

MEETING MINUTES OF THE TOWN OF BALDWIN PLANNING BOARD
May 13, 2021

Planning Board Members Present: Tracy Grisez, Jo Pierce, David Strock, Matt Sanborn

Mr. Pierce acting Chair.

Minutes from 4/22/21 –

Discussion of minutes. CEO Sunderland requested two changes: (1) change “challenge” to “delay” and “rules” to “ordinance” in last paragraph of the first page and (2) the deletion of the last paragraph.

Accepting the first recommendation, but not the second, the Board unanimously approved the minutes.

Consideration of Longroad CUP (aka Maine DG Holdings, LLC)

The Board acknowledged receipt of the Maine DEP approval of Baldwin’s change to the Shoreland Zoning Ordinance. With receipt of this approval, the Board will reconsider Longroad Energy’s application for shoreland zoning change and its CUP.

Mr. Pierce recused himself from the discussion. Mr. Strock became acting chair.

The Board considered the December 20, 2020 request by Longroad Energy to change the shoreland zoning designation. Mr. Strock moved to accept the request, which was seconded by Mr. Sanborn.

The CEO says that the reason he delayed the construction permit was because the MDEP had not approved the Town’s change. Now that MDEP has accepted the change, he can move forward with the permit. The CEO also suggested that there should be a change to the CUP permit to make reference to the construction of a solar panel array.

The Board unanimously approved (Mr. Strock, Mr. Sanborn, and Ms. Grisez) the requested shoreland zoning change.

The Board considered the Conditional Use Permit application of Longroad Energy, a 54-page document. The Board discusses the CEO’s request and decides to include the following phrase on #11 – “including, but not limited to the construction and operation of a photo voltaic generation facility on Map 6, Lots 1 & 34.”

With that amendment, the Board unanimously approved (Ms. Grisez, Mr. Strock, and Mr. Sanborn) the Longroad Energy CUP.

Mr. Pierce returns to the Chair position.

Consideration of the Glenvale CUP (aka West Baldwin Solar Station, LLC)

The Board intends to use the conditions for the Longroad project used as a guide for the conditions for the Glenvale project.

Condition #1 – location confirmed

Condition #2 – additional documents added after discussion

Condition #3 – the Board and applicant had a discussion of a reasonable number to trigger the notice requirements. The Board settled on 50 or more panels in a four consecutive quarter period.

Condition #5 - Board modifies the condition.

Condition #6 – No substantive changes.

Condition #7 – Agreed.

Condition #8 – Agreed.

Condition #9 – Agreed.

Condition #10 – The Board and applicant discussed the proper financial language for this provision. The concern was having a different requirement from the Town versus the State. The Board and applicant ultimately agreed to “performance bond, surety, bond, irrevocable letter of credit or other form of financial assurance acceptable to the MDEP”

Condition #11 – Agreed.

Mr. Pierce moves to accept the CUP with the conditions discussed by the Board. Ms. Grisez recuses herself. The Board approves the CUP (Mr. Pierce, Mr. Strock, and Mr. Sanborn).

Consideration of Nature’s Wilderness CUP/Request to sell property

Mr. Pierce raises the question whether he should continue to recuse himself from discussion of NWR issues. He stated that he was confused about the recusal standard based on the selectmen’s decisions. Mr. Strock said that he thought recusal was appropriate when a board member has a financial interest in the project, has made a public declaration against the project (i.e., showing prejudice) or the perception of prejudice. Mr. Pierce confirmed that he no longer has a legal dispute with NWR. Mr. Sanborn believes it is a personal decision. Ms. Grisez thought that the decision is fact specific and the Board needs to maintain its integrity. Mr. Pierce decided to recuse himself.

Dawn Dyer presents a request by NWR to sell a parcel of land that is part of the current 462-acre NWR parcel.

Mr. Strock asks whether this would be a subdivision, because it would be the third separation in five years. Ms. Dyer explains that the subdivision ordinance would not apply because the property in question is bounded by two roads, so the separation would not be considered another division for subdivision purposes.

There was substantial discussion about the Deacon Road, which is noted on the drawings, and whether it still exists. The Board expressed concern that the drawings did not have a legend.

The applicant agreed to provide additional information about the Deacon Road and have the surveyor provide a legend to the diagram.

Beyond the subdivision issue, the Board informed the applicant that the 462-acre requirement was a material part of the CUP approval and, if they wanted to reduced the size of the project, the Board would need to go through the CUP process again, including the public hearing and consideration of the CUP. If the applicant wanted to go through that process, it needed to submit a request.

CEO Update –

Sebago Road Solar and Walden VI Solar re the same project. They would like to present to the Board.

Minervino Boat Yard appears to be stalled or not going forward.

Board approves motion to adjourn at 9:16 p.m.