

Baldwin Planning Board Meeting
12/9/21

Public Hearing - at 7:00p, a public hearing held for Sebago Road Solar Project

The applicant opened the public hearing by presenting general information about the project. Notes were not taken during the public hearing.

The public hearing closed at 7:40p

Chairperson Matt Fricker opened the regular Planning Board meeting at 7:41p.

Board Members in Attendance – Tracy Grisez, Josiah Pierce, Matt Fricker, and David Strock

The Board approved the minutes for the 11/11/21 meeting (Jo made the motion, unanimous approval).

First Agenda Item – Discussion of the Sebago Road Solar CUP

Wes Sunderland (CEO) asked about the size of the area between the project and corner of the property because he was concerned that there would be access to the back portion of the property. Wes states that he would like to see a concrete monument on the corner to avoid issues in the future.

David raised a concern about the view shed issues. During its presentation the applicant said that the project would not be seen from the road. David stated, if that is true, what happens if we can see it once the project is complete? What happens if you are wrong? Do you come back to us and rework the permit? The applicant states that their statement was based on preliminary information and they could not absolutely verify that the project would not be seen from the roads.

The applicant says that the 50-foot perimeter would be a good buffer. Jo thinks that would be enough. Is the 50-foot barrier within the lease hold? Yes, says the applicant.

Discussion of proposed conditions put together by Matt:

Sebago Rd. Solar, LLC - CUP Conditions and Standard Conditions:

1. The Conditional Use Permit shall apply to the leasehold interest obtained by the Applicant, Sebago Rd. Solar, LLC, and any successor in interest to the leasehold interest and/or project (the "Applicant"), on Map 3, Lots 4 and 6, which shall not be less than the project area identified by the Applicant's submissions.

2. The Applicant, shall maintain strict compliance with the information submitted to the Board on September 26, 2021 (Sebago Road Solar Submission Materials 9-30-2021.pdf), as amended and expanded through submissions delineated as follows:
 - C-1.1 SITE PLAN
 - 21.04.28_Sebago Road Solar_Sketch Plan Submission
 - Application for Conditional Use Permit_AK signed
 - 21.04.28_Sebago Road Solar_Sketch Plan Submission
 - Sebago Road Solar - Plan Set
 - NhSolarGarden Planning Board presentation_Baldwin_Sebago Road Solar
 - 2079 Comment response& Attachments_10-22-2021
 - 2079 full plan set
 - Maine 130 - SP 113 item 3
 - Sebago Road Solar - 11-5-2021
 - 2079 Planning Board Comment Response_11-5-2021
 - Zane Construction Grade Formal Letter NHSG
 - 2079 Planning Board_view shed letter_12-1-2021
3. Any material deviation from the information submitted must be approved by the Board, including, but not limited to, the Construction Plan submitted by the Applicant.
4. The Applicant, shall conduct quarterly inspections of the solar panel array (consistent with the Applicant's submission) and (a) replace any broken or damaged panels in a timely manner, (b) provide notice to the Town of number of broken or damaged panels, and (c) provide confirmation to the Town that the issue has been resolved.
5. The Applicant shall continue to have remote monitoring consistent with the Applicant's submission throughout the life of the project.
6. The final battery system is being reviewed and finalized by CMP and NHSG engineers (10x20ft systems footprints). Applicant will provide relevant information about any batteries onsite to the Baldwin Fire Chief.
 - The DC coupled battery systems are self-contained units that meet UL9540 specs otherwise known as the Standard for Safety of Energy Storage Systems and Equipment”
 - Units are equipment with “dry pipe” systems that allow for fire personnel to attach a fire truck to the water pipe from a safe distance away to put out a fire if one ever occurred.
7. While there is no lighting planned for the project, any lighting installed by the

Applicant within the leasehold interest shall be pointed downward and inward to the project and the total wattage shall not exceed 3000-watt equivalent.

8. The Applicant will install a sign on the entrance gate and the fencing on each of the other three sides of the project providing contact info for the Applicant (including a telephone number) to allow members of the public to contact Applicant if the need arises.
9. If the Applicant is notified that the project causes unreasonable radio frequency interference to any currently licensed service, then the Applicant shall collaborate with the affected holder of the licensed service on a plan to mitigate the unreasonable interference. If a mutually agreed resolution cannot be reached within 30 days, then the Applicant or complaining holder of the licensed service shall have the opportunity to submit the plan to the board for resolution and possible additional conditions.
10. The Applicant shall submit to the Board the final documentation with the landowner that identifies the specific area of the leasehold interest acquired prior to commencing the project. Such documentation shall be added to the CUP documentation. NOTE (added during meeting): The applicant notes that the leasehold must include the 50ish foot area on the southern and eastern edges of the project for view shed purposes
11. The Applicant shall maintain compliance with Maine DEP requirement (as amended) for the Applicant to carry a bond for the full value of decommissioning and removing the project as a permit condition.
12. Applicant shall provide copies of all project state and federal permit approvals as applicable and required to the Town prior to initiating construction.
13. Hours of operation for the construction phase of the project will be limited to 7 am to 7 pm, 7 days per week. The CEO shall be consulted for exceptions.
14. The Applicant shall adhere to the following Project Delivery and Traffic plans:
 - Deliveries and construction equipment drop-offs will not be allowed to stand, park, or idle on Carl Burnell Road at any time.
 - All deliveries will be scheduled and coordinated prior to coming to the project site, to reduce any conflicts of deliveries arriving and/or departing at the same time. This coordination will ensure all deliveries will enter the site, unload all materials, and exit without any staging along Carl Burnell Road.
 - The construction contract will require deliveries to be scheduled one (1) hour apart and require radio contact with incoming trucks to coordinated unloading and avoid conflicts with exiting trucks.

Incoming trucks that arrive early will be required to wait off site in a legal parking location; it is the trucking company's responsibility to find appropriate parking locations. Trucks will not be permitted to wait on Burnell Road.

- Since access roads for the project are equal to or greater than 12% in grade, if any difficulties are expected to be experienced in backing fully loaded tri-axes up these hills, or if there is a concern about the wet areas, the applicant will over excavate those areas to put a 6 – 12-inch minus in and add Lear Murphy 500 Road fabric, and a 14-inch road base on top of that.

15. During project construction, the applicant will display temporary warning signs to inform drivers of road work areas on Carl Burnell Rd.

16. The Applicant shall provide a copy of the benefit package submitted to the Board of Selectmen to include the following Community benefits to Baldwin:

- The project does not require water or sewer and little to no police or fire services and will pay \$2,000 per MW/Ac for a PILOT payment or equivalent to a State mandated amount.

17. The project will follow the newly announced State decommissioning guidelines that went live on October 18, 2021, to ensure the project is properly handled at its end-of-life milestone, after which this conditional use permit shall expire.

- An estimate of probable cost for decommissioning is 25,000 per megawatt MW/Ac and the project will provide a form of surety to support the decommissioning plan.
- More information can be found at <https://www.maine.gov/dep/land/solar/decommissioning/index.html>

The Board walked through most of the conditions during the meeting, but did not discuss the standard conditions that were included in the packet provided to applicant.

The Board said that we will continue to hear the CUP at the 12/23/21 meeting.

Second Agenda Item: Firefly Ridge

Mr. Fricker explained the circumstances that brought the Firefly Ridge issue to the Board.

Mr. Strock reviewed the advice from the MMA, which was consistent with the subdivision ordinance. Essentially, the MMA lawyer suggested that the Board address the applicant's request because the statements by the CEO that the violations were okay

could be used as a waiver of the Board's ability to strictly enforce the Subdivision Ordinance.

The applicant said that they want to change the road. Instead of running a road off of the existing Firefly lane, the applicant wants to make a new road that would come off River Road and go to the lot on the river. Jo thought that was a good idea.

Matt tells the applicant that he should look at Section 7 of the subdivision ordinance and provide answers to those issues.

David asks whether we need all the landowners of the subdivision to come before the Board since we could be impacting their properties.

Wes offers a copy of the Saco River Corridor Commission's approval of the Blais property. Matt suggests that Wes provide copies to the Board.

The applicant agrees to work on the drawings and come back to the Board with a complete package.

Third Agenda Item – Nature's Wilderness

Derek Holt and Greg Vogle from Vazza Real Estate Group appeared before the Board.

Mr. Holt said, if improvements are made to the road, then the other sites would be permitted, right? The Board stated that it was not that simple. If they wanted to expand beyond the current size, the owner would need to come back before the Board to expand the conditional use permit.

Mr. Holt says that Vazza are interested in purchasing the site and making it more of a seasonal rental than the current transient rental. Seasonal rentals tend to stay for the entire season, rather than having individuals rent for a week or so.

Jo informed Mr. Holt and Mr. Vogle that there still may be boundary issues with Nature's Wilderness property. The Vazza group individuals stated that they are interested in purchasing the entire 900 or so acres owned by NWR and Scott Efron's heirs. David stated that, if they sought to use more than the current NWR site for commercial recreational use, they would need to get a permit for the other lands.

Mr. Holt and Mr. Vogle said that they would be in touch in the future.

Fourth Agenda Item – Flint Subdivision

Mr. Flint explained that he and a neighbor had a land dispute several years ago and they resolved it by exchanging about ½ acre of land. However, during a recent refinancing, the neighbor's lender identified that the properties may be part of a subdivision, which

made the transfer problematic. Mr. Flint found documentation that showed his land was part of a subdivision approved by the Board in 1988-1989.

After review of the subdivision ordinance, the Board suggested that it could entertain a revision of the original subdivision if a land map by a professional surveyor was submitted to the Board for approval. Mr. Flint said that he would inform the landowner.

Fifth Item – CEO information

It has been quiet.

Final Item - Matt said that the Board needs to submit the minutes for October 28th, July 22nd and February 11, 2021.

The meeting ended around 9:20p with a unanimous motion to adjourn.