

Union Planning Board Minutes
Thursday, November 12, 2020, 6:30 p.m.
William L. Pullen Municipal Building Meeting Room

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

Others present: Grant Watmough (CEO), Jay Feyler (Town Manager), Stephen Brooks, Mary Thompson, Matt Kennedy (Boyle Associates) & Chris Byers (Boyle Associates)

1. **Meeting called to order:** 6:30 p.m. by Jerry Brooks.
2. **Requests (2) to look at changing areas from Resource Protection to Limited Residential:**

Jerry noted both are essentially informal requests. We will listen to them, review, and clarify next steps. He corresponded with MMA Attorney Michael Lichtenstein who outlined the procedure for following through with this or not.

The first request was from **Andy & Mary Payson, Map 19 Lot 13**. They submitted a letter. They would like their son and his family to be able to build a house on the lot.

Jerry noted no bias, we have a quorum, Planning Board has jurisdiction per Shoreland Zoning. Applicants have standing (deeded owners of the property).

Grant provided an overview of what constitutes Resource Protection (p. 103, Section 4, Shoreland Zoning of the Land Use Ordinance).

Discussion concerned classification of Resource Protection. There could have been an eagle’s nest when eagles were endangered species. Some features would be obvious such as steep slope or within a flood plain map. Other features would be less obvious such as hydric soil.

Grant echoed the letter from MMA legal in saying any zone change involves a public hearing; Board of Selectmen willing to put it on the warrant for Town Meeting; must go before the voters. At the same time, parallel, it could go to DEP. A site walk could be scheduled at any time as this is a public meeting.

Planning Board Minutes – November 12, 2020

Consensus was to do a site walk, with clarification that the property is down by the casket factory.

Site walk was scheduled for November 13, 2020 at noon.

Grant reminded that a site walk is effectively a work session – no official notes; each Planning Board member observes then discusses at the next meeting.

Jerry said if we go ahead, we could put in a request to the Board of Selectmen and send a proposed amendment to DEP (Department of Environmental Protection) who has 45 days to respond. Then we could schedule a public hearing. If we have a public hearing on the proposed solar farm prior to June, this may be an opportune time to include this as well.

The second request for a zoning change from Resource Protection to Limited Residential was from **Stephen Brooks, Map 3 Lot 12-1**.

Jerry established no conflict or bias; there is a quorum; the board has jurisdiction. The applicant has standing as deeded owner of the property. For the record Jerry noted that despite sharing the same surname, he does not believe he and the applicant are related.

Jerry noted a survey was submitted.

Stephen Brooks said he has about 18 acres. Some of the land is steep, but the area in question is well less than 20% grade. It does not appear to be wetland. He would like to be a little closer to the lake if he wants a house on it. Grant had a site walk with him.

The Planning Board agreed to do a site walk there following the site walk at the Payson property, at 1:00 p.m. on November 13, 2020. Stephen provided his cell number.

Robin asked about a description of the 1.5 acres. Stephen said he did not have the surveyor go into depth before finding out, if possible, what the Planning Board needs. He will be glad to provide whatever.

3. Boyle Associates – Pre-application – Site Plan Review, Solar Farm – Map 8 Lot 46-1 and Map 9 Lot 2:

Jerry determined no conflict or bias on the board. The board has jurisdiction under the Land Use Ordinance. The applicant has standing as dedicated representative of deeded owner(s). All fees and applications have been received.

Planning Board Minutes – November 12, 2020

Chris Byers of Boyle Associates said they are actively pulling together the permit package. Probably early next week they will send it to Grant for Site Plan Review.

He noted the board had experienced “Solar 101” at the work session, gaining some context of these projects and how they have been developed.

He and Matt set up presentation boards, including photos and a survey, and said they were here to talk about a construction plan.

Chris said the land is on 131 North, around 46 acres which triggered the site location as an active development with DEP (Department of Environmental Protection). DEP has received that application and deemed it complete for processing. It was submitted August 28. They basically said great, you’ve got all the pieces, now the clock starts for sending it to other agencies. They have not had a ton of questions.

DOT (Department of Transportation) is the other agency involved, as two separate entrances would be put in.

Regarding construction of the project, he said the panels are ground mount. They feed power right to the grid. There are no loads and no buildings. One hundred percent of the power will go through meter(s) then on existing poles on 131. That power is consumed in the lines. Uptake, or who will purchase the power, has not been figured out yet. They are working on approximately 70 projects in Maine.

Frames for the panels will be pounded into the ground, no concrete nor sonotubes. They may have to smooth out some ground. They will not be blading the whole site and overturning lots of soil. They work with the terrain.

The panels have a 25-degree tilt facing south. The frames have purlins like a barn, and the panels get mounted to them. Wiring is underground. Where a bunch of conduits merge, pads will be distributed across the project. On the pads will be protective equipment and transformers.

A fence is required around the project. Minimum height is 7’ to meet National Electrical Code. Their fence would likely be 8’ tall, an agricultural-style deer fence that both they and DEP prefer. They have a spec sheet. This fence is durable, not chain link but rather wood poles every 15’ to 20’ with fabric stretched out and stapled to them. It has a 20-year lifespan. They want the fence to be low profile and to fit in as much as possible.

Planning Board Minutes – November 12, 2020

Underneath the panels, they would plant a conservation seed mix such as a fescue seed mix, basically a native seed mix. The vegetation grows to approximately 18” tall, falls over, grows again. DEP regulations are not to mow more than two times per year. There will be minimal visits, approximately four per year. He brings up mowing because people worry about that.

Jerry said he would field questions from the board before going down the checklist.

Chris said the solar panels are warranted out for 35 years. Year One they are 100% effective. Year 35 they must produce 87 watts. If they fail, there is a warranty claim and panels can be swapped out.

The panels are simple: glass and silicon in an aluminum frame.

Jerry asked what would happen if new technology presented itself.

Chris said he has seen a lot of progress, more power per square inch; however, they do not go back and replace the panels with more efficient ones if they emerge, as it's too costly to get rid of things that are probably paid for over time.

He added that the racking itself is basic – holes in purlins, same footprint, same hole pattern, they can swap panels out like Legos. The industry is always trying to innovate but not repowering projects. You cannot really start throwing in 400-watt with 500-watt panels. Once built, the idea is the solar farm stays functioning. At end of life or lease term the project can be decommissioned.

They submitted a decommissioning plan to DEP, outlining how the project would be removed with a pricing estimate to complete that work. A bond would cover the cost of decommissioning by default, or sometimes money is set aside that the landowner can then use.

Jerry asked if there were a chance the power would not be purchased.

Chris said what kills projects is Q position. (Q position concerns the tie-in with a utility.) Union has 7.6 megawatts. Their project is 6.875, so there would be less than a megawatt of capacity left – not large enough to bear the cost of substation upgrades, also relatively small when it comes to the infrastructure needed. For this reason, he continued, you are not going to see many more of these in your town.

Grant asked about noise.

Planning Board Minutes – November 12, 2020

Chris said noise comes from two elements: inverters and transformers. Transformers make a bit more noise than inverters and will likely be colocated on a pad. At 33' (noted on spec sheet in the application) the level is 66' decibels. We are talking approximately 60 decibels, comparable to mounted outside AC units such as those at Colby College. Pads will be well away from the road or well in. The closest transformer will be 260' from a property line. He added you will not hear them walking along Appleton Road. At the property line the measurement was 50 decibels.

Mary Thompson pointed out her house near Route 17. It was noted there is a lot of buffer.

Matt and Chris explained that inverters make less noise than transformers but have fans because they are trying to cool down. They turn off at night. Once the sun comes up they “kind of click click click” and wake up.

Chris noted that nobody will be onsite, so there is a very sophisticated weather station monitoring the project – checking weather, humidity, temperature, temperature of solar panels, sensors gauging how much sun. The asset owners need to ensure that the project/asset is working.

He added the fence is warrantied for 18 years. It can be replaced. It is mostly to keep out deer.

Jay asked about the lease agreement with Vince Ahlholm.

Chris said this is an evolving topic in the state legislature. They started talking about it in February. The current paradigm is the landowner is responsible for land tax, and these projects can apply for tax exemption for personal property tax. The state would then reimburse the town about 50%. There is no metric for it yet. The state is behind. They expect to try megawatts times a certain dollar amount but not sure what they are proposing as an escalator. New York state is doing something similar, with different mathematical formulas for different regions.

Jay said we are on the other side as a municipality, potentially putting the project out there and getting very low tax revenue for it.

Jerry went through the Pre-application Site Plan Review list then said the process was complete. He thanked Chris and Matt for an excellent presentation.

Planning Board Minutes – November 12, 2020

Chris and Matt said they will submit the Site Plan Review Application, probably getting it to Grant early next week, and see you at the next Planning Board meeting.

Grant said the next Planning Board meeting will be Thursday, December 10, 2020.

4. Accept minutes of September 10, 2020: Tabled.

5. Any other business by the board:

Jay said due to the governor's mandate, Planning Board meetings will take place from now on via Zoom.

6. Adjourn: 7:50 p.m.

Motion by: Dale Flint

2nd by: Michael Johnson

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Respectfully submitted,

Sherry Abaldo
Secretary