

FARMINGTON PLANNING BOARD

153 Farmington Falls Road
October 15, 2018 – 6:00 P.M.
Minutes

Planning Board members present: Clayton King, Chairman; Lloyd Smith; Donna Tracy; Craig Jordan; Gloria McGraw; Jeff Wright; and Mike Otley.

Alternate members present: Judith Murphy and David Robbins.

Others present: Town Manager, Richard Davis; Code Enforcement Officer, Steve Kaiser; Code Assistant, Kate Foster; Fire Rescue Chief, Terry Bell; Public Works Director, Phil Hutchins; Farmington Village Corporation (FVC) Superintendent Tom Holt and Jim Lord P.E. of Dirigo Engineering; Byron (Buzz) Davis and son Benjamin (Ben) Davis representing Court Street Properties; and Lauren Leclerc, Jon Gravel, and James Cote representing NextEra/Farmington Solar LLC. Also present were abutters Stephen Drosdik, Robert Zundel, Ann Marie Comeau, Bussie York, and Maurice Hovey; residents Paul Hersey, Paul Brown, Scott Cook, and Bill and Irene Berry; as well as other members of the public and press.

1. Designate alternate members, if needed

All seven regular members present, therefore no alternates were designated.

2. Review minutes of September 10, 2018

Mr. Smith made a motion to approve the minutes of September 10, 2018.

Mrs. Tracy seconded the motion.

VOTE: 7 – Affirmative

Motion carried.

Mr. King said there will be a deviation from the agenda tonight to conduct the Public Hearing first, with NextEra/Farmington Solar LLC having the opportunity to make a presentation first for the folks that are here for the Hearing. He asked for a show of hands from those that are here for the Public Hearing and thanked them for attending.

He said we will then move onto the Farmington Village Corporation item, then the Court Street Properties item, and then we'll return to discussion of the solar project. Mr. King said for those wanting to speak at the Public Hearing to please state their names and ask any question they would like pertinent to the solar project.

Mr. Gravel, Environmental Manager for the project, said Project Manager Liz Peyton could not make this meeting, and he will present an overview. He said this is a 77-megawatt solar development on approximately 450 acres, primarily located upland of Route 2 with the Yorks being the keystone owners, and it extends from the Sandy River Farms property to other owners on Horn Hill and Hovey Roads.

Mr. Gravel continued, saying Ranger Solar started working on the plans in 2015 when they made contact with the Town during the project development phase, in 2017 NextEra bought the project and continued working with landowners and notifying abutters, in May 2018 they filed for a permit from DEP [Department of Environmental Protection] under NRPA [Natural Resource Protection Act], on July 31, 2018 they filed four applications with the Town, and this is NextEra's third meeting with the Planning Board.

Mr. Gravel said they had purchase agreements to deliver power to states like Connecticut for renewable green energy that goes into the grid benefitting all of New England. He said it's part of a movement to diversify energy sources with the inclusion of more renewable energy.

Mr. King stated that those having questions to please limit them to one at a time and state your name.

Mr. Cook said he lives on Maple Avenue just before it turns to Bailey Hill Road and is concerned about how he'll be impacted with the increased traffic.

Mr. Gravel said the construction access would be the heaviest traffic during the project, but once these operations are finished it will be very quiet.

Mr. Cook asked what the actual duration of construction will be.

Mr. Gravel said we are looking at about a year of construction which involves site work and equipment installation, with start-up beginning with material deliveries in May after the road postings are lifted. He said the staging area is south of Route 2, and Horn Hill and Hovey Roads will be used to access construction areas.

Mr. King asked if anyone else had additional questions.

Ms. Comeau said she lives in Stanwood Park Circle and wanted to know if there were any health concerns associated with panels being so close to the residents there, asking if there was any documentation to support this concern.

Mr. Gravel said, regarding EMF [electromagnetic fields], that this project's panels will emit the same level of EMF as your microwave or other household appliances, and we can provide studies concluding such emissions are safe. He said we will also bury some of the transmission underground which will limit EMF exposure and visual impacts.

Mr. King asked if there were any more comments.

Mr. Hersey said it was asked at the last meeting if the number of panels could be reduced near Stanwood Park Circle and he followed up saying, as of tonight, how many panels are there going to be there [in the thirteen acre section].

Mr. Gravel said I can't give you the exact number of panels, but we have changed the initial layout. He said we have doubled the initial setback of 75' to 150' from the closest panel to the nearest home in Stanwood Park Circle, and we are also doubling the amount of screening vegetation which will be more staggered with varying heights of trees and shrubs.

Mr. King asked if there were any more questions, saying he appreciated those showing up for the Public Hearing and wanted to make sure everyone had a chance to speak.

Mr. Berry said he would like to make a pitch for the project, stating it would reduce our tax rate and this will encourage new businesses. He said we lose power often due to something happening elsewhere, and power being put into the grid here from a local source should make it more reliable.

Mr. Gravel said he can't speak to that because he's not sure how the grid works. He said having a variety of sources of energy should mean a more reliable system.

Mr. King asked if anyone else wanted to speak. There being no one, he closed the Public Hearing at 6:17pm.

**3. 18-SR-03
Farmington Village Corporation
210 Titcomb Road
U18-30
Water Reservoir**

Mr. King made a motion to open it for discussion.
Mr. Jordan seconded the motion.

VOTE: 7 – Affirmative
Motion carried.

Mr. Holt, FVC Superintendent, said they obtained a price from E.L. Vining & Son, Inc. for restoration work to demolish the old reservoir and close out the site and they're ready to do the work under their existing contract with them. He then introduced Jim Lord P.E. from Dirigo Engineering.

Mr. Lord said that they are looking at starting demolition in December, and will finish up with the loaming, mulching, and seeding in the spring. He added they'll have a 3:1 slope close to the reservoir and then transition to a 2:1 slope on the outskirts of the reservoir.

Mr. Otley asked why start now just before winter.

Mr. Lord stated that it's weather dependent if they get reasonable weather this fall.

Mr. Smith made a motion to accept the close-out plan.
Mr. Jordan seconded the motion.

VOTE: 7 – Affirmative
Motion carried.

**4. 18-SR-14
Court Street Properties
108+109 Court Street
U16/35+45**

Mr. Jordan made a motion to approve the plans as presented.
Mrs. Tracy seconded the motion.

Mr. Byron (Buzz) Davis and his son Benjamin (Ben) Davis presented their Site Review application.

Mr. Buzz Davis said the proposed project is to renovate the 108 Court Street building, which was built in 1866, into apartments with three entrances into the building. He said eight of the apartments will enter through what is currently a garage door via a corridor that will run through the building to provide access for those units on the first and second floors. Mr. Davis continued that the building will be heated with propane gas, with storage tanks on either side of the building, and on-site parking will be minimal with 1-3 spaces with the rest of the parking spaces across the street at 109 Court Street.

Mr. Ben Davis said we currently have twelve parking spaces on the 109 Court Street lot for that apartment building which we own, and we're proposing the addition of twenty-two spaces in a 60' x 100' area on the other side of that building for the 108 Court Street project.

Mr. King asked the Davis' if they had a chance to look at the Letters of Review from the department heads.

Mr. Buzz Davis said yes, this afternoon, and Fire Rescue wants to see the final floor plans before they approve. He said Capt. Tim D. Hardy has already been there and met with our architect to look at the floor plans to make sure we have everything up to code, and we'll continue to work with them.

Mr. Kaiser asked if they have any problem with creating an easement at 109 Court Street for the parking area.

Mr. Buzz Davis said no, for now we are doing it as an easement and ultimately the plan is to have both these apartment buildings owned by Court Street Properties.

Mr. King said the application states there are thirty-five parking spaces and asked if that's an error.

Mr. Buzz Davis said no, there are thirty-four spaces at 109 Court Street, and one on the side of the driveway and a couple more in the driveway at 108 Court Street.

Mr. King said there was a comment from the Public Works Department about entrances and drainage.

Mr. Buzz Davis said we aren't going to create or change any entrances and the drainage is going to stay the same.

Mr. Hutchins said the Davis' answered his questions about the entrance and utilizing the current drainage system.

Ms. Murphy said she's curious about who you're targeting for your tenants.

Mr. Buzz Davis said mainly veterans, retired folks, and professionals. He added that's what we have at 109 Court Street and we're very happy how that's worked out.

Ms. Murphy asked what something like that rents for.

Mr. Buzz Davis said they range from a big three-bedroom apartment will be about \$1,400, a two-bedroom apartment will be between \$1,000-\$1,200, and the smallest one-bedroom will be around \$600.

Mr. Robbins asked how many bedrooms are in the overall project.

Mr. Ben Davis said thirty-five.

Mr. Robbins said he hasn't been down there in a while so he's not sure what the signage is like, but it's a narrow street and he's concerned about visitor and overnight guest parking, and he asked if street parking is going to be limited to one side.

Mr. Hutchins said the public has to abide by the current parking regulations, but we can put up more signs if necessary.

Mr. Robbins said he just wants to make sure there is enough signage there – due to increased traffic and hazard to pedestrians.

Mr. Hutchins said the Police Department is in charge of monitoring traffic and parking and we'll advise the Planning Board if more signs are necessary.

Mr. Buzz Davis said he's on the Parking Committee and agrees that we need to address that and remove one side of parking availability on Court Street or have alternate parking from side to side.

Mr. Otley asked how many apartments are there and do they need sprinkling.

Mr. Buzz Davis said a total of eleven apartments are proposed.

Chief Bell said Capt. Tim D. Hardy has already been there to discuss and advise on life-safety requirements with the Davis'.

Mr. Otley asked if the parking lot is going to be paved.

Mr. Buzz Davis said yes, the new 60' x 100' area will be paved.

Mr. Wright said there is currently a handicap space and three other parking spaces on their 109 Court Street property bordering the North Church, and asked if those are going to stay.

Mr. Buzz Davis said yes.

Mr. Wright asked what the heat source will be.

Mr. Buzz Davis replied, a gas-fired boiler with baseboard heat in most units, with some independent gas heaters in a few units.

Mrs. McGraw said there used to be a bad drainage problem at 108 Court Street and asked if adding these new apartments would cause a drainage problem again.

Mr. Buzz Davis said no, there is an existing field drain that runs from behind the Octagon House right across to the base of this lot. He added that they're going to put a curtain drain down the side of the new lot because there is a lot of ground water there.

Mr. Kaiser stated that former Public Works Director Mitch Boulette put in a catch basin behind the Octagon House that was connected to the Perham Street drain system and extended to the field drains at 108 Court Street.

Mr. Smith asked if any of the parking for the older 108 Court Street project was in the same area as the proposed new parking for 109 Court Street.

Mr. Kaiser said no, the 108 Court Street project had all of its parking on the North Church side, and this new lot proposed for 109 Court Street will be on the other side of the apartment building.

Mr. King asked if there were any further questions from the audience or the Board on this project, stating any major changes to the floor plan would have to come back to the Board for acceptance.

Mr. King called for the vote on this Site Review application.

VOTE: 7 – Affirmative

Motion carried.

3. NextEra/Farmington Solar LLC

Solar Panels and energy conversion buildings to be installed at various locations throughout the Town (U07-007-14.5, R06-002, R06-005, U03-006, U03-009, U05-004A, U06-018, R06-12B, R06-006, R06-008, R06-009, R06-013, R06-010, R06-003, R06-027, R06-028, R06-021, R06-022, R06-023, R01-011, R06-022A, R06-026)

18-SR-11 Site Review Application,

18-SE-02 Solar Application,

18-SS-09 Soil, Erosion & Stormwater Control Application,

18-SZ-02 Shoreland Zoning Application,

18-FP-03 Floodplain Application

Mr. King started by reintroducing the project and stated that the Board at the last meeting had asked NextEra/Farmington Solar LLC to come back with visual simulations as well as any changes and updates.

Mr. Gravel stated, as he mentioned at the Public Hearing, we have a few updates, this is our third meeting, and we have visual simulations and want to answer any questions the Board or public may have. He said they met with the storm water engineer at DEP about issues they brought up such as greater detail and an additional Third-Party Inspector (TPI) outside of NextEra who will be making weekly reports to Maine DEP.

Mr. Gravel continued, saying the meadow buffers they're using along the road ways and other properties are going to be marked by a sign and maintained for storm water management, and they'll also be recorded at the Franklin County Registry of Deeds with statements on the landowners' deeds that the meadow buffers are to be preserved and maintained. He said they should be getting DEP permits by the end of October.

Mr. Gravel went on to discuss Stanwood Park Circle and the questions and concerns that have been brought to NextEra's attention by the residents, public, and Planning Board, with the biggest concern being the thirteen acres of panels next to this neighborhood and if NextEra could move the panels somewhere else. He said they did look into other options but due to permitting, cost efficiency, and not disturbing natural resources, it's cost prohibitive, and the old landfill site is too far away (one mile) and less stable.

Mr. Gravel presented the visuals that were taken from Mr. Drosdik's deck facing the direction of the proposed panels, noting the increased and staggered rows of trees, and said that they were also able to increase the setback from 75' to 150' to the nearest home in Stanwood Park Circle.

Ms. Leclerc, Environmental Specialist for the project, stated that the area where the panels will be on the thirteen acres is designed to be out of the floodplain and they pushed the panels as far east as they could. She discussed the visual simulations in depth: the first showing no buffers; the second showing the buffers just planted with double the vegetation and staggered with large trees in one row and shrubs in the second; and the third showing what the buffers would look like after five years – with a six foot chain link fence with barbed wire on top going around the panels just on the other side of the buffers.

Mr. King asked if the pictures were taken from a sitting position or standing.

Ms. Leclerc stated that the pictures were taken at tripod height from the Drosdik deck.

Mr. Smith asked what the species being planted would be.

Ms. Leclerc stated that they would be Fraser fir and Dogwood.

Mr. Smith said he was concerned about the lifespan of fir trees, because ants like to get into them and then they die.

Mr. Gravel said the trees would be maintained, treated, and replaced as needed.

Ms. Leclerc added that the properties would be mowed twice a year.

Mr. Jordan asked how the abutters are currently feeling about the project and changes, and if they have heard from any others.

Mr. Gravel said no, there have been no others and he feels they've done what they can and still achieve the project's goals. He said the abutters they have spoken with appreciate that they're trying to be good neighbors and satisfy their concerns without causing further environmental disturbance to the grounds.

Mr. Jordan commented that the plans look a lot better in this [thirteen acre] area.

Ms. Leclerc said we have heard everyone's questions and concerns, have researched and looked into them, have changed the plans to better suit everyone, and are now at maximum density in the array layout.

Mr. Cote added that they have reached out to the other area neighbors to offer the same process but never received any response.

Mrs. Tracy asked if the abutters on the Whittier Road across from the High School would see the solar project.

Mr. Gravel responded by saying there wouldn't be any view of the project from the High School or Whittier Road.

Mrs. McGraw said it's not going to lower energy costs for Farmington residents but she hopes that it will lower property taxes, however, she's worried it will affect the money we get from the State for school funding. She went on to say that the Public Hearing revealed there were no broad concerns about the project.

Mr. Gravel stated they'll be meeting with the Town Manager and Assessor to see how it will affect the Town's taxes.

Mr. Cote stated this project should provide a more reliable source of energy for the Town.

Mr. Wright mentioned he understands NextEra is not CMP but he believes the energy is going to go out of this area.

Mr. Gravel stated the energy from the project will run through CMP's system into the pool that supplies New England and be mixed with other sources - but as ISO [Independent System Operator] manages this it's hard to say where it ends up.

Mr. Wright asked if the 150' setback is to the first row of the tree buffer or to the panels?

Mr. Gravel stated it is 150' to the panels.

Mr. York said all the land around the fenced in area is going to be mowed and hayed as usual, and as far as the people who use the property for hiking, snowmobiling, skiing, and access to the river, this is not going to prevent them from doing any of those things and will actually make it more accessible. He said the project is not going to shut down the area by any means and is going to complement the property.

Mr. Otley said that he would like to compliment the project, stating they have done a good job on the plans and have moved the inverter to the furthest corner, and told the NextEra representatives that it looks good.

Ms. Murphy said the abutters are being considered as they should be, but she has concern for Mr. York as well - where it is his land - he should also be considered. She said people have been allowed to use his land and he should be able to decide what he wants to do with it, and she's trying to think about both sides.

Mr. Robbins stated that he really wishes that they could have all of the project on one side of the road, and he doesn't buy that doing so is "cost prohibitive" as they state.

Mr. King asked what the noise level would be after construction.

Mr. Gravel said by moving the inverter from the north to the southeast it will be less than 40 decibels which is equivalent to an office or library.

Ms. Leclerc added that they moved the inverter the maximum distance possible from the Stanwood Park Circle neighborhood.

Mr. King added to Mr. Gravel's previous comment about the sound level by stating that a dishwasher is equivalent to 40-42 decibels.

Mr. Gravel said the Town previously had asked about third party inspectors [TPIs] and now NextEra is going to have two.

Mr. Drosdik stated that he is worried about the resale value of his home and the ability to sell a property next to a solar farm.

Mr. Zundel asked if it's possible to increase the height of the fence around the panels near Stanwood Park Circle as well as making it solid instead of chain link.

Mr. Gravel said they'll take that into consideration while still meeting electrical as well as other codes.

Mr. Kaiser said we received a pro-forma Decommissioning Bond from NextEra and have sent it on to the Town's Attorney for review - along with the Decommissioning Plan and cost estimates from their application.

Mr. Robbins verified that they're coming back and said he would like to see an actual panel at the next meeting.

Mr. King thanked the NextEra representatives for their presentation.

6. Other Business

Mr. Kaiser said he's distributed the latest draft of the Adult Use and Medical Marijuana Ordinance to the Board tonight, asking that each member review it so it can be finalized this fall for the Town Meeting in March when it will be voted on.

Mr. Otley brought up the Wireless Telecommunications Facility Ordinance and possible changes needed.

There being no further business, Mrs. Tracy made a motion that the meeting be adjourned. Mr. Smith seconded the motion.

VOTE: 7-Affirmative
Motion carried

The meeting adjourned at 7:20 P.M.

Minutes respectfully submitted by Kate Foster.

Planning Board

Date