

NORTH BERWICK PLANNING BOARD

MINUTES OF PLANNING BOARD OCTOBER 8, 2020

Present: Chairman Geoffrey Aleva, Anne Whitten, Jon Morse, David Ballard, Scott Strynar, Mark Cahoon, Roger Frechette, CEO

Absent: Matthew Qualls

Also Present: Greg Lucini, Lee Jay Feldman from SMPDC, Mark O'Brien, Jean Friend, Gil Paquette with VHB, Silas Canavan, Sean Murphy, Jordan Belknap, Lulu (?), Carmen's Iphone (?)

1. Call To Order:

Chairman Geoffrey Aleva called the meeting to order at 6:32 pm.

Chairman Aleva moved Scott Strynar up to full voting status.

2. Review Previous Minutes:

Jon Morse motioned to approve the minutes of September 24, 2020 as written. Scott Strynar seconded the motion. VOTE: 4-0

3. Current Business:

3.1 Gold Mark LLC & ISM Solar Quarry, LLC
486 High Street
(Map 004 Lots 89 & N 92)

Request: The applicant is proposing an approximately 7-megawatt (MW) DC, photovoltaic solar energy generation facility to be sited at 486 High Street. The Project is anticipated to occupy approximately 46 acres of this land, and will include ground mounted photovoltaic panels, access roads, small electrical equipment pads, and fencing. The property is identified as Lot 89 & Lot 92 on the Town of North Berwick Assessor's Map 4.

Chairman Aleva asked Roger Frechette if he had any issues or comments regarding the project. Roger stated that he had nothing to add at this time.

Greg Lucini came forward to discuss the project and introduced his colleague Jean Friend. Mr. Friend pulled up the power point on the computer for Mr. Lucini to review with the Board. Mr.

Lucini stated that he is the CEO of ISM Solar Development. He introduced Gil Paquette who is the Managing Director of the local VHB Engineering office in Portland. One of Mr. Paquette's associates, Sean Murphy, is also present as well as Mark O'Brien who is the landowner who has operated the gravel pit for the past 20 years.

Mr. Lucini stated that they are headquartered in East Providence, Rhode Island but they do have an office in Poland, Maine which is where he is located for tonight's meeting. They have around 10 projects around the State and most of them are centered around their office in Poland. They build projects all over the country. He stated that he lives in Maine. He has a house on Thompson Lake so last year, when the Legislation was passed for the new solar program, he really focused on it. He took the opportunity to work in his backyard. They try to focus on utilizing or repurposing under utilized or compromised spaces including landfills, brown fills, and gravel pits. They have a few here in Maine that are in gravel pits. State of Maine DEP really encourages solar developers to build on these sites to repurpose them as opposed to clearing and cutting a habitat that hasn't already been impacted. Gravel pits are probably more of an industrial use in terms of the impact on the land. They find that these are a great beneficial use for the land. Mr. Lucini stated that on one of the pictures in the slides makes it look like there are a lot of trees there. He said that most of those trees are gone associated with the existing mining permit. They are disturbing very few trees that weren't already permitted and approved to be taken by the mining operation.

Gil Paquette from VHB came forward to describe the project a little more. He stated that it is a 7.7-megawatt DC clean energy. It is solar energy and will be located at 486 High Street. As previously stated, it is an existing gravel pit. The project area will be about 45 acres with very limited visibility by the public. It will be a long-term lease for 25-40 years. The AC output will be 5 megawatts. Greg Lucini stated that there is a small wetland located on the east side. It is a small isolated wetland. They can build the project without getting near this but if they can encroach on it, they can shift panels away from residences and further from the road. They have had some preliminary discussions regarding this with DEP to find out more about this little wetland. Mr. Lucini stated that it is not a requirement from their point of view, but they think that it makes it a better project if they can help improve another area where there are more beneficial impacts than this area. It is totally isolated from the natural world. It is shaped like a donut in the middle of 2 gravel pits. It has very minimal habitat value, drainage, or anything else. They would like to discuss this with the Board at some point. They have discussed this with DEP, and they would be okay if they wanted to build over this area. It did not trigger their level of disturbance for wetlands. DEP does not consider solar panels to be an impervious construction. They consider only the posts that go into the ground to be impervious. Mr. Lucini stated that, in many places in Maine, they are actually building over these types of wetlands because they are not disturbing the underlying soils. They are actually creating a meadow and with the wetland it creates a wet meadow.

Gil Paquette stated that they will be using the latest technology for solar and what will be utilized here are called single access trackers. They basically follow the sun and that increases the

electrical output of the plant during the day. When there is a snowstorm, they can go in a vertical position so there will be no snow on them. When the storm is over then the panels go back to tracking the sun. Greg Lucini stated that they are using bifacial panels. The panel collects the sun not just from the top but also from the bottom side. The solar cells on the bottom side of the panel collect the reflection off of the ground. A lot of people ask him if solar really can work in Maine, especially in winter. If a snowstorm comes through at night, the panels go vertical so the snow won't cover them. When the snowstorm stops, the panels go to where they need to be to best orientate to the sun and the back side is picking up the irradiation being reflected off the white snow. The combination of tracker with the bifacial is what allows them to generate the most electricity possible from the array.

Gil Paquette stated that the DEP wants gravel pits to be used and repurposed for solar. They like sand gravel pits and landfills. These are high value for the DEP for minimizing impacts on wetlands and wildlife. There is one wetland on the site but, currently the design does not impact any wetlands. The site is bare gravel and that will be restored. There will be grass that is grown in afterwards and the panels will be on top of that grass. It will be much better for the environment when it is reclaimed. Greg Lucini stated that he was reviewing the minutes from the last meeting that they were at quite a few months ago, there was a lot of comments about stormwater. It will be a meadow so it will actually retain stormwater much better than what is happening right now. They will still have a sand base so it will also filter into that sand. The combination of the organic matter that they will add which will allow the meadow to grow and the sand beneath will result in a much better stormwater situation. Mr. Paquette stated that part of the process of permitting with the DEP and with the town is to have a stormwater management plan that engineers have designed. This will be reviewed by DEP so they will bless the stormwater management plan or suggest changes and modifications to the design for the site.

Mr. Paquette stated that these kind of projects are good for towns because there is a source of income for the towns. There is no burden on any facilities because there is no sewer, no water, and no impact on schools. There will be no additional traffic. It will probably be about what is experienced now with trucks coming in and out of the pit. He stated that there was a sound study that was conducted, and the project will be in full compliance. They are solid state panels with posts in the ground so there is nothing that can leach or get into the ground from the panels or from the steel posts.

Jean Friend stated that there are many benefits to the community. The project is already fully agreed upon with CMP interconnecting to their grid and also accepted as part of the latest net energy building program released by the PUC. A company can come around and aggregate customers to be part of the net energy building program specifically for this project. This is totally free to us. You just sign up and get a bill credit. The power produced from this project can power over 1,100 homes per year. This is based on average amount of hours per month. This is a pretty large number and if they are around for 25 to 40 years that is a lot of businesses and homes that they can power with this project. Also, by using clean energy, they are reducing

the other conventional uses for electricity that we have such as coal, petroleum and oil that produce substantially more CO2 than even just 1 day of producing solar. This will also create some new jobs locally. They figured it out to be about 45 residents as well as the VHB engineers based in Portland and their legal team that is based in Portland as well.

Jean Friend stated that there will be no full-time on-site staff once this is fully built. It will be fenced off for security measures and access will be limited to maintenance that may be needed about 4 times a year. There are apps for all of the monitoring equipment which will notify them remotely if there are any issues such as far as any downage or any kind of inverted panel. There will be no additional traffic impacts and no additional clear cuts needed for access. They will be using the existing access. Also, as part of the lease, they will provide a decommissioning surety. Mr. Lucini stated that they would never ask the town to take it down. He said that they are placing what they call a Greenfield Bond to make funds available. They have determined what the cost will be to remove all of these things when everything is said and done. This has been sent to the town.

Mr. Paquette said that they met with the town and Planning Board earlier this year to explain the project to the town. The application was accepted. They had gone over some of the things that were still needed such as the stormwater. All the information was received a few weeks ago. He would like to get approval so they can start constructing the project. They held a public informational meeting on July 30, 2020 for the State process. All abutters were notified and attended the meeting. The full application was submitted on September 24th and DEP has accepted it as complete and doing their review. He stated that Site Law covers a wide array of topics such as noise, visual aspects, stormwater, rare plants, and a number of other things. It is a fairly thorough review. A copy of it is available at the Town Office for the public to see.

Chairman Aleve stated that they would not be voting on approval on this tonight. They need to schedule a site walk. With the completion of the review tonight, the 3rd party engineering review will start. Roger Frechette asked if part of the gravel pit will still be in operation. Mark O'Brien stated that he will continue the mining operation. At the rate that he is disbursing material now, he has a about 2 years left. Most of it will be towards the main entrance. He stated that mining will be going on at the same time that the construction of the array is being done. Mr. Lucini stated that they will work with Mr. O'Brien to figure out the best way to get it done.

Chairman Aleve stated that it looks like the project will be done in phases. They will need to provide some phasing plans to show how it is going to break out. They will need to state where they are going to set their limits for the first phase of the plan and how the restoration of that pit is going to occur through the panel placement and then what is going to happen as Mark works his way out of the pit and that phasing aspect of it. Chairman Aleve asked if, during their DEP discussions, did that phasing, and continuation of the mining operation made to be in their site relocation plan. Gil Paquette does not think that it is. Mr. Lucini stated that there already is a mining permit, and they are coming in behind that with a much less invasive use. They are doing exactly what the DEP wants them to do. They are not asking for an extended mining or new

mining permit. Mr. Paquette stated that there is an explanation in the application, but it is not a phasing plan that would be more detailed. Chairman Aleva said that they would like something more detail. He said that if you look at the grades on the plan, it is based on the area being mined out and taken care of but that would take some time. He believes that the Board would like to see a phased plan to show what it will look like on that side, along with some timelines on the map.

Anne Whitten asked Roger if we had a copy of the decommission report. Roger said he was not sure because he was on vacation and he hadn't had a chance to go through the new information that was sent. Mr. Lucini stated that it was sent.

Chairman Aleva opened the Public Hearing at 7:07 pm.
There was no public comment at this time.
Chairman Aleva closed the Public Hearing at 7:08 pm

Chairman Aleva asked if they would be cutting more trees to eliminate the wetland. Mr. Lucini stated that there had been a mining permit issued and they took the area down all around it. They had mined all around it on both sides. All that is left is an isolated area that is basically a hole in the middle surrounded by the donut and the donut has some vegetation on it. Chairman Aleva asked how big the area was and what the setback is. Mr. Paquette said that the setback is 75 feet, but he doesn't have the number with him on the size of the area. Chairman Aleva stated that this means that they could only go up to the setback. Mr. Paquette said that you can actually go up to the 75 foot. He said that he has walked into the wetland and surrounding it is a bunch of tall trees. Chairman Aleva asked if they would want to cut all of the trees down to get closer to the wetland. Mr. Lucini said that they would. He stated that it is the trees that are the problem. They would like to take the trees down and remove the donut. They can keep the wetland if needed. They could put some fencing around it. They would just like to remove the trees in the elevated area that remains so they can build up to it. Mr. Paquette stated that when you look at the contours it looks like it is a depression, but you actually go up a hill and then down a hill.

Chairman Aleva asked if there had been an assessment of the wetlands. Mr. Lucini said that there wasn't one done because they weren't considering it. Chairman Aleva said that the Board would like to have more justification as to what the area is of the wetland and what the quality of the wetland would be to have you take the trees down in the vegetated area. Lee Jay Feldman stated that one of the other things that will be important to understand is if that was required to be maintained like that as part of the gravel pit operation, he would like to hear from DEP as to what their thoughts are. If Mr. O'Brien is going to continue mining this pit for another 2 years, he thinks that that part of the permit may be able to go away as part of his permit. He stated that they need to know more about who is going to have jurisdiction. He also stated that they need to see some sort of reclamation and closeout plan from the gravel pit that is going to be mined for the next 2 years so that we know what the grades are going to be for the walls or slopes that are left in the area that is going to be mined. Mr. Lucini stated that they will have a biologist analyze it and come up with a report that will define the size, what it is, and what DEP's opinion is for a

wetland of this size. They will have it all organized for the Board to review the next time they come to a meeting or possibly when they come for the site walk.

Mark O'Brien stated that part of his approvals for the gravel pit when this was originally being proposed there was a 2-year study on the wetland. He has full report about the wetlands and it basically came down to it not being a significant wetland. He can supply these copies to them to review. Mr. O'Brien also stated that he will stick with the current plan that he has on how he is going to mine. He was phased prior with the town and it was a 3 or 4 phased plan. He also carries a bond with the town of \$120,000 for reclamation for the pit. Chairman Aleva stated that they need to indicate it on the plan. Lee Jay Feldman asked if there would be any abutters that would be affected by the tree line location. Mr. Lucini stated that there are 3 lots. They pulled the panels off of these 3 lots and they put the equipment pad tucked inside. Their sound study indicated that you won't hear it. Lee Jay Feldman stated that maybe they can do some sort of rendering profile after they have an idea of what trees they will select to come down. It would show what it would look like looking back up from the bottom of the slope so we can see how many trees or where those trees are going to come down, more from a landscaping point of view than from an engineering point of view. Chairman Aleva stated that when they do the site walk, they will be able to take a better look at that as well. Mr. Lucini stated that they can either flag the trees or put a couple stakes in the ground to show the area of trees to be removed. He said that they can give us a landscape plan that would show the trees that they are going to plant at the abutter's property line.

Chairman Aleva asked them to talk about egress and access to the site. He asked if it was just going to be just the one existing access into the property. Mr. Lucini stated that it was just the original access that will be used. Chairman Aleva asked what they were going to use around the perimeter. Mr. Lucini stated that they use a traditional chain link fence that will be about 6 feet high. They also sometimes use what is called a farm fence. Instead of having the small links, they have bigger openings. It is to keep deer and animals in place. In more rural environments the farm fence seems to be a better choice. Chairman Aleva asked if it will need some kind of security topping on it like barbed wire. Mr. Lucini stated that they do not require that. He said that they also keep the fence slightly off the ground so that it is easier for the small critters to get through it.

Chairman Aleva stated that they needed to decide on when to do a site walk.

The Board agreed to do a site walk at 4:00 on 10/15/20.

Anne Whitten asked if the wetland area was part of Perkins Brook. Mr. Lucini said that it was not and that it was totally isolated. Jon Morse asked if they could stake out where the array will be located in the pit. Mr. Paquette stated that they could do that.

3.2 TPE Solar Coffin Lane Map 001 Lot 37B

Request: The Applicant is requesting a change to the recently approved conditional use permit that allows the lot to be split into two separate lots; 1.) the existing residential use (Crispin residence) and 2.) the recently approved utility use (Solar project). In order to access the new lot for the solar project, a private drive is proposed to create frontage and provide access.

Jordan Belknap stated that the project was approved back in August. The reason they are back is because they are proposing to split the lot in two. He stated that they have no changes to the solar array or the forestry vegetation area. The only change to the plan is basically the access road that goes into the lot.

Silas Canavan stated that there are 2 parts to this proposal. One is for the actual separate lots and the other is regarding the access road to Lot 2. Lot 1 will remain with the house and all of the development that is out there currently. Lot 2 will be for the solar array. They have 150 feet of frontage there that is the minimum amount of frontage per our Ordinance. They determined that the easiest thing to do is to create a private drive off of Coffin Lane and providing a 50-foot access easement through there. The land with the access easement is along Lot 1 and belongs to Mr. Crispin. The 2 lots do meet all of the setback requirements and standards. There is a mobile trailer that shows up on the plan but that has been removed so they will update the plan to show this. There will be a 50-foot easement for the entire width of the private drive. The drive will be built to the town's standards which is 18 feet of gravel with 3-foot shoulders on either side so it will be end up being a 24-foot gravel road. Mr. Canavan said that they have realigned the road a bit from the existing driveway so they can meet the town's geometric standards. There is no wetland impact or any other impacts.

Mr. Canavan discussed Sheet C.2.3 for the plan and profile of the road. He stated that there is a geometric standard that requires a percent grade for 75 feet from the intersection. They are proposing to keep the existing grade which is about 7% right now with the driveway that comes off of Coffin Lane. He said that the use of this property is really the same as what was previously approved. There will be very minimal traffic here. He said with a wider road, there is more impervious area. They did run some tests and given the size of the watershed that drains down to Beaver Dam Brook from here there is a negligible affect on the stormwater. None of the neighbors will be affected by any of these changes.

Mr. Canavan stated that he did talk to the DEP about this change. They said that they need to resubmit the Stormwater DPR and they have done that. They did provide a copy of this to the town.

Chairman Aleva opened the Public Hearing at 7:57 pm.
There was no public comment at this time.

Chairman Aleva closed the Public Hearing at 7:58 pm.

Chairman Aleva stated that he has no issues with it because there will be minimum impact. It is a road that will be accessed infrequently. Anne Whitten stated that if they approve this request, would it go with the permit or with the land. Lee Jay Feldman stated that once it is granted, it would go with the land.

David Ballard asked if emergency vehicles will have any difficulties with the slope. Chairman Aleva doesn't think so. He stated that the intent of the Ordinance for a flat slope with an intersection is meant for busier roads. It will not be an issue with this project. Lee Jay Feldman stated that if it was a thru road then it may be an issue, but it won't be in this case.

Anne Whitten motioned to approve the waiver for a 7% grade where a 2% grade would be required for the distance of the first 75 feet from an intersection for a private road. Scott Strynar seconded the motion. VOTE: 5-0

Chairman Aleva stated that they cannot approve the application yet because we have not received any comments back from the peer review engineers.

4. Other Business:

Roger stated that the Cardinal Way Apartments should be at the next meeting. There will also be a request for a conditional use for a daycare. There will also be discussing the lot split on Lebanon Road for Joel Littlefield.

5. Adjournment:

Jon Morse motioned to adjourn the meeting at 8:16 pm. Anne Whitten seconded the motion. VOTE: 5-0

Roger Frechette
Planning Coordinator

Respectively submitted,
Susan Niehoff, Stenographer

Chairman Geoffrey Aleva

Approved at October 22, 2020 ZOOM meeting

Jon Morse

Approved at October 22, 2020 ZOOM meeting

Anne Whitten

Approved at October 22, 2020 ZOOM meeting

Matthew Qualls

Approved at October 22, 2020 ZOOM meeting

David Ballard

Approved at October 22, 2020 ZOOM meeting

Scott Strynar

Approved at October 22, 2020 ZOOM meeting