

FARMINGTON BOARD OF SELECTMEN
Wednesday, November 3, 2021
6:30 P.M.

The conduct of the meeting will include remote access by telephonic, video, and electronic means. The public may attend in person or by viewing the livestream at <http://mtbluetv.org/program-live-stream-farmington-selectmen.html> or Facebook at <https://www.facebook.com/MBTV11/> and/or calling 778-6538

Chairman Matthew Smith called the meeting to order at 6:30 P.M. with the following members present: Michael Fogg, Joshua Bell, and Scott Landry. Stephan Bunker was unable to attend. Town Manager Christian Waller, Executive Assistant Nancy Martin, Planning Board Chairperson Clayton King; Planning Board Member Lloyd Smith, Budget Committee and Planning Board Alternate Member Michael MacNeil, V.P. of Tanget Energy Solutions Jeffrey Jordan, Associate Director of Project Development EDF Renewables North America Alan Tate, and Mt. Blue T.V. camera operator Victor Cormier. Members of the press and public were also present. Members of the press and public participated remotely.

ITEM 1: Pledge of Allegiance to the Flag

ITEM 2: To Discuss a Moratorium on future Solar Farms

Chairman Matthew Smith opened the discussion to the Selectmen for questions and comments. Michael Fogg stated that it was his understanding that the Town's current Zoning Ordinance has a 75' setback and the residents in attendance were requesting the setback be increased to 500'. The Zoning Board does not have the authority to change the ordinance; the residents would need to meet with the Planning Board to work out any changes. To create a moratorium means that there would be no more solar farms built in Farmington at all, for whatever period it takes. Mr. Fogg stated that he is a bit confused as to what the resident's goal was and he is anxious to hear what they have to say. Joshua Bell asked if the Selectmen have the option to place a moratorium before the people for a Town Meeting vote. Mr. Smith stated yes, the Selectmen do have that option. Mr. Bell stated that he understands Mr. Fogg's point, and he thinks about the discussion at last Selectmen's meeting where the Board agreed to look into the option of a moratorium. Mr. Bell reported that he spoke with one of the Zoning Board members and they felt it would be good to review the solar farm zoning ordinance because we have completed a major project, and you do not really know the scale of a project until you see it. You can look at the layout of the project, but until see it, you do not understand the full scope. Mr. Bell stated that he is not opposed to voting for a moratorium on future solar farms. He does not necessarily agree with a 500' setback, he questioned where does the Town want solar panels? Certain zones? He asked does it need to be a six-month moratorium? Christian Waller stated that a moratorium is up to 180 days (six months). Mr. Bell reiterated that he is not opposed to placing a "pause" on solar farms and using the time to research what the people of Farmington really want. Mr. Smith asked if the pause would include the 414 Farmington Falls Road solar farm? Mr. Bell responded, yes it would. Christian Waller stated that the Town could not make any adjustments to projects that were already approved after 45 days of approval. Mr. Bell stated that the Zoning Board should review the ordinance and have any changes ready for the next annual Town Meeting in March 2022 or hold a special Town Meeting to vote on a moratorium. Mr. Fogg questioned what it was the residents expected to accomplish during the time that the moratorium was in place; would the ordinance be reviewed, tweaked, changed? Mr. Bell stated that the ordinance would be reviewed during that time and the following questions answered: Is this what we want? Which locations/zones should solar farms be in? And determine setback distances. Mr. Landry reiterated that all the selectmen can do is place the moratorium on a town warrant and present it to the people for a vote at the annual Town Meeting or at a special town meeting. And in the interim, ask the Zoning Board to review the existing regulations. Mr. Smith stated that he has spent a lot of time pondering this issue, and he cannot get past what the Maine Municipal Association (MMA) put

ITEM 2: To Discuss a Moratorium on future Solar Farms (continued)

forth for the requirements for a moratorium: *“The principal statutory requirement for a development moratorium is that it be necessary either (1) to prevent a shortage or overburdening of public facilities (e.g., sewer, water, roads, schools, public safety), or (2) because existing plans, ordinances or regulations, if any, are inadequate to prevent serious public harm. Either of these rationales will suffice, though a municipality should cite both as justification for moratorium if there is a factual basis for doing so.”* Mr. Smith stated that he cannot make the current situation fit either of the cited reasons. Resident Rob Martin addressed the Board and thanked the Selectmen for listening. The first reason they are here is because they have a solar farm being built in their back yard, the second reason is to ask, “is this what we really want here?” Mr. Martin acknowledge that the town has put a lot of time and thought into the solar farm zoning ordinances, however, things change over the years. The rules change all the time, he referenced the cannabis ordinances, and stated that the Town has set a precedent to change existing ordinances. Mr. Martin stated that they are not trying to eliminate solar farms, they are trying to buy some time to get our ducks in a row, and to get the rules updated so that the Town is on the right path moving forward. Adrian Harris thanked the Board, and stated that he is here tonight, not only to protect himself, but to assure that we have a good neighborhood. It has been a good neighborhood and that is the way he would like to keep it; we do not need to ruin it. Mr. Harris said that he believes they can come to a compromise and make things work. Associate Director of Project Development EDF Renewables North America Alan Tate was present and reported that the full project would be presented to the Planning Board on Monday, November 8, 2021. Mr. Tate said that he spoke with Mr. Harris yesterday, however, he has not had an opportunity to speak with Mr. Martin yet. EDF Renewables is striving to do what they can to fit into the community and not impose unreasonable minutia on the citizens. Since EDF’s application, we have taken additional steps and have added increased setbacks on our project, we are now 520’ away from Adrian Harris’ residence. Mr. Tate stated that he believes they are now 1,038’ away from Rob Martin’s residence. The field next to Mr. Martin’s residence is going to remain cattle pasture and is not proposed for development. There will be a substantial wooded buffer where the creek runs through the two fields. EDF Renewables is trying to do their best to insure to address any abutter concerns; all are taken into consideration as they design the solar farm. Mr. Tate expressed that it is especially important to keep in mind how the Town defines setbacks, right now the 75’ setback only applies to the property line, if we were to propose a 500’ setback from the property line it would kill any development activity. Mr. Tate stated that during the last five years, he has not seen anything as strict as a 500’ setback in any of the communities he has worked in across the United States. If you tie a setback to a structure, that is more applicable, and allows the community to collaborate with developers. He also stated that conversations with abutters are best done at meetings with the Planning Board Committee. He looks forward to discussing the project on Monday with the Planning Board and will be following any steps the community may take regarding a moratorium. Marie Turner asked how the developers would access the solar site during construction. Mr. Smith stated that construction access will be discussed in depth at the Planning Board meeting on Monday night. Junior Turner addressed Mr. Tate directly, he said that he does not believe anyone has anything against solar farms; he asked why they did not address the abutters concerns sooner. Mr. Tate stated that they were not aware of any issues. Mr. Turner expressed his concerns regarding abutter’s properties being devalued. Mr. Tate informed the group that EDF Renewables will be filing an addendum with the Town on November 4th, which shows additional setbacks. The road will stay where the existing farm road is, there will be one correction where the tight curve goes around a bend, the curve will be straightened for construction access. Further explanations of travel patterns will be discussed at Monday’s Planning Board meeting. Mr. Smith reminded the group that tonight’s discussion was regarding a moratorium, the details of the project will be discussed at the Planning Board meeting. He commended Mr. Tate for looking into the abutters concerns and collaborating with them on a solution. Budget Committee and Planning Board Alternate Member Michael MacNeil disclosed that he has a solar farm project which was previously approved and would be affected by a moratorium. He stated that he is directly across the valley from Bussie York’s site, and he now lives in “solar valley.” But it is Bussie’s land, and he can do whatever he wants to with his land. Mr.

ITEM 5: To hold an executive session pursuant to 1 M.R.S. § 405.6.A to discuss personnel matters related to salary and recruiting for Town positions.

Joshua Bell moved to table Item 6 until November 9, 2021, Board of Selectmen's meeting; Scott Landry seconded

VOTE AFFIRMATIVE 4 ABSENT 1 MOTION CARRIED
(Bunker)

There being no further business to come before the Board, Joshua Bell moved to adjourn at 7:20 P.M.; Scott Landry seconded.

VOTE AFFIRMATIVE 4 ABSENT 1 MOTION CARRIED
(Bunker)

Minutes respectfully submitted by Nancy L. Martin.

Michael J. Fogg - Secretary