



Town of Eddington

906 Main Road Eddington, Maine 04428

PLANNING BOARD

March 8, 2022

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, Craig Knight, Susan Dunham-Shane, Heather Grass and Scott Newhart.

Motion to make Scott Newhart a voting member for tonight.

By Susan DS/Craig K 2nd. Vote 4-0

MINUTES: Motion to accept the minutes of February 8, 2022 after removal of (cow panels) from page 1.

By Scott N/Susan DS 2nd. Vote 5-0

Motion that we accept the minutes for February 22, 2022 as presented.

**By Susan DS/Craig K 2nd. Vote: 4 yes-0 no-1abstained-
Heather abstained/not at meeting.**

NEW BUSINESS: David P addressed the Board regarding Heather's email with her concern that they are being rushed to create this ordinance because of Dirigo Solar having an information meeting next week. David P explained that they are not under the hammer from anyone and will proceed at their own pace in creating the ordinance. David P is going to be gone the month of May, so he would like to suggest meeting more often to work on the Ordinance. Denise K checked with Craig Russell, Deputy Fire Chief, and they will not be using the meeting room on Wednesdays for the rest of March. Next Thursday, March 17, 2022 is the Dirigo Solar Informational Meeting. Everyone agrees to meet this Thursday, March 10, 2022.

UNFINISHED BUSINESS: The Board will continue their work on the Solar Array Ordinance. Nick Mazuroski is present from Dirigo Solar. The following items were discussed and decided on:

1. Scott N can add any words to the definitions that they feel necessary. Susan DS suggests adding the definitions as part of the Zoning Ordinance.
2. Susan prepared wording regarding fencing from Craig K's research from the last meeting. The Board discussed it and agreed to the following wording:
 - a. "Fencing shall be installed as required by the National Electrical Code for ground mounted solar energy systems in accordance with the size of the proposed system. The fencing shall be Agricultural fixed-knot fencing with 12" x 8" openings at the bottom with the option of 12" x 8" on full panel or progressively smaller openings ending at the top of the fencing. The fencing shall have a ground clearance of 6" to provide passage for small terrestrial animals."

- b. David P has noticed their Palmyra Solar Panel projects have screening over the chain link fencing and asked the board their thoughts. The Board decided to add: “In locations where additional screening might be needed to shield a residential area or highway corridor, the project can add privacy net screening to the Agricultural Fencing.” Craig K asked Nick if from the property line to the fence line in their project is 100’. Nick was not positive, but will get the exact amounts. Craig K thinks it is a 50’ wood buffer, then another 50’ section to the fence and then 25’ from the fence to the solar panels. He continued that the Eddington Ordinance will be 100’ from the property line to the fence. Nick said some towns have done the distance from the property line to the solar panels.
3. Susan DS will work with Scott N to put the information agreed on so far into a document that will be the base for their Ordinance. (Scott has used the format of the Wind Ordinance and put the sections in the order of the Rumford Ordinance for his sections.)
4. Storm Water Management – Reference Section 802, Storm Water Management pages 30-31 from the Zoning Ordinance in addition to any sections they want added for solar projects. (Dedham Ordinance, Section 6. 2. C) and D)) Use this wording: “Storm Water - All applications shall follow requirements of Chapter 8, 802 Storm Water in the Town of Eddington Zoning Ordinance. In addition, all solar energy systems shall follow these additional guides:
 - a. If utilizing cleared land for proposed “meadow” based storm water treatment, semi-annual (Spring & Fall) inspection of the meadow areas shall be performed until a meadow grass sod is established. Grading of washouts and reseeded of eroded “meadow” areas shall be performed according to Maine Department of Environmental Protection (ME DEP) Best Management Practices.
 - b. Meadow storm water treatment areas shall be managed by mowing in lieu of herbicide treatment.
5. Use the wording from Dedham Section 6.5.B) as a general statement earlier in the Addendum.: Approval of an SES application via this ordinance is conditional upon compliance with the Eddington Land Use Ordinance, Maine Natural Resources Protection Act, Maine Site Location of Development Law and Maine Storm Water Management Law.
6. Vegetation – From the February 22, 2022 minutes add: Land clearing, soil erosion, and habitat impacts. Clearing of natural vegetation shall be limited to what is necessary for the construction, operation and maintenance of ground-mounted solar energy systems or as otherwise prescribed by applicable laws, regulations, and bylaws/ordinances. Ground-mounted facilities shall minimize mowing to the extent practicable. Removal of mature trees shall be avoided to the extent possible. Native, pollinator-friendly seed mixtures shall be used. Herbicide and pesticide use shall be prohibited. No prime agricultural soil or significant volume of topsoil shall be removed from the site for installation of the system. To this they want to add: Contract grazing is allowed if the applicant wishes to use it for vegetation control. Nick M added they have used sheep on other projects and it is highly regulated by the State of Maine.
7. Susan DS passed out to the Board new revised wording for Performance Guarantee. The Board reviewed it and agreed to use it in the Ordinance.

Performance Guarantee – Commercial Solar Projects: Guarantee of Removal

Decommissioning Plan Showing the Following:

- a. How the plan will provide for the removal from the project site and lawful disposal or disposition of all elements of the Solar Energy System including panels, mounting hardware, electrical lines above and underground, security barriers, electrical equipment, and removal of all access roads, cement bases and pads, and other equipment.
- b. A clear plan for stabilization and revegetation of the site to ensure a lack of erosion. The plan should include restoration of native, pollinator friendly seed mixtures to provide ground coverage as needed.
- c. The entire area should be restored to a condition similar to that which existed prior to the construction of the SES. This plan should be reviewed and stamped by a professional engineer holding license in the State of Maine. And if deemed necessary by the Planning Board a document from a Maine licensed Forester showing approval of the stabilization and revegetation plan.

Decommissioning Plan Financial Requirements:

As part of the application process for a Commercial Solar Energy System project the applicant shall establish and fund a performance bond in an amount great enough to cover the projected costs of removal presented as part of the decommissioning plan in the project application. *Please note: this requirement is in addition to the “Performance Guarantee”, Chapter 4 section 405.

Forms Guarantee: performance bond, surety bond, interest bearing escrow account, or other form of financial assurance as may be acceptable to the Board of Selectmen.

Payee: The Town of Eddington shall be the named holder of the account with the Applicant. Town of Eddington will be the only entity that can release funds from this account and will be used by the Town **to perform decommissioning** in the event of abandonment of the project by the owner.

Financial assurance provisions must be noted on the final site plan and must be transferred with the development if it is sold. **In addition to update of information at the Registry of Deeds, written notice must be sent to Town of Eddington**

Monetary amount of Guarantee: **The total amount of surety is due prior to the issuance of a building permit.**

Every 5 years from the date of permit issuance during the lifespan of the project the owner of the facility shall provide the Planning Board with a revised removal cost estimate and structural evaluation prepared by a professional civil engineer licensed in the State of Maine. If the cost has increased more than **5%** then the owner of the facility shall provide additional security in the amount of the increase.

8. The Town does not have any soils of significance or farm land.
9. Tracking Panels – Nick M informed the Board that there are two types, single axis that move throughout the day or dual axis that move throughout the day and year

(follow the sun). Scott N said the websites for manufactures of tracking panels do not address noise. Glare may be more of an issue than the sound. David P suggested that they could require a larger setback when using tracking panels. Susan DS suggested double the original setback amounts. Susan DS also feels that if a project is beside a road, it doesn't need as large of a setback. Craig K feels that this will cause problems for deer crossing the road.

AGENDA FOR FUTURE MEETINGS – HOUSEKEEPING: The Board will start with Operational Fees Thursday. David P said he has found that most Towns just refer to their Schedule of Town Permit and Application Fees. Susan DS will research this more. Nick M said that they have not had any annual fees to date for any of their other towns. He continued that the application fees vary, but they have not been on a per panel basis. They are usually a fixed fee. He will put together a sample of other town's fee schedules.

DATE OF NEXT MEETING: The next meeting will be Thursday, March 10, 2022 at 6:00 pm.

PUBLIC ACCESS:

ADJOURNMENT: Motion to adjourn at 7:45 pm. **By Heather G/Susan DS 2nd. Vote 5-0**

Respectfully Submitted,

Denise M. Knowles