

Union Planning Board Minutes
Thursday, September 8, 2022, 6:30 p.m.
William L. Pullen Municipal Building Downstairs Meeting Room

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

Others Present: CEO Grant Watmough, Wayne Kirkpatrick, Alex Roberts-Pierel of Revision Energy, and others

1. Meeting called to order: 6:30 p.m. by Jerry Brooks

Quick question from townspeople:

Wayne Kirkpatrick said his wife and he and Kirkpatrick Sales and Rental LLC have entered into a contract with Tommy Scofield and Jim Pease to buy two pieces of property that Ryan Lanphere used to own as well as 19 acres behind. He talked with Grant and wanted to make sure the land use was able to take his business, which is selling tractors – he is an agricultural tractor dealer – and eventually storage units that will come to a future Planning Board meeting.

He said Grant brought to his attention the Town of Union Land Use Ordinance dated June 8, 2021: #201 states that agriculture-related heavy equipment sales and associated services has to be in commercial, but it’s in a rural district (currently where Tom Scofield is, added Jerry).

Wayne said he has a purchase and sale agreement, is under contract, got bank approval today for both pieces of property and is hoping it’s more a wording issue than anything. He said if you go to # 206, automobile sales and associated services excluding body and major mechanical repair can be done by the Planning Board, so he is hoping it can be changed, reworded, or what have you so he can move forward. It is more of a contingency; he doesn’t want to stop selling tractors.

Jerry asked if he plans on bringing the entire business over or just the dealership portion. Wayne said the dealership portion. The mercantile portion will close down. They will have a showroom, service bays, probably add onto the building with a couple offices to make the building more feasible. He thought there was a permit to put an apartment above the building that is currently Scofield’s; Grant said there is not, but that’s a permit with him.

Wayne wants to make sure he has the ability to do his businesses there.

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Dale asked if he is asking to change the current zoning.

Grant gave an overview pointing out that what he's doing is allowed in the commercial zone, which currently comes up on that side of Rt 17/Heald Highway, and at the end of Bangor Savings Bank's property is the end of the zone.

Dale asked if he is asking to move the commercial thing, noting to Chair Jerry that our Comp Plan does recommend that we continue this as a growth area, so it is within the purview of the Comprehensive Plan. Glenn said it still has to go before the town. Dale concurred. Jerry said it would be until next June, so there'll have to be a public hearing and then it will have to come before the town.

Jerry took a quick poll: no one has a problem, and what Wayne wants to do fits in with the Comprehensive Plan.

Wayne's thinking was on page 17, #206 automobile sales and associated services – whether it's a four-wheel car or a four-wheel tractor, it should be able to be done by the Planning Board. He doesn't know why they stuck the agricultural-related equipment in commercial. Grant said probably at the time the ordinance was written, there was one maybe two tractor sales and they were right there in the commercial zone. That's probably why that was done that way. Dale said ordinances are a fluid thing, as the town changes. Glenn said this ordinance is not that old.

Jerry knows what Wayne is thinking: the Planning Board has jurisdiction to decide on #206 (automobile sales and associated services); unfortunately, it's just not listed in the rural district, agricultural and related heavy equipment.

Grant said if you're willing to change the ordinance, there are two ways you could go. You could change this table and just put "PB" there. Or he gave an example about extending the zone out, which is more in line with the Comprehensive Plan.

Jerry said for Wayne's purposes for tonight, he can take away positive feedback here. Wayne said he's going to close within 90 days. Once he closes, he can still rent equipment, he can still sell cars, work on cars, but he can't just physically sell tractors there.

Glenn asked about doing an and/or, like go to the town meeting with "Can we change this part of the ordinance to say you can sell tractors and agricultural equipment in the rural zone AND change the ordinance to include that in the commercial zone." Grant said we could do that. Glenn is not trying to help Wayne; he is playing devil's advocate. Grant

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said it gets a little more complicated but not majorly. Grant added there are three ways an ordinance can be changed or presented to the voters to be changed: 1) the Planning Board initiates something; 2) the Select Board initiates something; or 3) it comes in by petition. Glenn asked what is the timeline for holding a special town meeting to do this.

Wayne said he would talk with Jay. He would have to step aside anyway as a select board member due to conflict of interest. If he ends up moving into this building, does he mothball his tractors and leave them there and still rent equipment and sell cars, and then wait for the town meeting? They will close within 90 days, and after that... In answer to Jerry, Wayne said he is vacating the current premises, and that's his dilemma. He can stay there and pay rent at \$5,000/month or get into this building here and pay \$2,500/month and have everything under one roof. He can pack everything out there, leave it there, not selling tractors right now; he has his rental yard which has tractors in it as well. He is just being right up front with everybody. If he moves, his stuff is coming down with him and whether it sits on the lot on one side, and he just doesn't sell it.

Mike asked if he could sell from where you used to have a car lot but store it over there? Grant said part of this land is coming from Jim Pease and asked if Wayne had talked with him about temporarily selling tractors from his car lot.

Wayne said if he gets a confirmation within two weeks, Tommy's going to be building another barge, and he wants to rent the building until next April. Town meeting is June. So, he has two months and he's going to have stuff there. He has to let Bobcat know, because when he moves from 2179 Heald Highway to 1601 Heald Highway they've got to know where their equipment is going to be sitting. It's a bit of a kerfuffle.

Grant said at this point it really is, do we support changing the ordinance? If the answer is yes, then we work from our end on getting it dealt with – the wording, a public hearing, then turn it over to the select board. The worst it could be is a June town meeting.

Wayne asked about getting on the agenda for the rest of the stuff he is doing. Glenn said it's a change of use. Grant said Wayne can be on the next agenda. Wayne said he has a major subdivision (20 acres, Jim Pease property); the storage units (on five acres purchased from Scofield); and the cars and tractors.

Dale said wouldn't the short of it be if we just asked the select board to expand the commercial zone, to put it on the warrant? Jerry said it's just a simple change of wording. Grant said currently our ordinance references our zones start and stop, by map and lot, so all we've got to do is change the map and change where it stops on map and lot. Jerry said without addressing table 1.10-1.

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Grant said the part we do won't take that long. Jerry said then we'll ok, then we'll submit that to the select board. Wayne thanked the board and Grant.

2. Site Plan Pre-Application – Revision Energy/Bangor Savings Bank -- Map 27 Lot 11 ground mounted solar project 153.6 KW:

Jerry established no conflict or bias, quorum, jurisdiction, standing to apply, all fees & applications submitted.

Summary of application: Revision Energy proposes to install a ground-mounted 153.6 kw solar array installation for Bangor Savings Bank at Map 27 Lot 11.

P. 138 Solar arrays

Alex Roberts-Pierel began by asking if there were any solar projects in town. Jerry said we've had a fairly major one on 131, 4.88 megawatts. Alex said this one is 153 kw AC so much, much smaller. The entire array would be situated behind Bangor Savings Bank to the north in their field area. They will own and operate the array, so it's not a structure where power would be sold to multiple users at all, it will be used by Bangor Savings Bank. This array will be fixed tilt, no moving components. It's about 130-ish' from Sennebec Road, about 250' from Heald Highway, about 130' from the abutter to the north. It will be surrounded by a 6' fence to meet national electric code; that can be chain link fence or agricultural fence, yet to be determined. The panels from grade to highest point are 10' to 12'. All new electrical wiring from the new transformer will be underground. The new transformer will be at the existing pole-mounted location just north of the bank. There won't be new poles or infrastructure; they will probably replace that transformer then go underground through the field.

Jerry asked if he had a square footage in mind. Alex said he did some rough calculations: the actual if you were to project kind of the square footage of the modules over ground, that's about 10,500 SF. These panels are roughly 20 to 25 SF per panel, 420 panels in total. If you were to do the full fence line that's obviously a bit bigger, a couple acres maybe. It remains grass throughout. Anything disturbed during construction will be revegetated, mowed about twice a year. The racking system for these is generally small driven posts with horizontal racking across it, so the actual impervious is limited to less than a square foot per post. There will be no real change to the stormwater pattern, largely no change to the area.

Jerry asked if he had gone through our ordinance. Alex said yes, they review solar ordinances across the state; this one seems very reasonable.

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Jerry asked about a guarantee for decommissioning fee. Alex said Bangor Savings Bank would be posting it so at their discretion, but of the three options most commonly a bond is what they would usually do.

Grant asked if this is this under the threshold requiring him to go to DEP. Alex doesn't think they'll any DEP approvals for this, because there won't be any natural resource impacts or stormwater impacts or impervious in the project area, and we're not within or abutting wetlands or vernal pools. The DEP does have its own decommissioning permit requirement, but the threshold for that is about three, three-and-a-half acres; a project of this size will be under that. Grant said under site location law under DEP you're covering enough area to kick that in, but you're not disturbing enough area to kick it in. Alex said the site location law gets triggered at 20 acres, so we're quite a bit below that; one acre is the impervious threshold that triggers DEP stormwater. Even a 20-acre project of solar, the posts alone are less than an acre of impervious; stormwater is usually triggered by a lot of road infrastructure and pad infrastructure. This project is impervious. He can likely have it calculated for the formal application, but it will be limited to equipment pads.

Jerry asked for questions from the board. There were none. Consensus was it's great.

Jerry said as part of the Site Plan Review the board will outline what he needs to bring for the next meeting.

Alex wanted to talk through Section 8 General Standards for All Arrays, Item 11, p. 143, about vegetated buffers. His first question was how the board is looking at the boundaries of an array bordering the road and abutting property. Clearly the parcel is abutting roads and residential property but that being 150' to 250' away. Jerry said really it's talking about the boundary, the fence, that doesn't border the road or residential property and didn't trigger. Jerry added it didn't interfere with any clear sight. Alex added the bank is excited for not being required to plant bushes or something in their nice field, and they're excited to use it as a marketing opportunity to have it be seen a bit.

Jerry continued to Item 14, financial gain: this is really not considered a commercial activity – for private use – not selling it back to CMP. Alex said it depends how detailed you look into the net metering of a project. The power will be metered and go to CMP, but then all the crediting goes back to Bangor Savings accounts only, so they are the direct beneficiary of it. It will be going out to the grid. This is getting into the nuance of net energy billing – in this case they are the recipient of all the credits generated. Glenn said they are not making a profit on it. Alex said it depends a little bit if they have additional credits, but they're not selling the power. He guessed that Item 14 spurred from the structure of your 5-megawatt project, where a financial entity owns it for the

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purpose of setting up separate contracts whereas this one, Bangor Savings owns it and is the beneficiary.

Grant asked if it would be safe to say for personal use, just used by CMP's infrastructure. Alex said sort of, it's also the private use of a commercial entity. Mike said it's using them like a battery. Alex said no battery involved here, though.

Alex asked if it would change things if you define it as commercial or for private through the process? Grant said from a technical standpoint no.

Jerry was looking at p. 139, Section 3, Exempt Arrays. Alex said he can provide as much information as the board needs at the next stage to check the correct box.

Jerry led the board through Site Plan Review requirements.

- 1 Name and address – Required.
- 2 Scale and true north – Required.
- 3 Total land area of site – Required.
- 4 Location of development on site – Required.
- 5 Location of watercourses, marshes, or bedrock on site – Watercourses required, no marsh.
- 6 Existing soil conditions – Waived.
- 7 Location of proposed public utilities – Required.
- 8 Location of fencing, screening, landscape work – Required.
- 9 Contour lines – Waived.
- 10 Municipal tax map, lot numbers, landowners within 500' – Required.
- 11 Updated survey – Waived.
- 12 Exact dimensions and acreage – Required.
- 13 Location of all buildings within 300' – Required.
- 14 Location of all other structure, wells, sewer systems, etc. – Waived.
- 15 Size, shape, location of existing and proposed buildings – Location required but no elevation(s)/no proposed building(s).
- 16 Locations and dimensions of on-site pedestrian and vehicular access ways – Required to show existing access, parking lot and entrance to the road.
- 17 Signature block on site plan – Required.

Jerry recapped the above items officially waived: 6, 9, 11, and 14.

Jerry then reviewed Article 5 Solar Arrays, Section 5 Site Plan Review, p. 140.

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- 1 Site Plan stamped and certified by a Maine registered engineer.
- 2 A revegetation plan for any cleared areas with appropriate plantings that are native to the region when the facility is decommissioned – It's an open field, and Alex said it would be re-seeded.
- 3 A decommissioning plan signed by the party responsible for decommissioning and the landowner (if different) whose minimum requirements meet the standards in Section 6 below. Such plan must be filed in the Knox County Registry of Deeds prior to the first operation of the array.
- 4 A Waste Stream Management Plan for the construction waste and debris... Information on the amount of material that is being recycled shall be included in the WSMP. Alex said it would be pretty straightforward, pallets and cardboard.

Jerry moved on to Section 6 Guarantee for Removal, p. 140.

- 1 The amount of the guarantee shall be equal to the estimated removal cost, provided by the applicant and certified by a professional civil engineer licensed in Maine or a professional array construction company.

In answer to Jerry, Alex said he is familiar with this section. Glenn said it is their responsibility to comply. Jerry said #6 addresses whether they're going with escrow, performance bond, or irrevocable letter of credit. Grant clarified they just have to meet one of the three; historically that's been a performance bond. In answer to Dale, Grant said the town has to be named – it comes to us, no DEP. Alex noted DEP will allow a municipality to hold a bond for a project that requires DEP bonding, too; if you have another large project you can require them to hold a bond with the Town of Union, and DEP will allow that.

Jerry said if there any plans for expansion in that array, they will have to come back. Alex said currently there will not be – there is only single-phase power right there, and this system is sized to be about as large as it can on single phase. If it were to expand, there would need to be a three-phase expansion. This will be it for a while.

- 2 The owner of the facility shall provide the Planning Board with a revised removal cost estimate and structural evaluation prepared by a professional civil engineer licensed in Maine or a professional array construction company every five (5) years from the date of the Planning Board's approval of the site plan.

Alex didn't think they'd had to do that before. They can, it's just steel and aluminum components, glass and frames; they're part of the specs sheets that will be provided as part of the application – give the wind/snow load ratings of all the equipment, provide

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reports to the engineer that are putting the racking plans together, but once it's in the ground especially these fixed systems there are really no changes or compromises to the system. He thinks the report would look very similar every five years. Really the only things that change on these systems are if you go with the footing into the soil, it can be a driven pile or a screw. Screws are more and more common. They will only really change those based on if you test the pH of the soil, and it's highly corrosive. The screws and the racking are rated to withstand the life of the project, which is warrantied for 25 years, more likely to last 40.

In answer to Alex, Jerry said we executed that with Con Edison. Every five years they were to readdress that. What's able to be processed now may not be able to be in the future in terms of recycling. Glenn said that's the future. Jerry said that's exactly why it's in there; material may not be able to be recycled, or it may cost more. Alex said the understanding in the industry is those recycling procedures are developing; they will be more widely available and more sophisticated in five or 10 years, and in 20 years standardized and even more accessible.

Jerry asked the proposed lifespan of this particular array. Alex said the modules and inverters are warrantied at about 25 to 30 years, but they can operate at a reduced efficiency to more like 30 or 40 years.

Mike asked what is the reduced efficiency at 40 years; the other ones were 80%. Alex said could be less, could be more. The panels that will go into this project are probably already more power dense, more efficient. He added it's standard with the DEP as well to revise the cost estimate; there is no structural component with them.

Jerry moved on to Section 7 Decommissioning and Abandonment, p. 141. Alex said he is familiar with all that.

Jerry asked if there were any questions from the board – none. He then asked if Grant had any questions. Grant asked what kind of time frame Alex was looking for. Alex said it's currently probably 30 business days away from CMP completing their side; the project needs CMP's approval to work on their infrastructure. They plan to proceed with the Planning Board process following CMP's approval. They would look ideally to start late spring 2023; it would be turned on before the end of the next calendar year.

Grant asked when they would be ready for Planning Board again. Alex reiterated they want to let the CMP process complete, probably later in the fall or early winter.

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Jerry confirmed with Alex they have already been through Section 8 General Standards for All Arrays, p. 142.

Jerry said they are in very good shape. He asked for any further questions from the board – none. Grant said he gave Alex a list of abutters within 500'; they have to be notified, and we'll do that when we set up a Public Hearing.

Jerry asked if the board is comfortable having the Public Hearing and final approval at the same meeting. Board members replied yes, all are comfortable. Alex said they will hopefully be back in October or early November.

3. Accept minutes of July 14, 2022:

Motion to table by: Dale Flint

2nd by: Jerry Brooks

4-0

Accept minutes of August 11, 2022:

Motion by: Glenn Taylor

2nd by: Mike Johnson

4-0

4. Any other business by the board: None.

5. Adjourn: 7:39 p.m.

Motion by: Dale

2nd by: Glenn

4-0

Respectfully submitted,

Sherry Abaldo
Secretary