



Town of Eddington

906 Main Road Eddington, Maine 04428

PLANNING BOARD

June 16, 2022

6:00 pm

MINUTES

CALL TO ORDER: David Peppard called the meeting to order at 6:01 pm.

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

MINUTES: Motion that we accept the minutes of May 31, 2022 with the change requested by Craig K. **By Susan DS/Craig K 2nd. Vote Yes 4- No 0 –Abstained 1 (Heather G was not present for that meeting)**

NEW BUSINESS:

UNFINISHED BUSINESS: The Board will continue their work on the Solar Energy Ordinance. They asked Rick L his thoughts on Residential Solar Arrays. Rick L thinks they should be roof mount. He would like to see all ground mounted arrays be considered commercial and need a permit. Susan DS said that some residents may not be able to install them on their roof because of the style and Rick L said he has seen a lot of different situations since this has started out and it is impossible to tell if a ground mount is just for residential use or they are actually selling power back to the company for profit. He continued that if things come up like that and there is something written in the ordinance to address it, the resident can explain his situation and it can be handled that way. .

Scott N said that the panels now have less glare than house windows. They have found that the textured panels created to reduce glare actually increase the power production by 20%. It would have to be old panels to cause a glare issue.

If the resident comes before the Board for a permit for the ground mounted array, it will document all of the specifics of the array and clarify if it is residential or commercial. Scott N feels that if they have to get a permit for ground mounted residential arrays then they should have to get one for roof mounted also because the state says that the right of the property owner to put in solar for personal use shall not be infringed. Scott N recommends having the same permit for both giving the specifics of the array and showing the expected usage thus verifying the number of panels needed. Rick L said another option is to have the applicant for the ground mounted system provide the town with paperwork that the solar company has produced saying they need this size solar array to run this size house. Scott N explained that the solar company will usually add to the required panels so they will supply 110% or 115% of their need. Rick L said that it all needs to be spelled out so that he is able to defend it in court.

Susan suggests: A. Everyone fills out a form. B. Part of the application is to provide a copy of the worksheet showing proposed consumption. When the Ordinance is approved, Rick L will come up with an application form.

They changed the wording of 104.1 to:

Roof-mounted, building mounted and ground mounted A-SES and equipment are permitted by right and shall be permitted unless they are determined by the Code Enforcement Officer, with approval from the Fire Chief, to present one or more unreasonable safety risk, including, but not limited to, the following: (changed input to approval, does it fit in he sentence?)

Scott N will work on new wording in Section 104.6 Additional Standards to add 104.6.1 with permit language and average consumption assessment and then renumber the rest.

Scott N had added the following wording to 104.3 through 104.5 and the Board agreed:

104.3 The location of all Ground Mounted SES shall meet the setback requirements of the district in which it is located, as found in Section 607 of the Town of Eddington Zoning Ordinance.

104.4 To reduce light pollution Non-Reflective or Anti-Glare PV Panels shall be used whenever possible. Reused/refurbished PV Panels with little or no Non-Reflective or Anti-Glare properties shall be positioned as to reduce visibility from ant non-participating parcel.

104.5 Maximum effort should be taken to recycle nonfunctional PV Panels and BESS in order to ensure they do not become a burden to the environment. All PV cells contain certain amount of toxic substances; therefore, deposit/disposal of PV Panel and BESS debris within the Town of Eddington is prohibited without prior approval by the Town of Eddington and the Maine Department of Environmental Protection

Scott N had added Section 105.12 “Solar Energy Systems mounted on permitted Cell Phone Towers, Wind Turbines and Municipal Structures are exempt from the requirements of Sections 104 & 105.”

Scott N added the following wording to 106.1 Notes:

106.1.1 Ground Mounted A-SES in a Conservation Zone shall be limited to

106.1.2 Ground Mounted A-SES in a Shoreland Zone shall be limited to

106.1.3 Private-Scale BESS in a Conservation Zone shall be limited to

106.1.4 Private-Scale BESS in a Shoreland Zone shall be limited to

Rick L asked if anyone had spoken with MDEP regarding setback in Shoreland or Conservation Zone and Susan DS answered that they have stated the setback is the amount required for each zone. Rick L will check with MDEP because a they do not considered a fence a structure so he will check their setbacks for Solar Arrays. If the wording is for an accessory structure, they would need to be back 100’ in the Conservation and Shoreland Zones and 250’ in resource protection for wetland.

Motion that we do not allow Ground Mounted A-SES in the Conservation Zone

By Scott N/Craig K 2nd. Vote 5-0

I move that we insert in Shoreland Ground Mounted, 106.1.2 shall be limited to approved personal consumption.

By Susan DS

Susan DS withdraws her motion regarding Ground Mounted SES in the Shoreland zone.

They will table the decision on whether to allow solar in the Shoreland Zone until Rick L talks to MDEP. Scott N recommends that the backup is limited to the ¼ consumption average and the mounting of the system needs to be indoors.) Rick L recommends adding that it have secondary containment.

Electronic Waste is covered in Section 104.5 – change “should” to “must”

Susan DS noticed the following items:

1. Good Utility Practice: Remove last sentence “Good Utility Practice is not intended to be limited to the optimum practice, method, or act to the exclusion of all others, but rather to be acceptable practices, method or acts generally accepted in the region.”
2. Scott N will leave all definitions until the end and then search the body of the Ordinance for any words not needed.
3. 105.2.1 – Change “is” to “are”
4. 105.7.1 – Susan DS recommends 12 inch with (twelve) in parenthesis throughout the Ordinance.
5. 107.2.1, 107.2.2 and 107.2.2.1 – Susan DS does not think it is a good flow. Everyone should review it and decide at the next meeting. (Clarify applicant and operator and owners)
6. 107.3.10 – Add a period after grid(.) and move the remainder “Frequency and rated db level of sound production from transformer banks, inverters and other noise producing elements of the project during standard operation.” to 107.3.11 and then renumber the rest.
7. Remove 107.3.13 because it is a duplicate
8. Susan DS would like everyone to review 107.6, 107.7 and 107.8 for redundancy that they may go together as 107.6.2 and 107.6.3.
9. 107.9 Safety review, it may have been referenced earlier
10. 109.2 - Remove “or failure to comply with the requirements of Section 105.16”
11. 109.3 – Remove 1st sentence “A-SES Operational License shall be deemed totally or partially abandoned if all or any portion of the SES has ceased for twelve consecutive months.” And add a comma (,) after months and add “that” before shall in the last sentence.

AGENDA FOR FUTURE MEETINGS – HOUSEKEEPING

DATE OF NEXT MEETING: The next meeting will be a workshop on Tuesday, June 28, 2022.

PUBLIC ACCESS:

ADJOURNMENT: Motion to adjourn at 7:35 pm. **By Heather G/Susan DS 2nd. Vote 5-0**

Respectfully Submitted,

Denise M. Knowles