



# Town of Eddington

906 Main Road Eddington, Maine 04428

**PLANNING BOARD  
March 28, 2023  
6:00 pm  
MINUTES**

**CALL TO ORDER:** David Peppard called the meeting to order at 6:00 pm.

**ROLL CALL:** Members present were David Peppard, Susan Dunham-Shane, Craig Knight, Scott Newhart and Heather Grass.

**MINUTES:** Motion that we accept the minutes of March 7, 2023 as presented.

**By Scott N/Heather G 2<sup>nd</sup>. Vote 4-0-1**

**Susan Dunham-Shane abstained because she did not attend meeting.**

Susan DS requested adding under New Business to review the adjusted wording of the Finding of Fact for the Hammond Application.

Susan DS also requested that they add to acknowledge that they have received an application for a Subdivision. (Applewood Estates) **By Susan DS/Scott N 2<sup>nd</sup>. Vote 5-0**

Motion that we move to the Public Hearing at 6:04 pm. We will be functioning under the regular Zoning rules which means the applicant has at least 20 minutes to present the project.

**By Susan DS/Scott N 2<sup>nd</sup>. Vote 5-0**

## **PUBLIC HEARING**

David P said they are going to allow the people representing the development speak. He asked that the public allow them to make their presentation and then they can ask their questions. They should raise their hand, they will be recognized and should state their name and address for the record.

Nick Sampson of Dirigo Solar & Bnrg Dirigo as Project Manager introduced himself and Sean Theis of Haley Ward that has been working with them on the environmental diligence, civil engineering and permitting process. Nick explained that Dirigo Solar is a Maine based solar developer that started in 2015. Their portfolio includes 8 solar projects, 7 of which are up and running and are a little smaller than this project. Dirigo has partnered with a Dublin based company that has expertise in financing, owning and operating projects, solar engineering and project management to form Bnrg Maine or Bnrg Dirigo.

This project is proposed by Bngr Dirigo under its affiliate BD Solar Anything LLC. The proposed project is a 20 mega-watt solar project and will encompass a little under 100 acres. It will consist of solar panels which will produce direct current electricity when the sun is shining. They will be installed south facing on fixed-tilt racking. The direct current will be sent to an 8-inverter system which will convert the dc, direct current to ac, alternate current which is compatible with the grid. The inverters are located at central locations within the array. Located close to the inverters are 8 transformers and they will step up the voltage that is created by the inverters to one that is compatible with the grid. They are also proposing battery systems with this project. They are evaluating the opportunity to do storage, so their goal is to leave open the opportunity to pair it with battery storage so they can expand, when they are able, to export the solar production to the grid. They have proposed up to 16 batteries that will be located near the inverters and transformers.

From the transformers the power will be running to the existing Versant transmission system which is located to the north/west-west of the project. They will be installing a new three-phased line that will run the power that is generated by this system to the Versant utility line.

The project also includes a 7-foot tall agricultural perimeter fence which is wildlife friendly per the code of the new ordinance. There will be a new 12' access road from the Davis Road that will extend throughout the project.

They have completed all of their studies with Versant and ISO New England. The next step on the interconnection process will be to negotiate and sign an inter-connection agreement. They have submitted applications for their other permits to the DEP and Army Corp of Engineers. They have been in review for a year and they expect them to be issued sometime over the next few months. Their goal is to be construction ready the second half of this year and be complete in early 2025. They expect this project to involve about a 7.7 million dollar capital investment from Maine suppliers and contractors and an additional \$300,000 in goods and services purchased from Maine suppliers during construction.

Nick S continued that this is a fixed system with no moving parts. It is meant to just sit there and produce energy for the grid. It produces a minor amount of noise from the central inverters and transformers which produce 60-65 decibels of noise and they are located centrally in the project so they should not be heard by abutting property owners. The project has been sited to minimize its impact on wetlands and natural resources. It will maintain a buffer between abutting properties and the fence line of a little under 300' to the nearest structure, with a lot of existing vegetation between those properties and the fence line will be maintained to minimize any visual impact.

They will have a decommissioning plan and bond for this project so that once it reaches the end of its commercial life span the owner of the project will have to remove all of the equipment and return the space to its current condition. The decommissioning bond serves as a financial guarantee that it will take place and the money will be available for that.

Sean Theis, Haley Ward, said that the property has been harvested and the trees and stumps that remain will be removed. There will be minimal grading as the site follows the existing topography. Per DEP standards it will be considered meadow and restricted to mowing twice a year. Everything inside the fence will become a field. The gravel road off the Davis Road creating interior roads within the site. There will be separate perimeter fences around each array with gates providing access to them. The big area between the two areas is left wide opened for any wildlife. The electrical lines are underground within the site and then they are overhead to the transmission line.

Susan DS suggested that Sean T pull out map C100 or C101, which shows the overhead line and dirt road for the people in the audience. Sean T explained the map is a larger scale showing the site out to Rt. 178, with the Versant transmission line corridor. There is an existing gravel road that goes as far at the transmission line corridor. From there it is an old overgrown road from where they harvested wood that continues on to the site. The access road from the Davis Road to the fence is 900'.

Bruce Griffiths, 178 Davis Road, explained that Theriault Logging used the dirt road off of Rt. 178 when they logged the area in 2018. He feels the developer is wrong in saying the road is unusable. He continued that children and adults walk and ride bikes on the Davis Road and it is not safe to bring equipment in on that road. He also said that he has done his research, reading the minutes, and not since November 9, 2021 has this Committee or the Selectmen addressed Riverside Drive, and he feels something is going on behind our backs. He also asked about the Riverside Drive entrance at a Selectmen meeting as was told it was not the time to address it.

Nick Sampson explained that they were originally planning to use an access road from Rt. 178 and the issue isn't that they couldn't construct something to access from there, it was the length and the natural resources that they would have to go across to get in from that road. Nick S is not sure if Logging companies are subject to the same permitting requirements as they would be subject to.

Mr. Griffiths also claimed that he heard that the added on parking lot on the Davis Road (which is actually a turn-around for school busses, trash trucks or emergency vehicles) was added to extend the paved road so it is now part of the street system so the solar company can use it. Nick S said that they had nothing to do with the extension of the Davis Road or the turn-around.

Bruce Griffith also said that the road frontage requirement in Eddington was 250', but he has found out it is now only 200' to allow this to happen. Susan DS explained that the road frontage requirement in the Rural Residential Zone has been 200' since 2012, as per the Use Chart of the Zoning Ordinance

Ron Jenkins, 209 Davis Road, thinks the project is fine but the Davis Road is a nice private, quiet street with people walking and biking and they do not want it commercialized. He feels they are wrong to put traffic on this street.

Sean Theis explained that during construction there will be vehicles going in and out such as the construction equipment, delivery of solar panels, etc. They estimate the project will take 1 ½ to 2 years with a majority of the traffic during the first half. Sean T continued that a lot of the time it is regular passenger trucks of employees to construct the project. Once the project is built the only added traffic would be one pickup truck once a month.

Mr. Jenkins added that the road was just resurfaced and their large trucks will damage the road and they will reap the rewards of the project but the residents will be left with the rough road. Sean T said that they have talked to the Board and they expect there will be a condition on the permit that they will have to look at the Davis Road before any construction vehicles go on it and do a preconstruction survey and any damage that is done to the Davis Road from the construction of the project will have to be fixed at the expense of the applicant.

Mr. Jenkins asked why they were there. David P explained that they are here to get input from the public and after they get input they will weigh what has been said and a decision will be made.

Bruce Griffith questioned why they had scheduled inspection of the proposed Davis Road entrance and not the Riverside Drive entrance. David P explained that their original proposal had the project coming in from Riverside Drive, but the final plan changed their application to come in from the Davis Road.

Susan DS pointed out that in the Solar Ordinance “The applicant shall be responsible for paying any damage to any public way. If the risk assessment anticipates damage to any public way, the Planning Board may require applicant to provide a surety in an amount that the Planning Board determines appropriate to secure any obligations under the agreement including but not limited to any obligation relating to alterations or modifications made in connection with the applicant’s activities.” She continued that they are allowed to design their project and state what they want to do, but they have the burden of proof to show that this is the best way. Susan DS wanted to address that no one is in anybody’s pocket, nobody is doing a done deal and nobody is trying to mess with anybody on Davis Road or any other part of this town. Bruce G said it was hard to see in their eyes.

Bill Sloan, 325 Davis Road, lives right beside where they are going to put the access road in. He asked what the setback is from his property line for the road. He continued that he would be getting the water runoff off the road. Bill S said that if they are going to put X amount of money in to fix the road, wouldn’t it be a lot cheaper to maintain a dirt road that already exists. He added that the road has a weight limit put on it from February to May or June so this project could go on for 3 or 4 years.

Sean T said that it has been said a few times that the road from Rt. 178 is usable. They did wetland delineation along the whole road, their 4x4 pickup got stuck on that road and had to have a wrecker pull it out because there was no gravel to drive on. He drove in as far as the transmission line corridor and walked, and you couldn’t walk without having muck boots up over your knees. He does not know what the logging company did, but there is not a gravel road there now.

Jim Hancock, Rt. 178, said the town used to own that road and they shut it down in 1930 because they couldn’t keep it up. It kept sinking out of sight. He doesn’t think if you wanted to you could make a road out there. His property abuts this property and he thinks solar power does not work here because we do not have the sun or the storage capacity. He feels the only reason for solar projects that will only last for 15 years is because of the governmental subsidies.

Nick S said that current studies show that projects like theirs will last 40 years and solar panels do better in tepid environments like Maine rather than warm hot environments. Investments for the project are coming from private developers like themselves who have existing projects here that are operating and meeting or exceeding their expectations. He continued that one thing that is nice about solar is that they can take the weather history from the last 30 years and accurately predict what the performance will be for that system and what the financial return is going to be.

Jim Hancock said there have been articles in the paper stating there is no more capacity in the grid and it will be 30 years before they can come up to that. Nick S agreed that the capacity in Maine is very scarce now because of all of the projects that are going through the development process right now. This project has gone through its interconnection study so it has shown that there is capacity on the grid for this project to tie into the Versant transmission line.

Rick Wallace, 291 Davis Road, in regards to the school bus turnaround, he lives by it and he doesn't see any buses turning around. He said they are turning around in Knox Lane. He then asked if the people from Eddington are going to benefit from these solar panels?

Nick S explained that they have a contract to sell the power to Versant at a very low rate and it is saving rate payers money, but there is no direct reflection on the residents of Eddington. He continued that the way it would benefit Eddington residents would be if there were tax revenue from the solar project.

Paul Gargan, 364 Davis Road, wants to know how many truckloads of gravel, stone and concrete will be hauled in. This will send water onto Bill Sloan's property. Mr. Gargan spent \$3000 last summer putting a ditch in beside his house because of the logging done on the lot. He said the land and road they are talking about is clay. He explained that a truck loaded with gravel weighs 66,000 pounds. The new bridge that was just put in is rated for 80,000 pounds (per Shawna Hinkley) He feels we need to have examination done on the two remaining bridges to find the weight limit on them. He has delivered solar and said they will either be in container trucks or 53' trailers which would be hard for a driver to pull onto their access road from the Davis Road. He printed out 60 flyers and delivered to residents on the Davis Road. He feels the Planning Board and the Town have a problem because for something this big going in the Town of Eddington, everyone should be notified and not just the abutting land owners. He continued that if they grant this permit to be on the Davis Road it should be with conditions such as limiting them to a 9:00 to 5:00 work time. When they pick up the sand they will see the new road is not that good near the boggy area going into the field. He feels they should get soil samples from the road coming in from Rt. 178 because they think it will be the best road. If the bridge didn't get fixed on Davis Road they would have to be talking about Riverside Drive entrance. Most of the other permitted projects are in commercial areas on state highways. He said that if they let this go in he will have to propose at town meeting to change the ordinances so that the road is posted on the Davis Road for 30,000 pounds to keep them out. The citizens of the town have control of the roads.

Ron Jenkins asked if this meeting tonight was going to be the only meeting to make a decision of whether this projects goes or not? David P answered that their regular scheduled meetings are opened to the public and will be posted. He is not sure if there will be another Public Hearing. Mr. Jenkins asked if a majority of the people tonight are concerned with the project, will the board turn it down. David P explained that they will continue reviewing the project and take into consideration what is said here tonight and if the feeling of the board is that we ought to have another public hearing, there will be one. Susan DS said the reason they are having the Public Hearing is because the Board has reviewed the application for completeness and the next step is a Public Hearing.

David P explained that they have to make their decision based on their Ordinance which they worked on for a year and a half after they reviewed 25 to 30 ordinances from other towns and came up with an ordinance. Their obligation is to go by the Town's ordinance. They can take public input into consideration when they make their decision, but they have to go by the Ordinance the way it was written. Mr. Jenkins asked if the ordinance said that if people don't like a project it can be rejected. Susan DS said some good points have come out at tonight's meeting because part of what they do is worry about the abutters and other citizens. The Ordinance was voted on by the citizens of the Town. Mr. Jenkins again expressed concern of commercializing their quiet little road.

Robin Frick, 235 Davis Road, points out that an Ordinance is rules so that if a solar project came we would have rules to go by and he praises the Planning Board for taking the time out to think about it because otherwise a project could come to town and we would have not rules. He asked if there will be a permanent guard shack to monitor for fire. Nick S answered that they would have gating to keep people out of the premises and then it has remote monitoring. He feels that it would be to the developer's advantage to own the entire road out to Rt. 178 rather than having to go to the town every time they wanted to do construction.

Carolyn Griffiths, 178 Davis Road, needs to voice her feelings about the business of the road. She has a granddaughter that is just learning to drive and the bridge beyond Mr. and Mrs. Wood is barely wide enough if you meet a bus in a car. She would have somebody's job if her granddaughter came around the corner and one of the developers big trucks interfered with her. She applauds the Town and Shawna H for the new road but the people's lives on the Davis road are precious and more important than a solar project.

Bill Sloan, 325 Davis Road, asked the developers if the Board voted down the Davis Road access, will they pull out of the project. Nick S answered that he did not know. The reason they are pursuing this route is because they didn't think it would be feasible with the other route.

Lisa Wallace asked why the project is necessary. Nick S answered that it is one of the project that the state selected to meet the state's clean energy goals. Susan Ds explained that the articles everyone is seeing in the paper are the Community Solar and Net Billing projects. We do not allow Net Billing projects in the town. This is what is known as a utility grade installation which plugs directly into ISO New England, The incentive law that was passed 4 years ago states that projects enter 5 megawatts do not have to pay any taxes to the town. The state will reimburse the money the town is owed. Also they get to sell their power at a much higher rate. Nick S explained that unlike the projects they have heard about that are eating up the grid capacity across the state and the cost that they are adding to rate payers, this project is projected to save rate payers millions of dollars each year. Their initial portfolio which they did that has the same types of agreements with the utilities. The Maine Public Utilities Commission came out with a report that that portfolio saved rate payers over 60 million dollars this year with how high gas prices are. The residents disagreed. Rick S continued that what they are seeing on their bill is the natural gas driving your electricity rates up. 60% of the grid mix in New England is provided by natural gas generators, so that is what is driving the rate up. He continued that transitioning to renewable like this is helpful. Craig K said that the Veazie power plant is what Nick S is talking about and that is what gives us all power. Lisa Wallace said that has nothing to do with the Davis Road and our bills going up, he is saying the reason why their electricity bill has gone up is because of natural gas and she does not have natural gas.

Jim Hancock hates the project. He asked if the developers have walked the area. Jim H continued that it is a wonder full of deer, moose, Canada lynx, bobcats and it is a flyway for ducks. Hopefully the small animals will be able to get through the 7' fence. He asks with this large of a project where do the deer and bobcats go? He said they are shutting the entire area off which is next to a wetland. And another thing they would never go through wetland with a road. He thinks we should vote on the project itself. He does not care what road it is.

Paul Gargan asked if they own the entire piece of land. Nick S answered that he thinks it is Hilglen LLC which they have an option to purchase the land from. They plan to purchase the entire parcel. The Solar Company is coordinating with Versant and the Maritime Pipeline as part of their development.

Ron Jenkins, asked if 80% of the people here tonight were against it, would that be enough to turn the project down? David P said it would be enough for us to consider that. David P said they have heard them they do not have to take a vote.

David P continued that they have two vacancies on the Planning Board. If they want to be a part of the process, join the Planning Board. He said they appreciate their input tonight and it does not fall on deaf ears.

Scott N said they are not going to be bullied into making a decision tonight. That is not how the process works. He continued, that we live in this town too and a member of the Board lives on the Davis Road, if they think we are going to rubber stamp something and ignore all of your input, please understand that is wrong. He is very disappointed that someone would say BS to him that he does not care about their input. He has worked for 27 years in public service. He works for FEMA and helps people all day long every day get everything back that was taken from them. He and this Board care about your opinions and input. There is a process now and that factors into the process of going through everything and then making the final decision of whether this project goes forward as written or as modified. He continued that it is part of their thought process. They care about the road, the residents on that road, what they have on that road and their input tonight.

Ralph Kent, 299 Davis Road, said they could have a show of hands and have it in the minutes. Scott N said that it is not part of the process.

Craig Knight said that not everyone that is on the Planning Board is pro wind and solar. Mr. Kent said they are not talking about the Solar Project, they are talking about the Davis Road. Craig K said some people are saying they are in bed with this company and I can assure you I agree with this gentleman and I do not believe in any of this stuff.

Rick Wallace said the Davis Road people should have the right to say yeh or nah and most of the people on the Davis Road are saying nah. David P said that it is very clear what is going on here tonight and they do not need to have a vote.

Bruce Griffith said they were taking away their rights. He wanted to make a motion that they take a vote right now and David P said he was out of order. Mr. Griffith then left the meeting.

Tim Higgins, Blackcap Road, lifelong resident, has been on the Board of Selectmen. These meetings are all public and the Board never meets in private. He is sure they would love to have this input at all their meetings. He said tonight is a Public Hearing and they are not making any decision. He said they are taking input and he thinks they have gotten the message and now they need to go through the process. He encouraged them to come to their meetings and voice their opinion every time they meet.

Mr. Jenkins, asked when they expect they will finalize their decision on the solar farm. Susan DS answered that they have determined that the application is complete at this point which is why they moved to Public Hearing to get input from the public. He then asked how they are going to know they have made their decision. Susan DS said when he comes to their meetings he will know when they are getting close. Scott N added that all of the minutes and agendas are publicized. It is all posted on the Town's website and everything they are going to do at a meeting is in the Agenda and it is all public. Mr. Jenkins asked if this is the last meeting in regards to the solar farm and was told no. Scott N continued that there was also a meeting in this same room in which Dirigo Solar proposed this in a public hearing and did a presentation about the project and got the public's input. David P suggested that they keep an eye on the town's website for the Agendas that contain the solar application and he predicted there may be a decision made by late spring or early summer. Susan DS added that they meet every 2<sup>nd</sup> and 4<sup>th</sup> Tuesday of each month.

Paul Gargan feels that any decisions by Boards should be on the Website and Facebook within the next week. He feels that the Town needs better communication whether it is on Facebook or whatever. Scott N answered that everything from this meeting will be typed up and published. Paul G feels they need to put out a short announcement that the Board made this decision on a particular subject. He continued that there was some delay in getting the minutes posted after a meeting. He felt that because the local newspaper no longer covers meetings like they used to, there needs to be more transparency and communication. Susan DS asked how many people have access to a computer and email, and she explained that the Town has a wonderful notification service in which the Agendas and Public Meeting information can be emailed to you if you sign up. Susan DS added that there is a time lag in the minutes because they have to be typed up, a draft can be printed, but to go on the Website the Planning Board has to approve them before they are posted. Rick Wallace asked what about the people that do not use the computer. He has an email but does not use it. Scott N told him that he needs to come to a meeting if he wants to change how the Town publishes the minutes.

Joe Sekera, 314 Davis Road, said that not everyone that lives on the Davis Road shares the concerns that have been expressed tonight. There are residents on the road that are concerned about the planet. He said they all have rights and should listen to everyone's views. He understands where a majority of the people tonight are coming from, but they also have to share in the issue that he brings forth. He thanked the committee for volunteering and being members of the Planning Board and wishes them well in their deliberations.

Ron Jenkins, said that what Mr. Sekera said is very nice and he thinks solar is one of the most wonderful things we can do to this country to get away from fossil fuel. He said it is not the question of if the project is proper, but if it is proper to come down their private little residential road.

Lisa Gargan, 364 Davis Road, they first heard of this project when Roscoe Kent came down to their house in November of 2021. They are private there and have walked the land to be used. Her first thought when she heard of the project was that it is better than condos, though it would be hard for condos because it is so wet. She continued that solar is good but she is worried about the deer and their getting caught in the fence. She is not sure why they would want to be up there anyway because it is so wet. She said that not everyone is against solar, they just don't want it on the road.



Roscoe Kent, Main Road, was born and raised in this town and he is 85 years old. He has been involved in Town business since back in the 1960's and he is one of the assessors of the town right now. He said that the Planning Board has done a good job at getting things done. He told the developers "Don't come off the Davis Road, go out onto Riverside Drive." He continued that it will be a hard job to get a loaded trailer truck down the Davis Road to turn onto the access road.

Motion to close Public Hearing.

**By Scott N/Craig K 2<sup>nd</sup>. Vote 5-0**

**NEW BUSINESS:** Motion that we accept the adjusted words of the Hammond Finding of Fact written and proposed by Susan DS as written. **By Scott N/Heather G 2<sup>nd</sup>. Vote 5-0**

**UNFINISHED BUSINESS:**

**PUBLIC ACCESS:**

**AGENDA FOR FUTURE MEETINGS – HOUSEKEEPING:**

Review Applewood Subdivision for Completeness

Discuss BD Solar Public Hearing

Review BD Solar Application

Sign adjusted Hammond Finding of Fact

**DATE OF NEXT MEETING:** The next meeting will be April 11, 2023 at 5:30 pm.

**ADJOURNMENT:** Motion to adjourn at 7:55 pm. **By Heather G/Scott N 2<sup>nd</sup>. Vote 5-0**

Respectfully Submitted,

Denise M. Knowles