

FARMINGTON PLANNING BOARD & ZONING BOARD

**153 Farmington Falls Road
November 13, 2023 – 6:00 p.m.
Minutes**

Planning Board members present: Judith Murphy, Mike Otley, Lloyd Smith, Clayton King, Craig Jordan, and Jeff Wright.

Alternate Planning Board members present: Michael Guerrette.

Zoning Board members present: Paul Mills, Kyle Terrio, Terry Bell, Ed Provencher, and Jennifer Bjorn.

Planning Board members unable to attend: Gloria McGraw and Michael Macneil.

Others present: Code Enforcement Officer, Steve Kaiser; Code Assistant, Kate Foster; and Planning Assistant, Cindy Gelinias.

Ms. Murphy opened the meeting at 6:00 p.m.

1. Pledge of Allegiance

2. Designate alternate members, if needed

Ms. Murphy designated Mr. Guerrette as a voting member for this meeting.

3. Review minutes of October 16, 2023

Mr. Wright made a motion to approve the minutes of October 16, 2023 as written.
Mr. King seconded the motion.

VOTE: 7 – Affirmative
Motion carried.

4. Review of Solar Energy Performance Standards

Changes below are as they will read in the Solar Energy Performance Standards final draft being forwarded to the Select Board.

Ms. Murphy stated she wanted to go through the Solar Energy Performance Standards page by page reviewing each change and if anyone had anything else that they felt should be changed, to raise their hand and the Boards will review it.

Page one – 2.a: “not” has a strike out through it and the final change will read as; “solar arrays or modules that are flush mounted on the roofs or walls of private residences shall be subject to PRSES performance standards or permit requirements for same.”

No comments.

Page two – No changes.

Page three – 4.b.3: The last sentence of the second paragraph should read as “The manufacturer specifications for the key components of the solar energy system shall be submitted with the application.”

No comments.

Page three – 5. Notice to abutters: Mr. Kaiser stated it should be changed to read “Abutting property owners of CSES and ISES shall be notified by certified mail, by the Town, at least fifteen (15) days prior to the initial Board consideration. The cost of notification shall be borne by the applicant, and the notice shall indicate the time, date and place of Board consideration. Public hearings may be called at the discretion of the Board. If a public hearing is scheduled, a notice of such shall be published in a newspaper of general circulation in the municipality at least fifteen (15) days prior to the hearing and shall include the date, time and place of the hearing. The cost of advertising shall be borne by the applicant.”

No comments.

Page four – 7.g: Mr. Kaiser said it should read as “The owner of a roof-mounted PRSES shall provide evidence certifying the roof structure is capable of supporting the additional load of the PRSES.”

No comments.

Page four – 7.i shall be removed.

No comment.

Page four – 7.j shall be “i.” now and added to read as “All roof-mounted solar array panels shall be installed according to NFPA-1 and 101 (see#4b.3).”

No comments.

Page four – 8.d: Mrs. Gelinas stated there were a couple changes that could be made to the draft to read as “All ISES panel arrays and/or modules shall be setback from the property boundaries by two hundred (200) feet. In no case may the setback be less than the required setback distance in any shoreland areas where the system is to be installed. The setback distances do not apply to contiguous properties that are part of the same development. Best Engineering Practices shall be utilized in determining the optimal placement within the above requirements.”

Mr. Mills asked about CSES and setbacks.

Mr. Kaiser replied that the Board can go by the standard structural setbacks in the Town’s Zoning Ordinance and there is a new drafted paragraph addressing that. In districts like Village Business or Village Business Historic District that can’t meet either the current seventy five (75) foot or proposed two hundred (200) foot setback, we would rely on the NFPA setback of four (4) foot for roof-mounted panels.

Mrs. Bjorn asked about the Titcomb Hill solar project that was recently approved and what classification that fell under.

Ms. Murphy replied that fell under Industrial Solar Energy Systems.

Page 4 – 8.e: Mr. Kaiser stated this paragraph should be added to read; “All CSES shall be setback from abutting property lines, utility lines, and/or public roads or right-of-way by a distance no less than the standard structural setback distance applicable in the zoning district where the system is to be installed and shall meet the setbacks per NFPA-1 and 101 for roof-mounted panels. Best Engineering Practices shall be utilized in determining the optimal placement within the above requirements.

Page 5 – 8.j: Mr. Kaiser stated this paragraph should be modified to read as “All electrical wires and utility connections for CSES and ISES, except roof-mounted and/or wall-mounted CSES, shall be installed underground. The Planning Board, after thorough review of the application, may adjust this requirement if the soil conditions, shape, and topography of the site do not meet utility industry standard requirements for underground installation. Electrical transformers for utility interconnections may be above ground if required by the utility provider. It is the intent of this requirement that all utility connections be installed underground, and any adjustment can only be authorized sparingly.”

Mr. Kaiser stated if you have a wall or roof-mounted CSES, it can't be wired underground.

Mr. Mills asked if a wall-mounted could be next to a roof-mounted.

Mr. Kaiser replied the difference is that the NFPA roof setback doesn't apply to wall-mounted.

Page 6 – 8.o: (previously 8.n): Mr. Kaiser stated the last sentence is to read “All ground-mounted systems shall also be enclosed within an eight (8) foot tall fence with locking gate.”

No comments.

Page 6 – 8.p: (previously 8.q.): Mr. Kaiser stated this is to be removed because it is redundant with 8.u.

No comments.

Page 6 – 8.q: (previously 8.r.): Mr. Kaiser stated “TPI” is to be removed and replaced by “licensed engineer”.

No comments.

Page 6 – 8.s: To be added and read as “No CSES and ISES shall be constructed in the 100-year Floodplain as depicted on the FEMA NFIP-FIRM maps for the Town of Farmington.”

No comments.

Page 6 – 8.t: To be added and read as “All CSES and ISES roof-mounted solar array panels shall be installed according to NFPA-1 and 101 (see #4b.3).”

No comments.

Page 7 – 8.u: To be added and read as “Lots on which ground-mounted solar panels and arrays are located shall utilize buffers/screening from roads and residences by plantings, berms, and natural topographical features. Ground-mounted solar energy systems shall be screened from view to the greatest extent practical of any adjacent property that is residentially zoned or used for residential purposes, as well as any public way. The screen shall consist of a native species vegetative barrier which provides a visual screen. In lieu of a vegetative screen, a fence that provides visual screening, and meets requirements of the controlling ordinance, may be allowed only if a vegetative screen is deemed impractical by the Planning Board.”

No comments.

Page 7 – 8.v: To be added to and read as “Decommissioning of the entire facility will begin if twelve (12) consecutive months of no generation occurs at the facility after it has gone online and fully operational, unless the Select Board approves an extension of time of up to twelve (12) months due to extraordinary circumstances.”

Ms. Murphy asked if it was appropriate to have “Select Board” in there.

Mr. Kaiser replied yes, because decommissioning involves bonding, and this is the responsibility of the Select Board to administer.

Mr. Bell asked how anyone knows if a solar facility is being used or not and if anyone checks.

Ms. Murphy asked who checks on these and she understands the bonds must be reviewed and renewed every five years.

Mr. Kaiser replied that with bonding requirements, the assumption is that the solar companies wouldn't want to maintain the bonds if their systems are not generating electricity. He added that as far as system status – with the York project we're in touch with their maintenance people.

Mr. Kaiser stated he presumes the companies have enough integrity to self-report system shutdowns and the decommissioning requirements are probably in their lease agreements with the owners.

Mr. Mills stated that if one of these companies goes bankrupt, there should be noticeable things not happening anymore such as the premises no longer being locked.

Mr. Provencher asked who would be responsible for the decommissioning if the company goes bankrupt.

Mr. Mills replied that is where the bonding companies are supposed to come in.

Mr. Guerrette added that each one of these solar projects is an individual LLC company so there is limited liability.

Mr. Kaiser stated that the important fact is that every five years the decommissioning bond has to be reviewed and renewed.

Page 8 – No changes.

Page 9 – No changes.

Ms. Murphy stated both Boards have moved through this document much quicker than anticipated but there haven't been that many new changes since the October meeting. She stated that this document is very well put together and wanted to thank the Zoning Board and Planning Board for all their hard work and the Code Office staff for their assistance.

Ms. Murphy verified with both Boards that they are comfortable sending this document forward to the Select Board and asked if there needed to be a vote or just a nod of approval.

Mr. Kaiser replied that since both Boards are here with quorums it would be a good idea to have a vote accepting the changes before forwarding to the Select Board so they may then have a hearing for a Warrant Article.

Mr. Mills agreed and said each Board will take a minute to make a motion, second, and vote and that the minutes will reflect this.

Ms. Murphy called for a motion.

Mr. King made a motion for the Planning Board to approve the changes made to the Solar Energy System Performance Standards.

Mr. Otley seconded the motion.

VOTE: 7 – Affirmative

Motion carried.

Mr. Mills called for a motion.

Mr. Bell made a motion for the Zoning Board to approve the changes to the Solar Energy System Performance Standards.

Mr. Provencher seconded the motion.

VOTE: 5 – Affirmative

Motion carried.

5. Other Business

Mr. Wright asked Mr. Kaiser about the York solar project site, there are several dump trucks going in off the Hovey Road hauling in materials through the back gate – and if he knew anything about this and where it was all going.

Mr. Bell stated the Fire Department was told that the solar company is spending a million dollars rebuilding all the project's roads out back.

Code Office:

No updates.

There being no further business or discussion, Ms. Murphy called for a motion to adjourn.

Mr. Otley made a motion to adjourn the meeting.

Mr. Wright seconded the motion.

VOTE: 7 – Affirmative

Motion carried.

The meeting was adjourned at 6:35 p.m.

Minutes respectfully submitted by Kate Foster.

Planning Board

Date