



# Town of Eddington

906 Main Road Eddington, Maine 04428

## PLANNING BOARD

April 11, 2023

5:30 pm

## MINUTES

**CALL TO ORDER:** David Peppard called the meeting to order at 5:30 pm.

**ROLL CALL:** Members present were David Peppard, Susan Dunham-Shane, Craig Knight, Scott Newhart and Heather Grass. Scott N left the meeting after signing the Finding of Fact because of illness.

**MINUTES:** Motion to table the minutes of March 28, 2023 until the next meeting.

**By Craig K/Heather G 2<sup>nd</sup>. Vote 4-0**

### **NEW BUSINESS:**

**UNFINISHED BUSINESS:** Move that we have reviewed the revised document (Finding of Fact for the Darric Hammond Permit as requested by the Board of Appeals) and all of the Board members have signed it.

**By Susan DS/Heather G 2<sup>nd</sup>. Vote 4-0**

David P explained that public comment is held until the end of the meeting during Public Access unless the Board requests someone to address them. They should identify themselves and give their address when speaking.

The Board will now discuss the Public Hearing for the proposed application from BD Solar Eddington, LLC on March 28, 2023.

David P stated that the Public Hearing had a sizeable turnout with one issue that they were vocal about which was their using the Davis Road for access during construction with large trucks. He did not detect any opposition to the Solar project itself. David P thinks that an attempt was made but they did not fully understand that the use of the Davis Road with large trucks and more traffic would only be during construction. Susan DS said that the application states that construction would be about 1 ½ years.

Susan DS said that when they have a project that will affect a town way, rather than just notifying abutters to the project, they may want to consider notifying the whole road.

Nick Sampson of BD Solar Eddington informed the Board that they have discussed it internally also and felt there was resistance to the access and a concern that the process was going to continue without another opportunity for the community to continue to express their concerns. They want to be respectful and responsible in regards to their concerns of the Davis

Road. If the Board agrees, they would like to start the review process tonight but maybe skip the next Planning Board meeting so they could create an opportunity to meet with residents again to try to address their concerns, through a more refined construction traffic plan and clarify what they are expecting for construction traffic and ways they can try to make it as safe as possible and feel like they have as much transparency as possible. David P and the Board agreed that they could hold a meeting.

David P thinks that what he heard from the public was: 1. The road just got repaired last year and if there is any damage done to the road they want it repaired. 2. They don't want to see a continuous amount of construction vehicles. He feels they want to know how long it will take. 3. Someone suggested setting up hours of operation to avoid school traffic and morning walks. Nick S said the construction period will take about 1 to 1 ½ years which will break down to about site prep work of 2 to 3 months. Delivery of the modules and racking will take about 2 to 3 months and that would be the end of the heavy truck traffic. After that it will be just regular pickups of workers working on the site. Heather G explained that the bottom of the hill has a super tight turn that has people concerned. Nick S said they can work with the truck drivers to lower their speed limit around that site.

Susan DS suggested that they may want to do a road specific one-page information sheet stating that they want to have a meeting to explain it better to the residents. Susan DS said there were 12 households out of 60 that attended the meeting.

Susan DS suggests that they do the completion review of Applewood Estates application at the next meeting on April 25, 2023.

Everyone agreed to have the BD Solar Informational Meeting at 5:30 pm on May 4, 2023. Nick S said they will be notifying each resident and would like a mailing list from Denise K. Nick asked if they could do their presentation first and then open the meeting to comments and the Board agreed. Adam of BD Solar is putting together the information and asked if there is anything else that was a concern and the Board agreed it was safety, new road damage, the amount of traffic, time frame and that the houses at the beginning of the road set back much further than the ones near the site entrance.

Susan DS understands that the original plan involved over 2 miles of road work, while the new access is about 950'. She said they did the site walk and looking at the site drawing the access has wetland within the delineation but when standing there the water will drain to the Gargan property, a lot of water. She feels there will be a bigger wetland impact than what is shown of the drawing of the easement. Susan DS is also concerned with the actual size of the frontage on Josh Allen's lot. She measured the Maps at the office and came up with 180'-190' and then she scaled it off of one of their drawings and it came up to 200'. She said in the General Performance standards it says that required road frontage shall not be reduced by the location of a driveway, common driveway or entrance for a road serving another lot. This lot is in Rural Agricultural with 400' of frontage but it will predate the 2003 comp plan. The lot is weird shaped and also there is a utility pole in the middle of their center line for the road. She continued that 902.1 of the Zoning Ordinance states that no access may be granted on a lot that would make the lot nonconforming. She is worried about getting big equipment in and out. Susan DS continued that in their drawing C501, the roadway on their plan view is a 20' minimum and then fans out to 50'. Sean T explained that it meant that there was going to be 50' of construction entrance before you get onto Davis Road. She said it is wet and they should be dealing with Mr. Sloan because the easement is right at his property line. Sean T said one side of the easement follows the property line and is 50' wide. Their road is as far away from his line as they can be. Susan DS says they will need the easement to go further over. Sean T said before construction they may need a temporary construction easement. Susan DS does not think they will be able to get big trucks onto that easement with the placement of the pole, she is concerned

with the wetlands and does not have a clear indication of how they will deal with it. Sean T said that area will have a stone base to allow the water to seep through the road base and then culverts as needed for concentrated flow in those areas. Susan DS continued that the area she walked on was not concentrated flow, but pool eddies that were stretched out woodland rocky watery areas. Sean T explained that the areas with a lot of water flow will have culverts and further in where it is just wet, they will have larger rocks to allow the water to seep through. They are not cutting off any water from one side of the road to the other. Heather G said the third part was that the decommissioning plan would also have to include the easement change information. Susan DS said it should be part of the easement agreement: A. Redo it to show where they are coming in from and Susan DS feels that because Mr. Allen already has a driveway on his 200 ' frontage of his property so their road is going to make his frontage nonconforming which the ordinance says is not allowed. Sean T does not understand this because they are not buying the land or getting a right-of-way, but are doing an easement across his land. Susan DS explained the definition of Right of Way: The term used to describe a deeded right belonging to a party to pass over the land of another. When used with reference to right to pass over another's land it is only an easement. Easement: A right of use over the property of another. Sean T said they are not taking from the property they just have an easement over the property. Susan DS continued that from her time on the Planning Board, different surveyors have different interpretations. She added "All lots and developments, no access may be granted on a lot that would make that lot nonconforming due to resulting insufficient frontage or acreage." Susan DS's concern is that it is an easement with a road and if he were to try to sell it he would not be able to because it would not be a conforming lot. Susan DS thinks we should get a legal check on this. David P doesn't think an easement will take away from frontage like a deeded right-of-way would. Susan DS will get Denise K the exact wording for what they want her to ask Charles Gilbert.

Book 2, Map 9, Susan DS said if they are moving the access over to start road, they need to get exact location of point of access for temporary construction road entrance. Sean T said they can add a rock sandwich detail and location of culverts to the plan. David P said that whatever is put in needs to handle the water so as not to bother the abutters. Susan DS thinks that the water the Gargan's were talking about is coming from the north side flowing south because the contour shows it flows south.

David P said they can start the review of the application. Susan DS's suggests that they work from the maps in Book 3. She will put together a map from the maps Sean left her. They will work out of Book 1, December 2022 and then go to Books 2 and 3 as needed.

Site Plan Review Application is done because they have marked it complete so they will start with the Narrative after the Zoning Map of Book 1. (Book 1 did not have the correct Tax Map, but Book 2 has the correct tax map.)

Narrative:

- a. I move that we accept Review Criteria a, Application Fee has been provided.

**By Susan DS/Craig K 2<sup>nd</sup>. Vote: 4-0**

- b. Erosion & Sedimentation Control Plan, Appendix A-Access Road width fixed in Book 3-Okay Permanent Seeding, They use Meadow Seed Mix until late in the season and they use a rye or winter rye that would be reseeded in the spring.

I move that we accept Item b., under Review Criteria after consulting Appendix A.

The Erosion and Sediment Control Plan **By Susan DS/Heather G 2<sup>nd</sup>. Vote 4-0**

- c. They have provided the MDEP application to show that there are no negative impacts on wetlands. Susan DS requests that they not vote on this section until they have reviewed the paperwork provided.

- d. Susan DS suggests they hold this section until the storm water plan is provided and the Board agreed. She asked when they might receive it and Nick S said that he believes they are issuing it right now. The SLODA permit was fine but there was some questions on the NERFA Permit regarding confusion on the impact amount for the transmission line. (Should have permits within the next month or two.)

Susan DS referred everyone to map C100A which is a full site drawing with solar panels removed. She has followed the numbers around the map and found slope changes of 50' or 60'. She said that they have mentioned using more berms and silt fencing and she questioned if they thought that was enough because it has to go to a wetland. Sean T said that it is not much of a slope over that scale and generally it is 10% over that area. Sean T continued that within 75' of wetland they have to have a double row which may be a berm with a silt fence.

- e. Sewage and wastewater does not apply.  
Move that we accept Section e. **By Susan DS/Heather G 2<sup>nd</sup>. Vote: 4-0**
- f. Does not require potable water and access road is accessible to emergency vehicles.  
Move we accept Section f. **By Susan DS/Craig K 2<sup>nd</sup>. Vote: 4-0**
- g. Will not store hazardous waste. Does not apply.  
Move we accept Section g. **By Susan DS/Heather G 2<sup>nd</sup>. Vote: 4-0**
- h. Will not extract groundwater and will be no hazardous pollutants. Sean T will find out what Band 1, 2 and 3 mean on Appendix B map. Heather G verified that the yellow spot on the map is aquifers and there are none in the area. Sean T said that the transformers and BISS's use vegetable oil. They will hold h until Scott N is back.
- i. Susan DS pointed out that the revision in Book 2 says all bridges are rated for 80,000 pounds, but only the 2 bridges with box culverts replaced are 80,000 pound rated. She questions what the third bridge is rated for. The applicant had initially responded with expected traffic after construction, but updated it in Book 2 to include during construction also. They will hold i. until they find out what the third bridge is rated for.

Motion that they close review of the BD Solar Project for this evening.

**By Susan DS/Craig K 2<sup>nd</sup>. Vote: 4-0**

**PUBLIC ACCESS:**

**AGENDA FOR FUTURE MEETINGS – HOUSEKEEPING:**

**DATE OF NEXT MEETING:** The next meeting will be April 25, 2023 at 5:30 pm.

**ADJOURNMENT:** Motion to adjourn at 7:26 pm. **By Susan DS/Heather Grass 2<sup>nd</sup>. Vote 4-0**

Respectfully Submitted,

Denise M. Knowles