot setback in remote areas. He stated a friend comes up to visit from western Massachusetts every year and couldn't believe what he saw and added they as residents will do what they need to do to change the setbacks and get on the agenda.

Mr. Mills discussed the setbacks.

Mr. King discussed other Ordinances and applications where the setbacks are an issue and they do what they can do protect different areas of the town and it doesn't just take one meeting, it takes several to get it where we think its best for everyone but they aren't perfect. He added that his wife said she would never want to live in a place like Stanwood Park but someone who lives in New York or surrounded by brick would probably love it.

Mr. Davis said he has spoken with law enforcement and store owners about the increased workers from out of State and conflicts and how they will be working in residents back yards feeling the need to be more watchful.

Ms. Turner first wanted to thank the Board for listening to them and Mr. Harris for bringing it to their attention and hopes there will be some sort of agreement.

Mr. Mills closed the Public Hearing at 7:02 p.m.

There was discussion at this time between the Zoning Board members about a motion.

Mr. Moore made a motion to defer a vote on this application as written with a strong recommendation that we pass a six (6) month moratorium on all solar projects, and that all other elements of the [Solar Energy Systems] Performance Standards be evaluated during this process as they relate to ISES.

Ms. Woodman seconded the motion.

VOTE: 4 AFFIRMED

Motion carried

#### 4. Other Business

Mrs. Gelinas will send out a Doodle poll to schedule the next meeting.

There being no further business, the meeting was adjourned at 7:30 p.m.

Minutes respectfully submitted by Cindy Gelinas and Kate Foster.