

TOWN OF WATERBORO
PLANNING BOARD
MEETING MINUTES
January 2, 2020
6:30 p.m.

**The Planning Board Meeting scheduled for January 2, 2020 was cancelled,
therefore there were no minutes taken.**

The next Planning Board meeting is January 15, 2020.

Approved Date: February 5, 2020

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TOWN OF WATERBORO

PLANNING BOARD

MEETING MINUTES


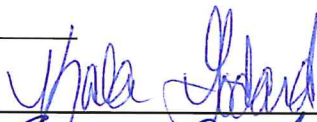


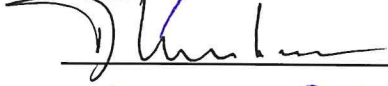
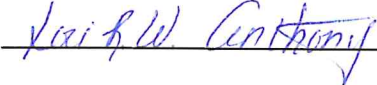
January 15, 2020

6:30 p.m.

The Planning Board Meeting scheduled for January 15, 2020 was cancelled, therefore there were no minutes taken.

The next Planning Board meeting is February 5, 2020.

Approved Date: February 5, 2020

TOWN OF WATERBORO

PLANNING BOARD

MEETING MINUTES

February 5, 2020

6:30 p.m.

I. ROLL CALL

Present: David Christensen, Chair Lori Anthony, Vice-Chair Edward Zelmanow
Debra Burrows John Noel Kala Godard

Absent: Dwayne Prescott is absent.

Others: Tim Neill Angela Theriault Glenn Charette James Southworth

David called the Planning Board meeting of February 5, 2020 to order at 6:30pm.

David stated a quorum has been met.

II. OLD BUSINESS

III. NEW BUSINESS & PUBLIC HEARINGS

IV. MINUTES

- **December 4, 2019 – Minutes accepted as written**
- **December 18, 2019 – Minutes accepted as the statement of no meeting held.**
- **January 2, 2020 – Minutes accepted as the statement of no meeting held.**
- **January 15, 2020 – Minutes accepted as the statement of no meeting held.**

V. COMMUNICATION

David C. – Advised that tonight they were receiving the submittal packets from BH2M regarding Carpenter Ridge Subdivision and memo from Lee Jay Feldman regarding the same subdivision submittal. Board was asked to refer to page 2 of Lee Jay's memo, where it was suggested a condition regarding sprinkler systems in each residence, but they would address that at a later scheduled meeting. After tonight BH2M would be advised that the Planning Board has received their submittal.

VI. MISCELLANEOUS

VII. ADJOURNMENT

David C. asked for a motion to adjourn Planning Board meeting and move into Article 6 Signs workshop.

Kala Godard made motion to adjourn, Second by Debra Burrows.

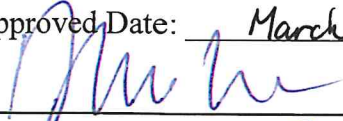
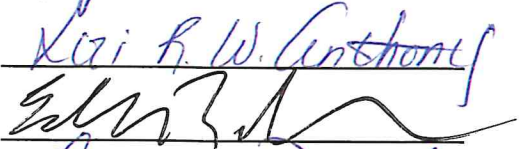
Vote: To adjourn meeting at 6:35

6 Agree 0 Disagree

VIII. ITEMS NEEDING SIGNATURE

- Minutes of December 4, 2019
- Minutes of December 18, 2019
- Minutes of January 2, 2020
- Minutes of January 15, 2020

Approved Date: March 4, 2020

 _____
Kiri B. W. Anthony _____
 _____
Wayne Prescott _____

TOWN OF WATERBORO
PLANNING BOARD
MEETING MINUTES
February 19, 2020
6:30 p.m.

The Planning Board Meeting scheduled for February 19, 2020 was cancelled, therefore there were no minutes taken.

The next Planning Board meeting is March 4, 2020.

Approved Date: March 4, 2020

[Signature]

Kristi H. W. Anthony

[Signature]

Christine Prescott

TOWN OF WATERBORO
PLANNING BOARD

MEETING MINUTES

March 18, 2020

6:30 p.m.

The Planning Board Meeting scheduled for March 18, 2020 was cancelled, therefore there were no minutes taken.

The next Planning Board meeting is April 1, 2020.

Approved Date: _____

TOWN OF WATERBORO
PLANNING BOARD

MEETING MINUTES

April 1, 2020

6:30 p.m.

The Planning Board Meeting scheduled for April 1, 2020 was cancelled, therefore there were no minutes taken.

The next Planning Board meeting is April 15, 2020.

Approved Date: _____

TOWN OF WATERBORO
PLANNING BOARD

MEETING MINUTES

April 15, 2020

6:30 p.m.

The Planning Board Meeting scheduled for April 15, 2020 was cancelled, therefore there were no minutes taken.

The next Planning Board meeting is May 6, 2020.

Approved Date: _____

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TOWN OF WATERBORO
PLANNING BOARD

MEETING MINUTES

May 20, 2020

6:30 p.m.

The Planning Board Meeting scheduled for May 20, 2020 was cancelled, therefore there were no minutes taken.

The next Planning Board meeting is June 3, 2020.

Approved Date: _____

TOWN OF WATERBORO
PLANNING BOARD
MEETING MINUTES
June 3, 2020
6:30 p.m.

I. ROLL CALL

Present: David Christensen, Chair Lori Anthony, Vice-Chair Kala Godard
 Dwayne Prescott Debra Burrows

Absent: Ed Zelmanow was absent.

Others: Angela Theriault, David Lowe, Lee Jay Feldman, Gary Lamb, Douglas Foglio Jr. of Carmine LLC., William Thompson of BH2M, Anthony Hollingshead, Melina Lanoie, Sara Martin, Carole Guay, Jana Marquis

Lori called the Planning Board meeting of June 3, 2020 to order at 6:30pm.

Lori stated a quorum has been met with the members present.

II. OLD BUSINESS

Storer Ridge Subdivision –

Lee Jay explained that the name had been changed from Carpenter Ridge to Storer Ridge per request of Glenn and that we had received the sign off from the Fire Department regarding the entrance radius. All requests had been satisfied.

Dwayne P – felt the application wasn't complete as there were no waivers requested but he could see 8 possible waivers.

William T – explained there were no waivers requested as the addresses would be in place prior to occupancy, the storm water would drain into an already existing ditch with a culvert already in place for the existing driveway. No performance bond is necessary as there is no road infrastructure required due to the shared driveway in place and the culvert already in place.

Lori A – with no further discussion requested a motion to find the application complete with no waivers and no conditions of approval.

David C made the motion to find the application complete. **Kala G.** seconded the motion.

Vote by Roll Call: Dwayne P – yes Kala G – yes Lori A – yes
Deborah B – yes David C – yes

Vote: 5 Agreed 0 Disagreed, motion to find application complete passes.

David C made the motion to approve the Storer Ridge Subdivision. **Kala G.** seconded the motion.

Vote by Roll Call: Dwayne P – yes Kala G – yes Lori A – yes
Deborah B – yes David C – yes

Vote 5 Agreed 0 Disagreed, motion to approve Storer Ridge Subdivision passes.

Carmine LLC – Doug Foglio Jr. read letter to the board members for the public, gave brief overview of the project, the lots, and the houses being the same style per buyers request as the homes on Leona Drive in the Woody Knoll Subdivision. Stated they were requesting Waivers to include the following:

1. Geologist Report – the soil in this location is of the same make up as Woody Knoll and locations all over the town with regards to the sand / dirt make up.
2. Central Mail – each lot will have its own mailbox should they choose along Townhouse Road so there will be no mailbox cluster.
3. Performance Bond – there is no road infrastructure as each driveway has its own access onto Townhouse Road and permits will be obtained from MDOT for such driveways.
4. Public Sites / Open Spaces – there is a 25’ greenbelt buffer along Townhouse Road on each of these lots.
5. Area for Recreation – these lots are individual lots along Townhouse Road with no infrastructure within the subdivision and each have their own 25’ greenbelt along Townhouse Road.
6. Future Municipal Use – 3 lot subdivision with access along Townhouse Road with no infrastructure.

Lee Jay further added that the septic systems and wells, state law requires 100’ separation between the 2 and that will never change but their overall locations on the individual lots may change. The next step would be to grant the waivers and find the application complete.

David C made a motion to grant all requested waivers. **Dwayne P** seconded the motion.

Vote by Roll Call Dwayne P – yes Kala G – yes Lori A – yes
David C – yes Deborah B – yes

Vote: 5 Agreed 0 Disagreed; the motion to grant all waivers passes.

David C made a motion to find the application complete. **Deborah B** seconded the motion.

Vote by Roll Call Dwayne P – yes Kala G – yes Lori A – yes
David C – yes Deborah B – yes

Vote: 5 Agreed 0 Disagreed; the motion to find the application complete passes.

Kala G made a motion to approve the Carmine LLC subdivision. **Dwayne P** seconded the motion.

Vote by Roll Call Dwayne P – yes Kala G – yes Lori A – yes
David C – yes Deborah B – yes

Vote: 5 Agreed 0 Disagreed; the motion to approve the Carmine LLC Subdivision passes.

III. NEW BUSINESS & PUBLIC HEARINGS

Public Hearing for Storer Ridge Subdivision opened at 6:38pm

William T. – Thanked the board for their time. Bill gave a brief synopsis of the project and that they had met all the prior requests and changes the fire department and board members had previously requested and was here for final review and approval of the subdivision and to hear any public input and/or concerns regarding the project.

There was no public comment with regards to the project.

Lori Anthony stated that with no public comment she'd declare the public hearing on Storer Ridge Subdivision closed. No objection from the board members and the public hearing was declared closed at 6:38pm.

Public Hearing for Carmine LLC opened at 6:39pm

Doug Foglio Jr. – Gave brief synopsis of the project and explanation of the packet and plans submitted before them, walking through each exhibit.

Anthony Hollingshead requested to speak and had some questions regarding the proposed subdivision. He stated that he lives at 37 Water Lily Lane and his parents also reside on Water Lily Lane.

1. Where will the houses go and will there be any impact on the pond?
Is the subdivision the wooded area across the pond?

Doug explained that the subdivision was in fact the wooded area across the pond and that there would be no impact on the pond as the lot line is approximately 50' to 75' from the waters edge depending on the shoreline depth.

2. Will there be any waterfront access to the pond?

Doug stated that there would be no waterfront access to any of the lots that they stopped the property lines short of the pond so they didn't mess with the conservation district or have to go through FEMA.

3. Will there be any increased sound from Townhouse Road?

Doug explained there will be no increased sound from Townhouse Road aside from normal daily travel that already exists. The houses will sit roughly no more than 100' off the road with a natural buffer between the road and the house.

4. How much clearing will be done for these lots?

Doug stated they will be clearing no more than necessary, maybe 1/4 of an acre to allow for construction but that once the new owners are there they may opt to clear a little more to which he has no control over. He went on to explain that the houses to be built were the same as the homes recently built in Woody Knoll Subdivision with only minor changes.

5. Is there pending development on the Simpson Cottage Road?
Doug stated that potentially yes at some point but at this time there is no pending development in place.

Lori A. stated for clarification that there was a natural buffer retained by Carmine LLC to the larger “mother parcel” ranging from 50’ to 75’ depending on the shoreland depth and location to which Doug agreed was the case.

Lori A requested any additional public comment to which there was none and closed the public hearing at 6:51 with no objection from board members.

IV. MINUTES

V. COMMUNICATION

Note from Tim Neill regarding his resignation from the Board of Selectmen and Liaison to Planning Board

VI. MISCELLANEOUS

VII. ADJOURNMENT

David C. made motion to adjourn, Second by Kala G.

Vote by Roll Call Dwayne P – yes Kala G – yes Lori A – yes

David C – yes Deborah B – yes

Vote: 5 Agree 0 Disagree; meeting adjourned at 7:30

VIII. ITEMS NEEDING SIGNATURE

Approved Date: _____

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TOWN OF WATERBORO
PLANNING BOARD
MEETING MINUTES
June 17, 2020
6:30 p.m.

I. ROLL CALL

Present: Lori Anthony, Vice-Chair Kala Godard Debra Burrows Ed Zelmanow

Absent: David Christensen and Dwayne Prescott were absent.

Others: Angela Theriault, David Lowe, Lee Jay Feldman, Dennis Abbott

Lori called the Planning Board meeting of June 17, 2020 to order at 6:30pm.

Lori stated a quorum has been met with the members present.

II. MINUTES

- March 4, 2020
- March 18, 2020
- April 1, 2020
- April 15, 2020
- May 6, 2020
- May 20, 2020
- June 3, 2020

Debra Burrows requested the spelling of her first name be corrected. No further corrections or comments. Board accepted all minutes with correction to Debra's first name being corrected.

III. OLD BUSINESS

IV. NEW BUSINESS & PUBLIC HEARINGS

Findings of Facts for Storer Ridge Subdivision

Board members stated they had no changes or revisions outside of the correct spelling of Debra Burrows name. Lori requested a motion to accept the FOF as written with the correction of Debra's name. **Kala Godard** made the motion, second by **Ed Zelmanow**.

Vote by roll call: Debra Burrows – yes

Kala Godard – yes

Ed Zelmanow – yes

Lori Anthony – yes

Vote: 4 Agree 0 Disagree, motion to accept Storer Ridge Subdivision FOF

Finding of Facts for Carmine LLC

Board members stated they had no changes or revisions outside of the correct spelling of Debra Burrows name. Lori requested a motion to accept the FOF as written with the correction of Debra's name. **Ed Zelmanow** made the motion, second by **Kala Godard**.

Vote by roll call: Debra Burrows – yes

Kala Godard – yes

Ed Zelmanow – yes

Lori Anthony – yes

Vote: 4 Agree 0 Disagree, motion to accept Carmine LLC Subdivision FOF

V. COMMUNICATION

Lee Jay stated the board members need to start reading up on and be familiar with the Town of Waterboro Zoning Ordinance section 1.08 regarding Contract Zoning for a possible project coming.

VI. MISCELLANEOUS

VII. ADJOURNMENT

Kala Godard. made motion to adjourn, Second by Debra Burrows.

Vote by Roll Call Kala Godard – yes Lori Anthony – yes

Ed Zelmanow – yes Deborah B – yes

Vote: 4 Agree 0 Disagree; meeting adjourned at 6:40pm.

VIII. ITEMS NEEDING SIGNATURE

- March 4, 2020
- March 18, 2020
- April 1, 2020
- April 15, 2020
- May 6, 2020
- May 20, 2020
- June 3, 2020

Approved Date: _____

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TOWN OF WATERBORO
PLANNING BOARD
MEETING MINUTES
July 1, 2020
6:30 p.m.

I. ROLL CALL

Present: David Christensen, Chairman Lori Anthony, Vice-Chair Kala Godard
 Debra Burrows Dwayne Prescott

Absent: Edward Zelmanow was absent.

Others: Angela Theriault, David Lowe, Lee Jay Feldman, Dennis Abbott

David called the Planning Board meeting of July 1, 2020 to order at 6:30pm.

David stated a quorum has been met with the members present.

II. MINUTES

➤ June 17, 2020

III. OLD BUSINESS

IV. NEW BUSINESS & PUBLIC HEARINGS

Election of officer was the only item of new business.

Chairman – Lori Anthony nominated by Dwayne Prescott

Second by Kala Godard

Discussion – none

Vote by roll call: Debra Burrows – yes Kala Godard – yes
 David Christensen – yes Dwayne Prescott – yes
 Lori Anthony – yes

Vote: 5 Agree 0 Disagree, Vote passes for Lori Anthony as Chair

Vice Chair – Debra Burrows nominated by Dwayne Prescott, Second failed,
nomination failed.

David Christensen nominated by Lori Anthony

Second: Debra Burrows

Discussion – none

Vote by roll call: Debra Burrows – yes Kala Godard – yes
 David Christensen – yes Dwayne Prescott – yes
 Lori Anthony – yes

Vote: 5 Agree 0 Disagree, Vote Passes for David Christensen as Vice Chair

Secretary – Debra Burrows nominated by Lori Anthony

Second by Dwayne Prescott

Discussion – none

Vote by roll call – Debra Burrows – yes Kala Goddard – yes
David Christensen – yes Dwayne Prescott – yes
Lori Anthony – yes

Vote: 5 Agree 0 Disagree, Vote passes for Debra Burrows for Secretary

V. COMMUNICATION

Lee Jay stated that he and Gary Lamb have discussed the Planning Board meeting in person again. The meeting room can be set up successfully to continue social distancing and CDC guidelines. We have 2 maybe 3 very big projects, including the 2, 20 acre solar fields. Reminded the board that they needed to read up on Town of Waterboro Zoning Ordinance Section 1.08 regarding contract zoning. There is a potential contract zoning project coming once the property owner finishes doing their due diligence under the instructions of Lee Jay, Gary Lamb, and Glenn Charrette. The Selectmen have not yet seen the contract zoning project.

David requested a written proposal as to how it was going to work meeting in person to ensure the safety of the Board as well as the participants, that we needed to be quite cautious.

Dennis went on to explain the Board of Selectmen have been using hybrid meetings where the majority of the members are in the building and Gordon continues to ZOOM in. CDC guidelines allow up to 10 people in the meeting room but ultimately it's up to the Planning Board members.

David stated once we have a written proposal from Gary we would schedule a workshop to discuss and allow all members to have input.

VI. MISCELLANEOUS

VII. ADJOURNMENT

Lori Anthony made motion to adjourn, Second by Debra Burrows.

Vote by Roll Call Kala Godard – yes Lori Anthony – yes
David Christensen – yes Debra Burrows – yes
Dwayne Prescott – yes

Vote: 5 Agree 0 Disagree; meeting adjourned at 6:45pm.

VIII. ITEMS NEEDING SIGNATURE

➤ June 17, 2020

Approved Date: September 16, 2020

Lori A. W. Anthony
Dwayne Prescott
Kala Goddard
Debra Burrows

Dwayne Prescott

TOWN OF WATERBORO
PLANNING BOARD
MEETING MINUTES

July 15, 2020
6:30 p.m.

The Planning Board Meeting scheduled for July 15, 2020 was cancelled, therefore there were no minutes taken.

The next Planning Board meeting is August 5, 2020.

Approved Date: September 16, 2020

Levi B. W. Anthony
[Signature]
Yvonne Sedark
Debra Bees

[Signature]
Europe Herrold

TOWN OF WATERBORO
PLANNING BOARD
MEETING MINUTES

August 5, 2020

6:30 p.m.

The Planning Board Meeting scheduled for August 5, 2020 was cancelled, therefore there were no minutes taken.

The next Planning Board meeting is August 19, 2020.

Approved Date: September 16, 2020

Lori W. Conboy

Shirley

Kala

Debra Bee

[Signature]

Marjorie Prescott

TOWN OF WATERBORO
PLANNING BOARD
MEETING MINUTES
August 19, 2020
6:30 p.m.

The Planning Board Meeting scheduled for August 19, 2020 was cancelled, therefore there were no minutes taken.

The next Planning Board meeting is September 2, 2020.

Approved Date: September 16, 2020

Lizbeth W. Gauthier
Shirley Ann
Chad G. Chase
Debra B. Burt

Edmund J. [Signature]
Monique Vescott

TOWN OF WATERBORO
PLANNING BOARD
MEETING MINUTES
September 2, 2020
6:30 p.m.

**The Planning Board Meeting scheduled for September 2, 2020 was cancelled,
therefore there were no minutes taken.**

The next Planning Board meeting is September 16, 2020.

Approved Date: September 16, 2020

Lee P. W. Anthony
Shirley
Vala Golas
Debra Bues

[Signature]
Matthew Prescott

TOWN OF WATERBORO
PLANNING BOARD
MEETING MINUTES
September 16, 2020
6:30 p.m.

I. ROLL CALL

Present: Lori Anthony, Chair David Christensen, Vice-Chair Kala Godard
 Debra Burrows Dwayne Prescott Edward Zelmanow Michael Provencher

Others: Angela Theriault, David Lowe, Lee Jay Feldman, Dennis Abbott, Gary Lamb,
 Shawn Tobey, Shawn Meehan

Lori called the Planning Board meeting of September 16, 2020 to order at 6:30pm.

Roll call attendance: Lori Anthony – yes David Christensen – yes Dwayne Prescott – yes
 Debra Burrows – yes Kala Godard – yes Edward Zelmanow – yes
 Michael Provencher – yes

Lori stated a quorum has been met with all members present.

II. MINUTES

- June 17, 2020 (Name Corrections)
- July 1, 2020
- July 15, 2020
- August 5, 2020
- August 19, 2020
- September 2, 2020

Non meeting minutes the board agreed there were no meetings therefore no minutes.
Meeting minutes of June 17, 2020 & July 1, 2020 were accepted by the board as written.
Michael Provencher abstained from the vote as he was not a member at that time.

III. OLD BUSINESS

IV. NEW BUSINESS & PUBLIC HEARINGS

- **NBD Solar Maine, Shawn Tobey of Hoyle & Tanner Associates**
Solar Array Project, 719 Main Street

Purchasing a series of lots owned by 2 separate owners for the 52.9+- acre project. These lots include a wetland area that they only have a small area of fill at the new culvert location. The project will consist of a series of different pockets or pods of panel with gravel roads to access them. The panels are approximately 3' x 5' and will have approximately 35 panels to a table. NBD Solar has obtained their Stormwater Permit by Rule, Natural Resource Protection by Rule, and an Army Core of Engineers Permit for the culvert crossing. There will be a security fence around (the site) (it's actually each individual pod). It is very low maintenance once constructed. The systems will be monitored remotely with a service truck on site once a month. There will be no draw of town services. Other comments were; Knox boxes will be provided for the fire department access,

the fire department has requested training, requested for the access roads to be widened to 20', engineer will be on site when site is prepared, and decommissioning costs and tasks have been provided. The racking system/tables have a 40-50 year life span and the panels have a 20-25 year life span, with the panels being replaceable.

David Christensen asked about a Decommissioning bond in place as long as the facility was operational. Shawn Tobey felt that would be fine if that's what was needed. David also requested clarification regarding maintenance of the facilities with regards to vegetation and vegetation control. Shawn explained the sites will be planted with a thick low height vegetation that would only need to be mowed twice a year. There would be no pesticides or herbicides used on the site. Questions regarding with the current tax rate what would the estimated revenue to the town be. Lee Jay stated that he could get a number from Shirley but the Town of Madison has a similar project and value of that facility is approximately \$10 million but that would be the tax assessor.

Dwayne Prescott pointed out that this site falls in 3 zones so the plans would need to be updated to reflect this. Relating to unmanned power / substations, there are no towns around us that currently have anything that addresses solar in Southern Maine. It was decided to use the category of communication towers, high voltage transmission poles, unmanned substations, etc. for its type. Lee Jay pointed out that in the Comprehensive Plan there is a section created specifically for energy and alternative energy. Dwayne asked if the 2% for inflation on the Decommissioning Plan is for overall or per year. Shawn explained that it's 2% per year for the next 20 years. What is the heat that is reflected off these panels as there are houses abutting the project? The panels don't generate a lot of heat that would be able to travel that distance. Also asked if there was room to increase the 35' setback. The panels are beyond the setback line an additional 15'. Would accelerated depreciation mean less revenue for the town? Also please reach out to ATV and Snowmobile Clubs regarding any trail interference.

Edward Zelmanow reiterated about the roads being 20' instead of the 14' wide for fire access. He asked about maintenance of the panels with regards to cleaning. Shawn explained there is no actual cleaning that the only cleaning done is from rain water and no chemicals on the panels. Went on to state that the panels are pretty much maintenance free. Edward stated there are a bunch of gates at the Main Street site which are not called out. They will all be standard 16' gates and will individually be called out.

Kala Godard asked about sound or light pollution at the sites. Shawn Tobey stated that the inverters might hum like a household air conditioner at maximum output. The solar panels will be facing south, away from houses and away from the roads so there would be no reflection or interference there. There are only 2 inverters on the Main Street project and they aren't on the side that abuts the neighbors.

Michael Provencher asked about any prior developments like this in the Wellhead Protection Zone. Lee Jay clarified this is the first solar type project to develop in the Wellhead Protection Zone and that it's in what is considered the Class 2 Level or secondary. The Waterboro Water District is on board with the project and has no objections to the array location. Shawn Tobey again stated there is vehicle traffic entering the pods on a regular basis, just the 1 maintenance vehicle once a month so there's no gasoline or oil runoff into the ground etc. Michael also asked about concrete pouring and Shawn explained there is no concrete pads for the tables, that they are mounted to the ground through ground screws.

David Christensen requested that any cleaning that needed to be done to the panel with chemicals get prior approval before use. Shawn stated that would be added to the plans. Lee Jay also stated that at the time of the approval there would be a list for conditions of approval that he would provide following Planning Board meetings and Public Hearings.

Lori Anthony requested clarification regarding the maintenance to the vegetation and how long they would allow it to grow prior to cutting etc. Shawn Tobey stated it would be mowed when the height reached 2' to

keep any interference with the panels down. Lori asked about the clearing of the project as the property line has not been confirmed / located according to the plan. Shawn stated that prior to the project start the property line would be located and confirmed and any clearing would not be going beyond the limit of the work. The limit of clearing will be laid out by GPS and engineers will be onsite during the clearing process to verify boundaries have not been breached. Lori also requested that they check the 75' setback specifically the front for the AR district as that site location is located in 3 zones. She asked about any other erosion control measures to which Shawn explained there will be a mixed berm around the construction or a silt fence. There is 1 proposed culvert and no ditches. DEP prefers everything to be maintained through existing grade.

Dwayne Prescott stated with regards to the 35' setback buffer, the abutters would like to see them further back than 35', can they moved the project 45-50' further back and not cut the trees in that 35' buffer. Shawn explained that due to the panels they would have to cut in to that 35' setback but wouldn't be going any further than that and leave the stumps.

Lori Anthony asked that they check the hammerheads with regards to them being 30' long as they may need to be longer for fire access. Shawn Tobey stated they would reach out the fire department to check on that. Lee Jay went on to clarify that this was discussed at the staff review and the larger trucks wouldn't be going out into the pods. Lori requested something in writing from the fire department. Lori also asked for clarification with regards to shoreland zone as it looked like part of the project was located in a shoreland zone designation. Lee Jay responded no.

Michael Provencher requested that there be a checklist regarding these projects to determine completeness.

Lori Anthony stated at that time she would accept a motion to find the application complete.

David Christensen made a motion to find the application complete

Kala Godard second the motion

Vote by roll call: Lori Anthony – yes David Christensen – yes Dwayne Prescott – yes
Debra Burrows – yes Kala Godard – yes Michael Provencher – yes
Edward Zelmanow – yes

Planning Board members discussed and decided that each site would have it's own meeting nights for site walks and public hearings. 719 Main Street will be October 7, 2020 with the site walk at 5:00 and public hearing at 6:30.

➤ **NBD Solar Maine, Shawn Tobey of Hoyle & Tanner Associates**
Solar Array Project, 41 Sokokis Trail

Shawn Tobey explained that everything will be the same for this project just applied to a different site. There is a small stream with an existing access road & culvert. There will be minimal visibility from the road and all the abutters are pretty far away. They obtained a PBR from DEP and will be maintaining 75' from the stream and any runoff will hit the grass not getting to the stream. The panel maintenance will all be the same as the site at 719 Main Street.

Lori Anthony asked if they anticipated any blasting as it looks like there could be some ledge in there. Shawn explained in the areas where there is exposed ledge instead of a ground screw they will drill then set the post with no concrete. There would be no grade change and the tables would screw in with ground screws and the tables allow for adjustment.

David Christensen stated that if they find they need to blast they would be required as a condition of approval to come back to the Planning Board prior to any blasting. Lee Jay stated that was fine we can place that condition in the approval.

Dwayne Prescott mentioned on this project as well the accelerated depreciation and he will be looking into this.

Kala Godard stated that as a condition of approval for this site as well that there would be no herbicides utilized and Shawn stated that would be added to this plan as well.

Planning Board members discussed and decided that they would like to see the sites with property lines staked out. Shawn stated that the Sokokis Trail project may be difficult to do that for the site walk as it's very thick but they can use Google Earth and super impose the lines, abutters, and the setbacks etc.

Gary stated as a side note that has no bearing on the Planning Board that the Waterboro Water District has been in contact with NBD Solar with regards to the Sokokis Trail project regarding a water tower on that location. Shawn Tobey confirmed that and stated the applicant is very willing to work with them. Site walk for this site was set for October 21, 2020 at 5:00 and public hearing at 6:30 that same evening.

Lori Anthony stated at that time she would accept a motion to find the application complete.

David Christensen made a motion to find the application complete

Edward Zelmanow second the motion

Vote by roll call: Lori Anthony – yes David Christensen – yes Dwayne Prescott – yes
Debra Burrows – yes Kala Godard – yes Michael Provencher – yes
Edward Zelmanow - yes

V. COMMUNICATION

COVID Planning Board Guidelines and Safety for returning to in person meetings. The board as a whole discussed the room layout as provided by Angela Theriault in pictures and accompanying memo / documentation. Debra Burrows asked if there would be health screenings and it was determined that those could take place if necessary. Gary Lamb and Dennis Abbott also gave updates on the Selectmens meetings and they use of in person and hybrid meetings. After discussion of protocols and guidelines it was decided by the board members to begin using hybrid set up for future meetings. Lori requested that members advise Angela when attendance emails are sent whether they will be ZOOM or in person attending.

VI. MISCELLANEOUS

VII. ADJOURNMENT

Edward Zelmanow made motion to adjourn, Second by Michael Provencher.

Vote by roll call: Lori Anthony – yes David Christensen – yes Dwayne Prescott – yes
Debra Burrows – yes Kala Godard – yes Michael Provencher – yes
Edward Zelmanow - yes

Vote: 7 Agree 0 Disagree; meeting adjourned at 7:58pm.

VIII. ITEMS NEEDING SIGNATURE

- June 17, 2020
- July 1, 2020
- July 15, 2020
- August 5, 2020
- August 19, 2020
- September 2, 2020

Approved Date: November 4, 2020

<u>Quana Prescott</u>	<u>Theresa</u>
<u>Edna</u>	<u>Debra Brea</u>
<u>Loi B.W. Anthony</u>	<u>Kaka Edna</u>
<u>Michael Kozvaneh</u>	

TOWN OF WATERBORO
PLANNING BOARD
MEETING MINUTES

October 7, 2020

6:30 p.m.

SITE WALK: 5:00pm - 719 Main Street, Waterboro – NBD Solar Maine

Present: Lori Anthony, Chair David Christensen, Vice - Chair Debra Burrows -Secretary
Michael Provencher

Absent: Edward Zelmanow Dwayne Prescott Kala Godard

Others: Lee Jay Feldman Angela Theriault Dennis Abbott Christian Loranger
Gary Lamb Omar Khaleel Shawn Meehan Dianne & Donald Holden Jason Ramsell
Crystal Savage Devin Chamberlain Carlie & Daryll Sherwood
Delani Goeben Dana Littlefield

Lori Anthony opened the site walk at 719 Main Street, Waterboro at 5:00pm. Lori noted a quorum is present at this location. One member of the Planning Board expressed opposition to the site walk and public hearing stating the public had been misinformed and he felt the site walk and public hearing this evening were illegal. Lee Jay Feldman and Lori Anthony tried to speak to the member and explain that the error was made regarding the 41 Sokokis Trail site walk and hearing and it had been corrected. The member was asked if he would be participating in this site walk and public hearing and he stated no he would not and that he would see them at the Zoning Board of Appeals and left.

Christian Loranger – NBD Solar gave a brief overview of the 52.9 acre project comprised of 4 parcels by 2 owners over the course of 3 zones, General Purpose, Residential, and Agricultural / Residential. All lots will be merged to create 1 52.9+- acre lot. The project included development of the site to construct a ground mounted solar facility with access roadways, fencing, and electrical utilities. A turtle survey was done at the request of MDIFW to determine if there were any state endangered Blanding Turtles to which none were found. The Maine DEP Stormwater Permit by Rule (PBR) will be obtained for all activities within the 75' buffer for Wetland 1 and for the replacement of an existing culvert structure crossing the stream. Christian then began walking the group through the site over an existing road that will be improved through the construction toward the back portion of the project. Throughout the walk he pointed out and explained the construction and set up of the tables and the panels on the tables. Christian stated that there would be no poured concrete, that the tables are mounted using ground screws that placed approximately 4' into the ground with each pod being fenced in with access gates at each pod. Prior to reaching the back portion of the project site it had begun pouring and lightening was seen. At this point Lori stated we would be ending the site walk to get back to the safety of the town hall. The site walk was ended at approximately 5:45pm.

I. ROLL CALL

Present: Lori Anthony, Chair Kala Godard David Christensen, Vice-Chair (ZOOM)
Michael Provencher (ZOOM) Debra Burrows (ZOOM)
Edward Zelmanow (ZOOM)

Absent: Dwayne Prescott

Others: Lee Jay Feldman Angela Theriault Dennis Abbott Christian Loranger
Gary Lamb Omar Khaleel Donald Holden Jason Ramsell Crystal Savage
Devin Chamberlain Carlie & Daryll Sherwood (ZOOM)
Delani Goeben Dana Littlefield Brigit McCallum (ZOOM)

Lori moved the NBD Solar Main Public Hearing to the front of the agenda.

I. OLD BUSINESS

II. NEW BUSINESS & PUBLIC HEARINGS

Lori Anthony opened the Public Hearing for NBD Solar Maine at 6:36pm, stated that a quorum has been met with members present. Lori requested that Christian Loranger give a brief overview of the project prior to any public comment for those present as well as those watching.

Christian Loranger, NBD Solar Maine, gave an overview of the construction process proposal with bullet points of construction of the ground mounted solar array. Stated that there would be just under 18,000 panels, mounted on tables utilizing 4' ground screws screwed 6' into the ground with very little ground impact. CMP, Waterboro Fire Department, and NBD Solar can all shut off the power to the site. NBD Solar would have the capability to also perform any shut downs remotely. NBD Solar would be paid for the power fed into the grid for the next 25 years and would provide a guaranteed bond to the town for the decommissioning plan. They would be utilizing the PILOT (Payment In Lieu Of Taxes) program with the town. This would allow the town to know exactly how much money they would be receiving in revenue every year instead of a depreciated value. Following the site visit there has been an agreement of additional planting that was reached with an abutter followed by a hand shake and an updated plan would be provided to the abutter and the office.

Lori Anthony opened the floor to public comments, questions, and concerns.

Donald Holden – 1. If the project is sold in 3-5 years what agreements are maintained? Does everything on the plan stay in affect?

Christian explained that all agreements would be on the plan and stay in affect as that is what is approved by the Planning Board. If anything were to change it would be enforceable as if the project were under construction in the first place. All tree planting agreements etc. on all plans would remain in place. All agreements run with the plan not with the owners unless it is renegotiated through the Planning Board.

2. Several years ago there were people looking at land for solar – and he feels strongly that the Planning Board should be creating an ordinance that covers solar and taking it to the Selectmen for approval. Limerick has an ordinance in the books and they use Natalie Burns, the same attorney Waterboro does.

3. My property stakes have been there for 50-60 years, if during future surveys before cutting the surveys don't agree with where my stakes are what happens then?

Christian stated that Hoyle & Tanner is the engineering firm that will be performing the surveys through GPS and if there is a discrepancy he will be airing on the side of the homeowner. He also explained that through using the GPS there have been very minimal discrepancies.

Delani Goeben – owns Midnight Farm. She's both nervous and excited. She has numerous bee hives and is concerned about the natural pollinators being cut down and causing harm to the bees.

Christian stated that he can relate to her concern as he started out as a cranberry grower and also had bee hives. He went on to explain there would be no use of pesticides, herbicides or chemicals at the site. They don't wash their tables, they are left to the elements. The soil on the site is very sandy and will have very little disturbance. They will reseed after the completion of the project and will get field grass established as well as adding natural pollinators. All ground maintenance is done by manual mowing and weed wacking.

Devin Chamberlain – 1. What is the expected impact on local wildlife, birds, deer etc.

Christian stated that the first application was to Maine Wildlife which was approved for the project. They fence is maintained at approximately 6"-8" off the ground which allows for small animals to come and go under the fence. It's been his experience that he actually sees more deer inside the solar array fields than he does outside. They do not use barbed wire at the top of their fences so it is feasible that the deer could be either jumping the fence or smaller once crawling under.

2. For the purposes of zoning what is it considered?

Lee Jay explained that our Zoning Ordinance has no specific use called solar farms. Some towns have started ordinances. The Code Enforcement Officer categorizes it under communications, high voltage poles, and unmanned substations.

3. You say if there is a problem that you want us to reach out of you, to call you. There is no way to call you, there's no number listed anywhere if you google your company so how would we contact you?

Christian stated that while he does want to be contacted that their first point of contact should be the Code Enforcement Office as his information is on file here but that he would also provide contact information.

4. Primary question is, yes it does have some benefits to the town, but in what way do individuals have a say in how this revenue is handled.

Gary Lamb explained that it becomes part of the towns budget. If you use the construction cost method a \$7.75 million dollar project with the mil rate of \$15.39 would generate approximately \$119,000.00.

Crystal Savage – 1. When you give an overview of the project you relate it to that of a power plant due to the wattage?

Christian explained it's a ground mounted solar array not an actual power plant but they are held to engineering and construction standards of a power plant. With that being said, the project undergo extreme scrutiny to be sure all "I's" are dotted and "t's" are crossed prior to construction.

2. Feels that this project should not be voted on tonight due to hand shake agreements that need to be placed in writing and plans updated. Also not voting tonight would allow other abutters who may have questions time to ask those questions.

Carlie Sherwood – 1. Requested the Planning Boards opinion on the project to which it was explained they would have their discussions following the Public Hearing during their regular meeting. She stated that fact checking should be done, how does this compare to Limerick or Sanford projects?

Lee Jay stated that there are 15-20 solar projects going in York County and that they are all very similar in nature and size to what has been shown thus far.

2. Which part of the budget would the tax revenue go into?

Gary & Dennis both explained there's no specific part, that it would go into the general fund and is not segmented.

3. What's going to happen after tonight?

Gary explained there is a process the Planning Board will go through but that this is a good thing for the town as it would lessen the tax burden on individual tax payers.

Lori Anthony asked at this time if there were any further public comment or questions. With none being heard the Public Hearing was closed at 7:20PM.

III. OLD BUSINESS

Lori called the Planning Board meeting of October 7, 2020 to order at 6:30pm.

Lori state a quorum has been met with the members present tonight.

Michael Provencher heard a lot of comments both in favor and not in favor of the project and stated that he wasn't comfortable with a vote to approve or disapprove this project this evening.

Lee Jay stated not voting this evening would provide him with an opportunity to tighten up the plans, conditions, and agreements prior to the vote.

David Christensen stated that he would like to see Lee Jay summarize what the final conditions of approval should look like. Lee Jay gave a summary of all the conditions that would be requested and the board members agreed with his summary.

Edward Zelmanow stated that he would be comfortable voting to approve the project tonight as it's the Board's job to review the project and the application. If they have met land use rules then we should be moving forward with a vote. Whether it looks pretty is irrelevant as it is no burden on the town and schools.

Lori Anthony stated she would like to see the conditions cleaned up and schedule a vote for the next meeting on October 21, 2020. Lori stated she would accept a motion at this time to table the 719 Main Street project to the next meeting for a vote.

Kala Godard made a motion to table the vote to the next meeting, second by David Christensen.

Vote by Roll Call: Debra Burrows – yes David Christensen – yes

Edward Zelmanow – no Michael Provencher – yes Lori Anthony – yes

Kala Godard – yes

Vote: 5 Agree 1 Disagree, vote passes to table the vote to October 21, 2020

IV. MINUTES

- None to review, these will be reviewed at the next meeting due to some corrections.

V. COMMUNICATION

- Email from Dianne & Donald Holden that were forwarded to members prior to the meeting.
- Email from Devin Chamberlain with answers from Lee Jay that were forwarded to members prior to the meeting.

VI. MISCELLANEOUS

VII. ADJOURNMENT


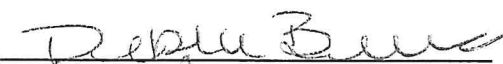

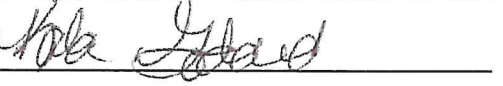
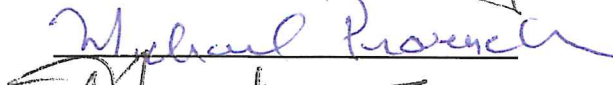
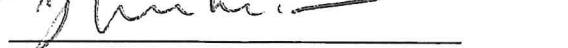
- David Christiensen made the motion to adjourn at 7:40pm. Michael Provencher second the motion. No discussion.

Vote by Roll Call: Debra Burrows – yes David Christiensen – yes
Edward Zelmanow – yes Michael Provencher – yes Lori Anthony – yes
Kala Godard – yes

Vote 6 - 0 in favor. Meeting Adjourned.

VIII. ITEMS NEEDING SIGNATURE

Approved Date: November 4, 2020

TOWN OF WATERBORO
PLANNING BOARD
MEETING MINUTES
October 21, 2020
6:30 p.m.

SITE WALK: 5:00pm - 41 Sokokis Trail, E. Waterboro – NBD Solar Maine

Present: Lori Anthony, Chair David Christensen, Vice - Chair Debra Burrows -Secretary
Dwayne Prescott Michael Provencher

Absent: Edward Zelmanow Kala Godard

Others: Lee Jay Feldman Angela Theriault Dennis Abbott Christian Loranger
Gary Lamb Justin Stone Shawn Meehan Donald Holden Jason Ramsell
Crystal Savage Devin Chamberlain Mrs. Chamberlain

Lori Anthony opened the site walk at 41 Sokokis Trail, E. Waterboro at 5:00pm. Lori noted a quorum is present at this location.

Christian Loranger – NBD Solar gave a brief overview of the 36.78+- acre project in the Agricultural / Residential zone. The project included development of the site to construct a ground mounted solar facility with access roadways, fencing, and electrical utilities. The tables are mounted using ground screws that placed approximately 6' into the ground, which is the same format utilized at the Main Street project location. He explained that the panels would be at 20 degree angled toward the sun. An abutter to this property had requested a glare study due to the potential of his development of personal land to which Shawn Meehan explained these projects have been signed off by the FAA in previous projects due to runway locations and have determined there is no glare. The goal of the project is to absorb every bit of sunlight. Any glare would result in loss of potential power. When asked what the tallest point of the table Christian stated that it would be approximately 9.5'. When asked what impact a Maine winter would have on the panels regarding ice and snow build up Christian explained that the black panels will grab whatever light from the sun they can and warm the panels causing any snow and ice to slide off. They anticipate the first rows on the tables will be lost power as they will be covered with snow build up from the sliding off occurring. The main access roads in the project will be maintained during the winter with plowing provided by the solar company owner. Todd Abbott from the Ossipee Mountaineers ATV club provided Christian with a couple of trail maps with potential trail options for movement around the project location. He also asked would there be a potential for the Town of Waterboro to shut down from the CMP grids and obtain power directly through the solar fields. Christian explained there is really no way to segregate and close Waterboro off as other towns are fed off the substations and lines running through the town. With no further questions on site Lori closed the site walk at 5:36pm.

Prior to the site walk there has been an agreement of additional planting that was with an abutter and an updated plan would be provided.

I. ROLL CALL

Present: Lori Anthony, Chair Edward Zelmanow Dwayne Prescott Michael Provencher
Kala Godard (ZOOM) David Christensen, Vice-Chair (ZOOM)
Debra Burrows (ZOOM)
All members present.

Others: Lee Jay Feldman Angela Theriault Dennis Abbott Christian Loranger
Gary Lamb Justin Stone Shawn Meehan Donald Holden Jason Ramsell
Crystal Savage Devin Chamberlain David Watson (ZOOM) Steelgrave (ZOOM)

II. NEW BUSINESS & PUBLIC HEARINGS

Lori Anthony opened the Public Hearing for NBD Solar Maine at 6:30pm, stated that a quorum has been met with all members present. Lori requested that Christian Loranger give a brief overview of the project prior to any public comment for those present as well as those watching.

Christian Loranger, NBD Solar Maine, gave an overview of the construction process proposal with bullet points of construction of the ground mounted solar array. Stated that there would be just about 18,000 panels, mounted on tables utilizing 4" ground screws screwed 6' into the ground with very little ground impact. CMP, Waterboro Fire Department, and NBD Solar can all shut off the power to the site. NBD Solar would have the capability to also perform any shut downs remotely. NBD Solar would be paid for the power fed into the grid for the next 20-25 years and would provide a guaranteed bond to the town for the decommissioning plan. They would be utilizing the PILOT (Payment In Lieu Of Taxes) program with the town. This would allow the town to know exactly how much money they would be receiving in revenue every year instead of a depreciated value. Lori Anthony opened the floor to public comments, questions, and concerns.

Donald Holden –1. What is the timeline for construction on the projects?

Christian stated that due to the late season the construction window is closing so they would start construction in the spring with completion of approximately 3.5 to 4 months.

2. Are both projects similar in the 18,000 panels?

Christian stated that yes they are both similar in the amount of panels.

3. Every month you read about a company coming forward with a better solar panel that operates and generates more power than the last panel. What if 10-15 years down the road there is a panel that operates better, would you be swapping out panels.

Christian explained that there would have to show a major financial benefit to make that swap as they are already paying for the panels that would currently be in place.

David Watson of Roberts Ridge Rd. - 1. Stated that the property had been harvested approximately 12 years ago and it has regrown and is a great wildlife habitat and hopes this won't impact the wildlife currently living out there.

Christian explained that their fencing will maintain approximately 6"-8" off the ground with no solid bar across the bottom to allow flexibility in the fence for animals climbing under the fence. The fence will be 7' in height with no barbed wire at the top and has continually seen deer and other wildlife in the solar array fields he has been working in .

2. What is this going to do to the value of my property?

Christian stated that he has been involved in the sale of multiple properties that look directly at a solar array in Massachusetts and Real Estate Agents have done reports showing no property value depreciation. Edward Zelmanow felt this was irrelevant to the project application.

3. There are wetland areas out there, what is your proposal as far as fencing and the wetland areas?

Christian stated that he would allow the site engineer Shawn Tobey to speak to this question. Shawn stated that they would be staying the required 75' back from the wetland areas plus an additional 20'-25' with the only disturbance being a permitted culvert installed. All the vegetation will remain in the wetland area.

Devin Chamberlain – 1. Addressed Edward Zelmanow regarding the property value depreciation comment that it was an irrelevant question and what would he consider a relevant question.

Edward stated that questions regarding building codes and land use questions are relevant. Dwayne stated that they had a clause that the Planning Board could turn down any project that could be considered detrimental to the town. He also requested that a quick study be done for the abutter regarding the potential if any impact to his property value. Shawn Meehan stated that he has this study and it would be provided to the abutter right away. Shawn was provided David Watsons email and the study was emailed right out to him.

Dwayne Prescott asked David Watson how long he would need to feel comfortable about the project to which David stated probably 3 days.

Lori Anthony asked at this time if there were any further public comment or questions. With none being heard Lori requested a motion to close the Public Hearing.

Dwayne Prescott made motion to close the public hearing, second by Michael Provencher.

Roll call Vote: Debra Burrows – yes Kala Godard – yes David Christensen – yes
Dwayne Prescott – yes Lori Anthony – yes Michael Provencher – yes
Edward Zelmanow - yes

Vote 7 Agree, 0 Disagree, motion to close public hearing passed

III. OLD BUSINESS

➤ 719 Main Street – NBD Solar Maine LLC

Lori Anthony requested a motion to remove this from the table in order to continue discussion and vote on NBD Solar LLC located at 719 Main Street.

Dwayne Prescott made a motion to take 719 Main Street off the table and continue discussions, second by David Christensen.

Roll call Vote: Debra Burrows – yes Kala Godard – yes David Christensen – yes
Dwayne Prescott – yes Lori Anthony – yes Michael Provencher – yes
Edward Zelmanow - yes

Vote 7 Agree, 0 Disagree, motion to continue discussion passes.

David Christensen made a motion to approve the plan for the 719 Main Street solar array by NBD Solar Maine, LLC.

Lori requested clarification on whether it's is to just approve the project or approve with the conditions that Lee Jay laid out and if Lee Jay could please refresh all present on the conditions for approval.

Lee Jay stated that the only conditions that would need to be in place were conditions 1,4,5, and 7 as 2,3, and 6 had already been placed on updated plans. The conditions needing to be placed on the project would now read:

1. Based on the information within the decommissioning plan as submitted by the applicant, a Surety instrument in the amount of \$201,835.86 will be provided to the Town of Waterboro as the entity able to call in or collect on the non-performance of the work proposed. This surety shall be placed in a non-interest bearing account and held for the life of the project. This must be submitted and approved by the Town of Waterboro Board of Selectmen prior to the release of any permits on this project.
2. NBD Solar Maine LLC shall provide formal training to the Waterboro Fire Department on safety and operational procedures in the event of an emergency response to the facility for fire, electrocution, and/or other common issues at a solar facility.
3. Any gates on the property and buildings requiring fire department access in an emergency shall have Knox Box Padlocks and/or a Knox Box with marked keys inside the box.
4. All new trees for the buffering plan carry a 4 year guarantee. If the trees die within that period of time, they shall be replaced by the solar farm owners.

Dwayne Prescott requested that the statement of "restore to previous conditions" be added. Lee Jay went on to explain that the site would be restored with find grade & seed and that over time the shrubs and trees will restore themselves.

Edward Zelmanow second the motion to approve the application for 719 Main Street – NBD Solar Maine LLC.

Roll call Vote: Debra Burrows – yes Kala Godard – yes David Christensen – yes
Dwayne Prescott – yes Lori Anthony – yes Michael Provencher – yes
Edward Zelmanow - yes

Vote 7 Agree, 0 Disagree, application for 719 Main Street solar array by NBD Solar Maine LLC, passes.

➤ **41 Sokokis Trail – NBD Solar Maine LLC –**

Dwayne Prescott requested that we give Mr. Watson a little more time to help him feel better about the value of his property with regards to the solar field project.

Lee Jay stated we can table action but he does have the option to appeal the project within 30 days if he doesn't feel he was treated fairly.

Dwayne requested that if Mr. Watson only needs a few days to get more information and be comfortable with the decision can we come back say Monday and hold a special meeting to vote on the project?

David Christensen stated that where there has already been conversation with the abutter about the value he would be in favor of tabling the project to the next meeting, and made a motion to table any vote on 41 Sokokis Trail NBD Solar Maine LLC to the next scheduled meeting. Dwayne Prescott second the motion.

Roll call Vote: Debra Burrows – yes Kala Godard – yes David Christensen – yes
Dwayne Prescott – yes Lori Anthony – no Michael Provencher – no
Edward Zelmanow - no

Vote 4 Agree, 3 Disagree, motion to table discussion / vote on 41 Sokokis Trail NBD Solar Maine to next scheduled meeting.

Edward requested an inquiry to the town attorney regarding whether or not the impact on property value is relevant to the board when considering an application. Lee Jay stated there are 15 standards that the Planning Board members consider when an application is before them and that he would send an email getting clarification from Natalie.

Lee Jay stated the plans would need to be updated to reflect Mr. Watson as an abutter.

Christian stated the plans would be updated as well as property value assessment provided to Mr. Watson by a local assessor.

David Christensen asked Lee Jay if they could expect by the next meeting an updated summary of conditions to which Lee Jay stated he felt was possible.

IV. MINUTES

- None to review, these will be reviewed at the next meeting

V. COMMUNICATION

- Email letter from 41 Sokokis Trail property abutter Michael Allen

VI. MISCELLANEOUS

VII. ADJOURNMENT

- Dwayne Prescott made the motion to adjourn at 7:30pm. Edward Zelmanow second the motion. No discussion.

Vote by Roll Call: Debra Burrows – yes David Christensen – yes
Edward Zelmanow – yes Michael Provencher – yes Lori Anthony – yes
Kala Godard – yes Dwayne Prescott - yes

Vote 7 - 0 in favor. Meeting Adjourned.

VIII. ITEMS NEEDING SIGNATURE

Approved Date: November 4, 2020

<u>Dwayne Prescott</u>	<u>David Christensen</u>
<u>Edward Zelmanow</u>	<u>Debra Burrows</u>
<u>Lori A.W. Anthony</u>	<u>Kala Godard</u>
<u>Michael Provencher</u>	

TOWN OF WATERBORO

PLANNING BOARD

MEETING MINUTES

November 4, 2020

6:30 p.m.

I. ROLL CALL

Present: Lori Anthony, Chair Edward Zelmanow Dwayne Prescott
Kala Godard (ZOOM) David Christensen, Vice-Chair (ZOOM)
Debra Burrows (ZOOM) Michael Provencher (ZOOM)

All members present.

Others: Lee Jay Feldman (ZOOM) Angela Chute Dennis Abbott
Gary Lamb (ZOOM) Justin Stone Shawn Meehan Jason Ramsell Crystal Savage

II. MINUTES

- September 16, 2020
- October 7, 2020
- October 21, 2020
- FOF 719 Main Street, Waterboro – NBD Solar Maine LLC

Minutes accepted as written with corrections. Lee Jay also confirmed with recording or meetings there is no longer any need to actually take minutes or vote to accept them. The board will continue to take minutes but not required to vote to accept them.

III. NEW BUSINESS & PUBLIC HEARINGS

Board discussion about possible procedural changes to how applications are received and provided to the planning board members as well as materials provided to them for review. Extensive discussion regarding the town taking over notification or abutters vs approving abutter notifications prior to them being sent by the developer. Lee Jay explained that if an abutter was missed in the notification process but was in attendance at the meeting the courts would determine they had been notified since they knew about the meeting and were in attendance. Also, if it was determined an abutter wasn't notified then the Board could table the project until all abutters were properly notified. Dennis clarified for the board that the town's only responsible to publish the public hearing notice. If it were decided that the town take over all notifications then it would be an ordinance change to all ordinances vs a slight change in staff procedure. Board members request that they preview a copy of the abutter notification letter with the list of abutters to be notified.

IV. OLD BUSINESS

Lori asked all board members if they had a chance to review the FOF for 719 Main Street, Waterboro – NBD Solar Maine LLC. All members stated they had reviewed them and approved them with the notation of 16' gates corrected to reflect 20' gates.

Edward made a motion to accept 719 Main Street FOF with corrections, Michael second the motion.

Roll Call Vote: Kala Godard – yes David Christensen – yes Michael Provencher – yes
Debra Burrows – yes Edward Zelmanow – yes Lori Anthony – yes
Dwayne Prescott – yes

Vote: 7 Agree, 0 Disagree; 719 Main Street FOF accepted with corrections passed.

➤ **41 Sokokis Trail, E. Waterboro – NBD Solar Maine LLC**

Lori Anthony requested a motion to remove this from the table in order to continue discussion and vote on NBD Solar LLC located at 41 Sokokis Trail.

Edward Zelmanow made a motion to take 41 Sokokis Trail off the table and continue discussions, second by David Christensen.

Roll call Vote: Debra Burrows – yes Kala Godard – yes David Christensen – yes
Dwayne Prescott – yes Lori Anthony – yes Michael Provencher – yes
Edward Zelmanow - yes

Vote 7 Agree, 0 Disagree, motion to continue discussion passes.

Shawn Meehan stated that the realtor information requested by David Watson was provided as well as Mr. Watson obtaining his own information from a local realtor regarding property values from abutting solar arrays and is happy with the findings and no problems with the project moving forward.

There was no further discussion regarding the project. Lee Jay reviewed the conditions set forth for the project

Lee Jay stated that the only conditions that would need to be in place were conditions 1,4,5, and 7, and 9 as 2,3, and 6, and 8 had already been placed on updated plans. The conditions needing to be placed on the project would now read:

1. Based on the information within the decommissioning plan as submitted by the applicant, a Surety instrument in the amount of \$190,269.13 be provided to the Town of Waterboro as the entity able to call in or collect on the non-performance of the work proposed. This surety shall be placed in a non-interest bearing account and held for the life of the project. This must be submitted and approved by the Town of Waterboro Board of Selectmen prior to the release of any permits on this project.
2. NBD Solar Maine LLC shall provide formal training to the Waterboro Fire Department on safety and operational procedures in the event of an emergency response to the facility for fire, electrocution, and/or other common issues at a solar facility.
3. Any gates on the property and buildings requiring fire department access in an emergency shall have Knox Box Padlocks and/or a Knox Box with marked keys inside the box.
4. All new trees for the buffering plan carry a 4 year guarantee. If the trees die within that period of time, they shall be replaced by the solar farm owners.
5. The applicant retain a third party inspector to be on site during tree cutting in order to ensure over cutting of the site does not occur.

Lori requested a motion to approve the application for 41 Sokokis Trail, E. Waterboro – NBD Solar Maine LLC project.

Kala Godard made a motion to approve the application with the conditions set forth.

Michael Provencher second the motion to approve the application for 41 Sokokis Trail, E. Waterboro – NBD Solar Maine LLC.

Roll call Vote: Debra Burrows – yes Kala Godard – yes David Christensen – yes
Dwayne Prescott – yes Lori Anthony – yes Michael Provencher – yes
Edward Zelmanow - yes

Vote 7 Agree, 0 Disagree, application for 41 Sokokis Trail, E. Waterboro solar array by NBD Solar Maine LLC, passes.

V. MINUTES

- September 16, 2020
- October 7, 2020
- October 21, 2020
- FOF 719 Main Street, Waterboro – NBD Solar Maine LLC

VI. COMMUNICATION

VII. MISCELLANEOUS

VII. ADJOURNMENT

- David Christensen made the motion to adjourn at 7:44pm. Michael Provencher second the motion. No discussion.

Vote by Roll Call: Debra Burrows – yes David Christensen – yes
Edward Zelmanow – yes Michael Provencher – yes Lori Anthony – yes
Kala Godard – yes Dwayne Prescott - yes

Vote 7 - 0 in favor. Meeting Adjourned.

VIII. ITEMS NEEDING SIGNATURE

Approved Date: _____

_____	_____
_____	_____
_____	_____

6:30 p.m.

Michael requested that as a new Planning Board member unfamiliar with processes it would be a benefit to have a copy of the checklist the applicants use when submitting plans to the board. He stated it would also be a benefit to have a commercial checklist and a residential checklist. Angela explained that following the last meeting she and Lee Jay worked with the checklists and did some modifications and that there is a separate checklist for commercial projects vs subdivisions.

VII. ADJOURNMENT

- Michael Provencher made the motion to adjourn at 6:40pm. David Christensen second the motion. No discussion.

Vote by Roll Call: Debra Burrows – yes David Christensen – yes
Michael Provencher – yes Lori Anthony – yes

Vote 4 - 0 in favor. Meeting Adjourned.

VII. ITEMS NEEDING SIGNATURE

- November 4, 2020
- FOF 41 Sokokis Trail, E. Waterboro – NBD Solar Maine LLC

Approved Date: _____

Lori Anthony

David Christensen

Debra Burrows

Michael Provencher

TOWN OF WATERBORO
PLANNING BOARD
MEETING MINUTES
December 2, 2020
6:30 p.m.

I. ROLL CALL

Present: Lori Anthony, Chair
David Christensen, Vice-Chair (ZOOM)
Kala Godard (ZOOM)

Michael Provencher
Debra Burrows (ZOOM)
Edward Zelmanow

Absent: Dwayne Prescott

Others: Angela Chute Dennis Abbott Gary Lamb Glenn Charette David Lowe
 Jeff Read **Tom Donnelly**

Lori stated a quorum was met with members present and the meeting was called to order at 6:33pm.

II. MINUTES

➤ November 18, 2020

Minutes accepted as written with recommended changes.

III. NEW BUSINESS & PUBLIC HEARINGS

- HEP Energy Maine – McLucas Road Project
 - Jeff Read from Sevee & Maher Engineers was in town hall to present the project with Bob Patten attending via ZOOM.

The project is roughly a 20 acre ground mounted solar array located on Town of Waterboro tax map 7 lot 51. The project is located in split zones of Conservation Zone and the Farm & Agricultural Zone. They will utilize an existing curb cut at the site entrance on McLucas Road. The project consists of 2 “cells”, an eastern cell of approximately 11 acres and a western cell of approximately 7 acres with a 3000’ road access. Pods are enclosed by chain link fence. The land was previously harvested. Site will be rough graded to less than 20% grade then revegetated with meadow mix. Natural resources have been indicated on the plan to include a potential vernal pool, stream, and wetlands. There will be no impact to either the vernal pool or the wetlands. The project does trigger Stormwater PBR which they will submit after they receive road access acceptance. Improvement of the stream access will trigger a PBR with DEP.

Planning Board discussion followed the presentation of the project to include questions regarding their plan for use of any herbicides, pesticides, requirement of a decommissioning plan and surety bond in place. Clarification on PILOT vs property taxes with Lee Jay explaining the Town Administrator may enter into negotiations but that has no bearing on the Planning Board consideration. **It was** pointed out that no survey was provided so can they find the application complete. The application can be found complete as there is no requirement of a survey to be

provided in plan review but one can be requested. Tax maps are not accurate and are only a picture of what MAY be out there. Members were advised that Northern Survey would be working on the survey but that they would not be doing a full boundary survey, survey would only encompass the array boundaries. Glenn pointed out that a building permit requires setbacks and the array is considered a structure and would require a permit. Erosion control and site plan difficult to see, would like to see plans of 1:200. Question of whether ditching and grade work ok? Engineers asked to confirm potential vernal pool vs actual vernal pool to which it was explained that would happen in the spring. Bridge vs culverts for entrance and they would be working with DEP on that. Proposed construction would begin in the spring as there is a high demand for manpower and electricians.

Lee Jay stated the next step would be to find the application complete and set dates for public hearing and potential site walk.

David Christensen made the motion to find the application complete, second by Michael Provencher.

Vote by Roll Call: Debra Burrows – yes David Christensen – yes
Michael Provencher – yes Lori Anthony – No
Kala Godard – yes Edward Zelmanow – yes

Vote: 5 Agree, 1 Disagree; application is found complete

Board discussed need for site walk. It was deemed the location is steep and could be difficult to traverse and that it wouldn't show them anything. There would be no site walk as agreed by the members present. Public hearing is set for December 16, 2020 at 6:30.

IV. OLD BUSINESS

V. COMMUNICATION

VI. MISCELLANEOUS

➤ FOF Signatures

- Discussion surrounding the signing of FOF. Historically it has been if you approved them you signed them. It is very difficult to obtain signatures from members in a reasonable time. FOF may be submitted when a quorum of signatures have been received or with a statement that the Board is authorizing the Chairperson to sign on their behalf.
- Members questioned on their choice regarding the signatures:
 - Edward Zelmanow: Conditions that the board authorizes Chair to sign
 - Michael Provencher: If you approve them you sign them
 - David Christensen: Conditions that the board authorizes Chair to sign
 - Kala Godard: Conditions that the board authorizes Chair to sign.
 - Debra Burrows: Conditions that the board authorizes Chair to sign.
 - Lori Anthony: If you approve them you sign them.

David Christensen made a motion to approve FOF based on minutes & video allowing the Chair to sign on behalf of the Board if quorum votes to approve FOF. Second by Kala Godard.

Vote by Roll Call: Debra Burrows – yes David Christensen – yes
Michael Provencher – No Lori Anthony – yes
Kala Godard – yes Edward Zelmanow – yes

Vote: 5 Agree 1 Disagree; motion passes allowing Chair to sign on behalf of the Board.

➤ Packets

- Historically PDF documents are emailed if size permits. Full scale plans are too large to email in the packet and need to be picked up. The email is not in lieu of picking up the packet. Glenn stated there is running history of the problem of members not picking their packets up and has been an issue for at least 6 years, the problem is never going to go away. His office isn't delivering them, members volunteered for this position and they're responsible to pick their stuff up.

It was agreed that there would be no delivering of packets unless extenuating circumstances arose and arrangements are made ahead of time. Packets will not be mailed as we can't rely on the postal service to deliver.

Selectmen have a site where packets are uploaded and they can log in to receive their information for their meetings. In circumstances where there are plans to review then a hard copy would be necessary.

Lee Jay cautioned with going digital regarding who is going to print the project packets for submission and what will you have in front of you at a meeting. Reminded the board this does not take the place of their packet and they still need their hard copies.

Glenn voiced his concern that Angela already takes all walk ins to his office, as well as phone calls, research requested by him, Gary or anyone else. Lori also stated Angela is also the Admin to both Planning Board and ZBA. Decision was made to try the FTP site and review the process in the future for any changes or issues.

VII. ADJOURNMENT

- Edward Zelmanow made the motion to adjourn. Michael Provencher second the motion. No discussion. Meeting adjourned at 8:01pm.

Vote by Roll Call: Debra Burrows – yes David Christensen – yes
Michael Provencher – yes Lori Anthony – yes
Kala Godard – yes Edward Zelmanow – yes

Vote 6 - 0 in favor. Meeting Adjourned.

VII. ITEMS NEEDING SIGNATURE

- November 18, 2020

Approved Date: _____

Lori Anthony

David Christensen

Debra Burrows

Michael Provencher

Kala Godard

Debra Burrows