

Union Planning Board Minutes
Thursday, December 10, 2020
ONLINE INTERACTIVE
6:30 p.m.

Present: Gerald S. Brooks, Jr. (“Jerry,” Chair), Michael Johnson, Dale Flint, Glenn Taylor, Robin Milliken

Others present: Grant Watmough (CEO), Jay Feyler (Town Manager), Stephen Brooks, Chris Byers (Boyle Associates), Matt Kennedy (Boyle Associates), J. Murto (Con Ed)

- 1. Meeting called to order:** 6:32 p.m. by Jerry Brooks.
- 2. Boyle Associates – Site Plan Review, Solar Farm – Map 8 Lot 46-1 and Map 9 Lot 2:**

Jerry established no conflict nor bias. We have a quorum. Planning Board has jurisdiction per the Land Use Ordinance. Applicant has standing. All applications and fees have been submitted.

Chris and Matt reminded they are here on behalf of Con Ed.

Four 24” x 36” sets of plans were provided in addition to binders provided to Planning Board members. One set of complete drawings was in the meeting room on an easel.

Jerry went through the Site Plan Review checklist. He noted the application is very complete. There were no questions nor comments from the board. Jerry asked if CEO Grant had any questions or comments; Grant said he thinks they covered the list and noted signature block is on the 24” x 36” drawings.

At this point we need to talk about a public hearing, Jerry said. Jay said schedule and we will zoom it. Grant suggested Thursday, January 14, 2021 which is the next scheduled Planning Board meeting; we can do a public hearing at that meeting – must mail abutters and put notices in the newspaper.

Motion by: Glenn Taylor, application deemed complete as presented.

2nd by: Dale Flint

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Since Robin joined the meeting a bit after its start, Jerry wanted to backtrack. Robin and her husband are on the list of abutters within 500' of the proposed project. Robin confirmed they do not have any bias.

Jerry asked Boyle Associates if they have any issues with Robin as an abutter voting on this. They said no, their development is significantly away from her property line. Jerry then asked if, in terms of abutters, do they stand to gain anything financially. They said no, there is no direct compensation; they could only possibly be a subscriber like anyone else. Jerry and board were comfortable with this.

Grant asked Jerry if he would want to include a final review right after the public hearing at the next meeting as in other cases. Jerry said given the pandemic, the current crisis at hand, he would recommend that.

Jerry had a question regarding agency correspondence section F – information request from Inland Fisheries & Wildlife.

Chris explained this is kind of a checkbox thing, and what you have in front of you is far more comprehensive. This project is not participating in PUC DG (Distributed Generation) Procurement.

Grant mentioned a call from Greg Howard about a Hope snowmobile club trail that basically follows the transmission line along the west side. Chris replied as of now our limit of disturbance kind of stops at that place; our lease area does not go into the transmission line, so snowmobiles would continue to be able to use that. Grant had told Greg as much earlier today.

Grant clarified the town sends out abutters' notices. He will mail them out. He included an updated list for tonight's meeting with some address corrections and an added property owner.

In response to a question about any other materials needed from Boyle Associates, Jay said he hoped they would have some documents to share from their location. They said they will create a simple presentation with basic overview and opportunity to ask questions. Jay will set up so it can be shared.

Jerry confirmed public hearing then presentation and final review at the next Planning Board meeting.

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3. Result of site walks – Map 19 Lot 13 and Map 3 Lot 12-1:

Jerry asked the board to weigh in on recent site walks.

Map 19 Lot 13 is the Payson property by the casket factory.

Dale said he sees no problem; he does not see why it was in Resource Protection. Mike and Robin echoed this opinion. Jerry agreed.

Motion by: Michael Johnson to approve redistricting Map 19 Lot 13 from Shoreland Zoning Resource Protection to Limited Residential.

2nd by: Dale Flint

5-0

Map 3 Lot 12-1 is the Brooks property.

Dale would like DEP input before moving on this one. Jerry asked Grant about his visit to the property. Grant said if a wetland is adjacent to a water body at the same elevation, you treat it the same as the water body; that is not the case here. He did not see moderate to high evidence of wildlife habitat. He can send a letter and section of map to DEP and see what they think about it, as opposed to having a full map done with the idea that they are just going to question it. Jerry said those were his observations as well, and if we decide to move forward, DEP will look at it regardless.

Mike said if DEP has to look at it anyway we should just push forward; if there's an issue DEP will figure it out.

Robin said it seemed as though with elevations and the way the natural water flow would go, water would just wash right down through there if someone put a house up. If DEP has to look at it anyway, by all means let it go to that point.

Glenn confirmed the Brooks property is on the east side of Crawford; he grew up on Crawford so is familiar with the area, recalling quite a bit of steep embankment and ledges though not sure exactly which property. He agreed with everybody else that DEP should take a look at it and go from there.

Jerry said in the cases of both properties, there would have to be a public hearing then voted in as warrant issue for the next town meeting, "if we get there." Jay said we will run it by Town Attorney Roger Therriault to make sure the article is worded properly, then the Board of Selectmen would vote to put it on warrant.

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Jerry asked for any comments from Stephen. He assumes it is up to DEP if it fits their parameters, and that they will look at it more stringently than any of us. He thanked the board for letting him sit in.

Grant was asked to clarify his previous comments. Grant said he will sent a letter to DEP Shoreland Zoning section right away, do a little section of the map and show them what we want to do, and get some comments from them. They would do that. It would be too bad to go through all this process only for DEP to say no; on the other hand, we can give this to them, and they may say you can do that. It will make town meeting go faster.

Jerry said this is to move forward to DEP regarding redistricting.

Motion by: Dale Flint to approve redistricting Map 3 Lot 12-1 from Shoreland Zoning Resource Protection to Limited Residential approaching DEP first.

2nd by: Glenn Taylor

5-0

Stephen asked Grant to give him a call beforehand to make sure he has enough info to put forward, whether from surveyor or soil tester or whatever. Grant said call Tuesday.

4. Accept minutes of September 10, 2020:

Motion by: Glenn Taylor

2nd by: Michael Johnson

4-0-1 abstention

Accept minutes of November 12, 2020:

Dale noted the date of next meeting was incorrect – Dec. 3 rather than Dec. 10.

Motion by: Michael Johnson with date correction.

2nd by: Robin Milliken

4-0-1 abstention

5. Any other business by the board:

Jerry said the Town Manager would like us to vote on a solar farm moratorium. We have three options: 1) proceed as we are with Site Plan Review; 2) rescind request for moratorium; or 3) request moratorium. He asked to hear from all board members.

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Jay said to have a town meeting, the only way is by secret ballot which gets expensive. With the amount of capacity on lines for this project, there is not much left for another entity to come in. You cannot do a moratorium on residential, only commercial. You could continue writing the ordinance in June. We can only have six or seven people in here, in the cold.

Jerry reviewed. He introduced a moratorium to the Board of Selectmen to allow us the option. He has a couple of concerns, the first being how many – did not have the knowledge at the time – large scale solar installations could we see in the landscape of Union? The other real concern was about deconstruction or paying for the process of deconstruction after the lifetime has passed by. Those fears have since been allayed. We now know Union can only support one array; we will suggest performance guarantees, also decommissioning of the unit is all outlined in the packets. His recommendation is to ask the Board of Selectmen to rescind the request for moratorium. We have a draft ordinance we worked up during the workshop; we could push for a special town meeting and hearing and so forth, but that does not seem a viable option at this point – due to the pandemic, he does not think we would be able to include the town as a whole. His feeling is to proceed as we are with Site Plan Review and follow that through to completion; include it in articles of warrant scheduled for town meeting in June at this point.

Dale suggested a motion vote negative on a moratorium and leave it at that.

Mike agrees with that, it makes sense. Glenn thinks no moving forward with the moratorium and wait and continue with this application via Site Plan Review. Robin agrees – no moratorium, continue Site Plan Review.

Jerry summarized we have learned a lot. The majority of megawatts will be set aside for this project, and certainly there is room for no more than one more. Performance guarantees and decommissioning fees will be outlined. Basically, when we finish this and write up the Findings of Fact and Rule of Law, that becomes a legally binding document, so whatever they agree to is legally binding. Grant mentioned that at the last meeting.

Motion by: Glenn to rescind request for moratorium on solar farms and to move forward with the project that's been presented to us.

2nd by: Dale flint

5-0

Asked by Jerry about input he has received, Grant said nothing negative. As CEO he has received four comments, three positive and the one about the snowmobile trail which ended up being fine.

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Jerry asked about tax revenue. Jay said the State of Maine is up in air on this. It depends on the makeup of the legislature. They have talked about exempting all these solar projects, which MMA (Maine Municipal Association) is fighting. Of course we don't trust the state to give us reimbursements – they never do. The entity will get charged personal property tax @ \$200,000 plus in personal property tax until then. Jerry said the amount was like \$200,000 vs. \$14,000. Jay clarified if they allow us to use the figures that we have, Jim Murphy (Assessors' Agent) will use the cost of putting them up, which figured out a little over \$200,000. Grant reminded that ultimately you cannot use that as a reason to decide yes or no.

Dale asked do we move forward with a proposed ordinance for this or drop it.

Jerry said the course of action would be to drop the special town meeting and vote, which would be costly and would not really include a lot of the townspeople. In lieu of that, complete this application with Site Plan Review and present a draft of ordinance on articles of warrant for approval at the next town meeting. Dale said so yes, we are going to move forward with it. Jerry said the draft is ready; he assumes he'll be at the next Board of Selectmen meeting – they have to vote on it before we can add it to articles.

Jay said when you guys vote we will get to town attorney, back to you, then to the Board of Selectmen. We have plenty of time.

Jerry said we are unanimous in moving forward with Site Plan Review solely.

Glenn asked if we need a motion to move forward with a motion on solar ordinance. Grant will put it on the next agenda. Jerry said he has studied the content but would like to go through it one more time.

6. Adjourn: 7:49 p.m.

Motion by: Dale Flint
2nd by: Robin Milliken
5-0

Respectfully submitted,

Sherry Abaldo
Secretary