



6 Church Street, Gardiner, ME 04345
Phone (207) 582-4200

Debby Willis, Chairperson
Angelia Christopher, Administrative Assistant

PLANNING BOARD MINUTES
Special Meeting
Tuesday, April 14, 2020 @ 6:00 PM
VIA Virtual Conferencing

In accordance with An Act To Implement Provisions Necessary to the Health, Welfare and Safety of the Citizens of Maine in Response to the COVID-19 Public Health Emergency, as enacted to read: Sec. G-1 1 MRSA §403-A Public proceedings through remote access during declaration of state of emergency due to COVID-19

- 1. Chair Willis called the Meeting to Order at 6.00pm**
- 2. Roll Call:** Chair Willis asks for a Roll Call for all present for the meeting – Board Members- Chair Debbie Willis, Pam Mitchel, Kristine Trueworthy Johnson, Zachary Hanley, Shawn Dolley, Lester Young, Adam Lemire Tracey Desjardins- Economic Development Director, Kris McNeill- Code Enforcement, Angelia Christopher- Planning and Development Assistant

Also present are Eben Baker and Pat Jackson from Sun Raise. Alan Smith is an abutter and Logan Johnston as a guest

- 3. Review of the March 10, 2020 meeting minutes-** Pam Mitchel had edits that she sent via email. There were no other changes submitted by board members. Pam Mitchel had noted small spelling errors on pages 2 and 3. In regard to the Brookside Barn/Boudreau application- the statement where Chair Willis inquiries about any public comments was missing and needed to be added. Also, a change to the wording of a paragraph on page 8. Chair Willis asks for a motion to accept the minutes. Pam Mitchel makes a motion that we approve the minutes with changes. Zachary Hanley seconds the motion. All members are in favor.

**4. Public Hearing – Site Plan Review- Roll Call Vote
Sun- Raise- 47 Market St. 011-032 - Proposing to construct a distributed generation ground mount solar facility at 47 Market St.**

Eben Baker and Pat Jackson are here to answer questions. This application came before Planning Board last month. They have met all requirements, paid necessary fees, and notified abutters via Certified mail. This application is now considered complete.

Eben Baker reports that this project should not be visible to any abutters and will have a very low impact on the environment. The array will not affect stormwater, and erosion control measures have been planned. Stantec has done a good job with the planning of this application and has clearly explained all performance standards areas.

Pam Mitchel asks what the status is of the DEP permit. Eben states they submitted the permit on March 10 2020. They have received the Certificate of completeness via email and are now just waiting for permit in hand. Chair Willis reports that there are no waivers in this application. She asks the group if there are any questions- There are none at this time.

Chair Willis opens the meeting for public comments.

Mr. Alan Smith is an abutter, who is here to ask questions.

There is a CMP power transmission line near this proposed project. He wants to know if the solar grid will be staying to one side or if it will be crossing the power lines. Mr. Smith owns property up to the power lines, and he is worried about clear cutting up to his property lines. He also asked if there would be a way for him to get a ROW from the proposed Solar array's access road to his property, so that he can access his property. Eben Baker reports that the solar grid will be completely fenced in, so there is no way he would be able to have access to his property from the access road. Concerning the question about clear cutting-, The company does not plan to clear cut for this project. They plan to do Shade Management, which is a graduated cutting of trees so that the optimal amount of sunlight can shine on the solar panels. This method involves a gradual sloping cutting of trees, which would not involve clear cutting all the way to the property lines.

Mr. Smith then asks if Stantec/Sun Raise owns the property that this development is going on. Eben tells him that the property will be leased for 20 years from CoreMark. Mr. Smith then asks what happens at 20 years? What happens if the project does not work? If they do not make money? If they project does not go as they had hoped? What happens to the Solar Array then? Will it just sit there? Chair Willis states that those are questions that they do not have to answer. The decommissioning bond clearly identifies what will happen to the array structures when the lease is up, or when the structures are deemed unusable. That information is readily available in the application.

Mr. Smith reports that he has no other questions at this time. There are no other questions.

Board Member Shawn Dolley wants to know if we have a section profile, which shows the angle of the tree line and how it would slope back toward the boundary. He is referring a diagram of sorts that would show the shade management program for abutters. Chair Willis agrees this is a good question and this will be revisited later in the meeting.

Chair Willis closed the public hearing

Chair Willis will start reviewing the application.

Chair Willis asks the Board if they can hear this application in an unbiased manner. All agree

6.5.1.1 The application is complete, and the review fee has been paid. - **Yes**

6.5.1.2 The proposal conforms to all the applicable provisions of this Ordinance. - **Yes**

6.5.1.3 The proposed activity will not result in water pollution, erosion or sedimentation to water bodies. - **No**

6.5.1.4 The proposal will provide for the adequate disposal of all wastewater and solid waste.
N/A

6.5.1.5 The proposal will not have an adverse impact upon wildlife habitat, unique natural areas, shoreline access or visual quality, scenic areas and archeological and historic resources.- **No** - if any archaeological or historical resources are found, work will stop– In the application, there are letters from MHPC stating that the land is not considered sensitive for archeological resources. There are also letters from the Maliseet and Passamaquoddy tribes stating the same.

6.5.1.6 The proposal will not have an adverse impact upon waterbodies and wetlands. **The company has already been working with US Dept of Interior and the DEP for permits which have been applied for and certificated - The company is hopeful for a paper permit in the next week.**

6.5.1.7 The proposal will provide for adequate storm water management. -N/A

6.5.1.8 The proposal will conform to all applicable Shoreland Zoning requirements. -N/A

6.5.1.9 The proposal will conform to all applicable Floodplain Management requirements. - N/A

6.5.1.10 The proposal will have sufficient water available to meet the needs of the development.
N/A **This development will not need water.**

6.5.1.11 The proposal will not adversely affect groundwater quality or quantity-**No**

6.5.1.12 The proposal will provide for safe and adequate vehicle and pedestrian circulation in the development. -**Yes**

6.5.1.13 The proposal will not result in a reduction of the quality of any municipal service due to an inability to serve the needs of the development.- **Yes** Pam Mitchel asks if Letters from Public works or Public safety were requested as part of the application? Given the nature of this application, and the fact that this proposal will be on a private road, and not using any City services, are letters needed? The Board feels it would be best to include them as part of the application.

6.5.1.14 The applicant has the adequate financial and technical capacity to meet the provisions of this Ordinance. -**Yes**

-There will be no adverse effects on neighborhood properties.

Allowed uses- This type of development is allowed in PIC

Section 8

General performance standards

Essential services and utilities- There will be an underground medium voltage cable that will be installed under the access road. There will also be no need for lighting.

Noise-As part of the application a noise study was completed. After reviewing, the findings there are no concerns with noise levels.

Performance guarantee- *The Board agrees that in lieu of this is The Decommissioning Bond-* Funds are already set aside for the removal of this structure when the project is done.

8.11.4.1 Buffers-buffers of 25 ft wide shall be maintained along side, front and rear property lines of the development. The area is fairly wooded, and the rear property line is well screened with natural tree cover. Based on the designs included in the application, the estimate is approximately 25 ft from the panels to the property lines. The property is almost triangular shaped, and it is difficult to figure out where side and rear property lines are. The Ordinance states that a full screen shall be installed along side and rear property lines. There is at least 25 ft of buffering, but what is the screening like. The question is will there need to be screening installed. At the rear property line, it is well screened with tree cover, as well as on the side of the property by Transmission line. There is a question about the other side of the property and whether screening will be needed. After some discussion about what kinds of trees are on that side of the property, it appears that there is proper screening on all needed sides.

Chair Willis asks if this is where Shawn Dolley's question from earlier comes in. This is where Shawn Dolley's question comes in. Mr. Dolley would like to state first that he is highly supportive of this project, and he thinks it is fantastic that they are looking at a renewable energy future. His question from before was about the southern boundary, which is very important due to the sun angle. He has made a sketch to show how shade management might work. His sketch shows the panels, and the trees, cut with shade management. He questions if the trees will have to be cut all the way to the southern boundary, to get the light that is needed for the array to work properly. Pat Jackson gives the answer that a 30 ft tree that is 100 ft away will not cast a shadow on the array so it will work fine.

Pam Mitchel did calculations and came up with this answer - With the sun at the lowest point in the wintertime (Winter Solstice), a 45' tree could still offer enough sunlight to the panels for them to work properly.

Environmental Performance Standards

Air quality will not be adversely affected by this proposal

Water quality will not be adversely affected by this proposal
is not an issue

Ground water will not be adversely affected by this proposal

No public utilities- public sewer or water, will be needed.

Subsurface wastewater- no system is proposed

Erosion control- There is an excellent explanation included in the application.

Stormwater management is addressed in the application.

Historic archeological wildlife, all been covered extensively in the application.

Special activity performance standards.

Nothing to address for Chair Willis.

Pam Mitchel asks about a sign. Will there be a sign for this establishment? There will only be placards for National Electoral Code, DEP signs- but no other type of signs. Code Enforcement reports that there is no issue with these types of signs, and they are allowed.

Traffic parking, N/A The road will be a private.

No other issues or concerns

Chair Willis will go back to Section 6 and the question- Does this application confirm to all standards? YES

Mr. Smith speaks up again. He states that he is concerned that he is getting ready to build a house on the abutting land and he does not want to look at solar panels. He is concerned about the buffers, and it seems like no one can answer those questions correctly. He would like to state that he is not against this solar project, but he wants to know more about buffering and what will happen with regrowth. He feels that this solar project could devalue his property. For buffering/screening, he would like to see conifer trees, as he feels they would offer more cover. Pam Mitchel would like to clarify that she was addressing the NE buffering boundary. Kris McNeill points out it is not Mr. Smith's property that will be the most affected by this, but in fact another abutter is the one that will have the most view of the grids. Kris presents a map that shows clearly where Mr. Smith's land is, and that his property will have little affect from this project. Kris shows Mr. Smith that the solar array will be over 400 ft from his property line. Mr. Smith is more comfortable with this, and thanks the Board for their time and patience. Chair Willis asks for a motion to approve this application

Pam Mitchel asks if the city received the Certified receipts for the April Meeting-Yes

Pam Mitchel makes a motion that this application be approved with 3 conditions.

1. Stantec will receive a physical/paper copy of the DEP permit
2. Obtain letters from Public works and Public safety to address that the proposal will not cause a reduction in those services
3. The project must include buffers be intact on all sides on the property.

**although the location of buffers was discussed as part of the project conditions, we wish to have it noted that locations of buffers is a requirement under the city's ordinance.*

Shawn Dolley seconds the motion

Chair Willis asks for a roll call for approval

Shawn Dolley is in favor

Kristine Johnson is in favor

Pam Mitchel is in favor

Zachary Hanley is in favor

Lester Young is in favor

Adam Lemire is in favor

Debbie Willis is in favor

All in Favor

Pam Mitchel makes a motion that we approve this project with the three previously mentioned conditions.

Shawn Dolley is in favor

Kristine Johnson is in favor

Pam Mitchel is in favor

Zachary Hanley is in favor

Lester Young is in favor

Adam Lemire is in favor

Debbie Willis is in favor

All in Favor

Mr. Smith thanks the Board for their time and patience

5. Other Business:

There is nothing else on the agenda.

Adjourn- Pam Mitchel makes a motion to adjourn at 7:26 PM

Shawn Dolley seconds the motion

All in favor.