

# NORTH BERWICK PLANNING BOARD

## MINUTES OF PLANNING BOARD FEBRUARY 13, 2020

**Present:** Chairman Geoffrey Aleva, Anne Whitten, David Ballard, Roger Frechette, CEO

**Absent:** Matthew Qualls, Jon Morse, Scott Strynar

**Also Present:** Gil A. Paquette, Jack Wu, Mark O'Brien, Greg Lucini

1. Call To Order:

Chairman Geoffrey Aleva called the meeting to order at 6:31 pm.

2. Review Previous Minutes:

The Board decided to table the minutes from January 23, 2020 because only 2 of the members present tonight were at the last meeting.

3. Current Business:

3.1 Public Hearing application review submitted by Central Maine Power to install a Physical Security Shelter located on Gould's Bridge Road (Map 001 Lot 023)

Chairman Aleva asked Roger Frechette if he had any issues or comments regarding the application. Roger stated that everything looks like it is in place. Unfortunately they will not be moving forward with the project now but they may do so later. Roger stated that Jack Wu was present to explain.

Jack Wu from Central Maine Power stated that they had proposed to build a shed. He stated that they are currently going through an internal review. As opposed to placing the shed on the outside, they are looking at possibly placing it inside the control house. This is why the project is on hold for the moment. Roger Frechette asked if they were still going to build a shed or if they were going to add to the existing structure. Mr. Wu stated that they would add to the existing structure. He said that instead of being outside in a separate building by itself, they are going to go inside the fence. He said that, the trouble with going inside the fence, is that if they need to do any maintenance work, they have to get someone to open the gate.

Roger asked Mr. Wu if he had any idea when they would make a decision. Mr. Wu said that he hopes that it will be within the next week or two. Roger suggested that they table it until they are sure that the applicant is ready to come back, if needed. Chairman Aleva stated that they can

table it for 2 months. He told Mr. Wu to keep Roger informed of what was going on. If they needed more than 2 months then the Board can table it for longer.

Chairman Aleva stated that since it is supposed to be a Public Hearing he opened up the meeting for public comment at 6:35 pm. There were no comments. Chairman Aleva closed the Public Hearing at 6:35 pm.

Anne Whitten motioned to table the application for Central Maine Power until April 13<sup>th</sup>. David Ballard seconded the motion. VOT: 3-0

3.2 Conditional Use Application review submitted by Goldmark LLC to construct a Solar Array consisting of +/- 779 Solar Panel Racks, 2- 40' x 50' equipment pads, Gravel access drive & 7' tall perimeter fence in the eastern +/- 24.6 AC of the +/- 64.63 AC parent tract. (Map 004 Lot 89)

Chairman Aleva asked Roger if he had any issues or comments regarding the application. Roger stated that there is not much yet. He said that, tonight, they need to set up an escrow account, a site walk and a Public Hearing.

Greg Lucini stepped forward to discuss the project. He is the owner of ISM Solar Development, LLC. He has been in business for over 35 years and is based out of Providence, RI. They are an electronics industry and about 5 years ago they started their solar development business. He stated that they are based in Providence but he actually lives on Thompson Lake in Oxford, ME. When Maine passed new solar legislation last summer, Mr. Lucini decided to do some work close to home.

Mr. Lucini showed the Board the plan for the area that they are looking at putting these panels. He stated that it is a gravel pit and this is the type of site that they look for. They do develop nationally across the country and most of the sites are on gravel pits, landfills and brownfields. They have some proprietary technology that they use to close brownfields and they integrate solar with that. This is a product that they have that is patented and is now a preferred solution by the EPA as well with most State regulators. They are really excited about it and all of the things that it brings to the environment in terms of closing landfills, protecting the environment from the chemicals inside as well as being able to integrate it with solar. They can even build on slopes.

Mr. Lucini stated that, in this case, it is obviously not a brownfield or a landfill but it is a previously disturbed site. To keep within their overall goal, which is to minimize impact on land and to reuse already disturbed parcels. This property that they are looking at is exactly the type of property that they typically look for. They prefer to do it this way instead of going out and finding forested areas that have wildlife and having to cut down a lot of trees. This project fits in with what they do and are good at. He thinks that it is a good project for the town and for the land owner.

Mr. Lucini introduced Gil Paquette from VHB which is their engineering firm. Mr. Lucini also introduced the land owner, Mark O'Brien to the Board. Gil Paquette stated that one of the first things that they did with the site was to meet with the DEP. Jim Byer is the point of contact for DEP for this project. Mr. Paquette stated that both he and Mr. Lucini met with Mr. Byer in Bangor a couple of months ago to talk about the project. He said that it is rather unique because it is in a gravel pit. Mr. Paquette said that they wanted to get an idea of what the DEP thought about the project and repurposing gravel pits. Anne Whitten stated that Mr. Paquette just mentioned that it was unique to be in a gravel pit but Mr. Lucini stated that they already do projects in gravel pits. She wondered what the difference was. Mr. Paquette stated that the company ISM is unique. Mr. Lucini stated that there are a lot of solar projects throughout Maine and the country but there aren't many in gravel pits. He stated that his company focuses on gravel pits. Mr. Paquette stated that Mr. Lucini is focusing on gravel pits because of the minimal disturbance to wild life, wetlands, fisheries and so forth. In their discussions with the DEP, they agreed with this approach. In the DEP's discussions with the PUC, they have ranked these higher in terms of the rating scheme that they will use to select these projects. The PUC will be selecting some of these projects. The DEP has said that if they are gravel pits, it is better.

Mr. Paquette stated that the other thing that they discussed with the DEP, because of this being an old pit is that it was permitted with a location of development permit application. They will be amending that application. They are putting all of the information together to amend the current permit. Mr. Paquette stated that, per the State perspective, the pit can be expanded every 5 years. There is some forested area that falls within their area so it is not an area that would be protected in perpetuity. It increases the output of the project and it makes the project make sense. Anne Whitten asked how much wooded area they would be clearing. Mr. Paquette said that it would be about 5 acres. Mr. Paquette stated that they did a wetland survey and they found 1 on the property. They will not be impacting this wetland. Mr. Paquette stated that they reached out to several agencies and, because it is a gravel pit, there was very little concern about what was going in this area because it is already a disturbed area. They are working towards pulling together the application. It will be an amendment to a site location permit. They will not need a Natural Resources Protection Permit because there is no wetland.

Chairman Aleva asked what their schedule for submission was for the amended site location permit. Mr. Paquette stated that it should be within a month. Chairman Aleva stated that they need to take care of all their DEP requirements and they need to take care of the stormwater requirements. Mr. Paquette said that he is trying to get clarification from DEP regarding what kind of stormwater submittal they want to see for a gravel pit. Chairman Aleva stated that they will probably want more detail in the forested area and not so much in the gravel area. Mr. Paquette thinks that this is probably what they will want but he is just waiting to get a definitive answer.

Chairman Aleva said that he thinks it will be a couple months before they get any DEP comments back. Mr. Paquette stated that they are expecting a quicker response because it is a gravel pit. There has been a lot of exchange with the DEP and they really seem to be trying to

help them move forward. Chairman Aleva told the applicant that we have a Town Engineer that will review the project. Some of the escrow amount will be used for the cost of that review. He stated that they would not set up a Public Hearing or site walk until the escrow has been submitted. Once escrow is received it will go to our peer review engineer and to the Southern Maine Regional Planning Commission for their comments. They will not want to have a Public Hearing until they get comments back from DEP. Chairman Aleva said that our process will be pretty simple compared to what they will need to go through on the DEP side. He stated that the Board likes to do site walks prior to the meetings. This one will be a big one so it will take more time. He suggested waiting until more Board members were present to see what a good day would be for everyone. Mr. Paquette asked if it would make sense to not do the peer review and just go through the DEP. Chairman Aleva stated that it has been recommended by the Town Manager to have a peer review completed on all projects. He said that if they have any questions about the possibility of having duplications with the reviews, they should discuss it with the CEO and the Town Manager.

Mr. Paquette asked if it would be possible to have a concurrent process so that as they are discussing the project with DEP they could also discuss it with the peer engineer. Chairman Aleva said that once they get their plan set, complete the stormwater requirements and get the DEP comments, they should submit it to Roger. After they have paid their escrow, Roger can submit to the engineers so they can start the process. Mr. Paquette asked if they could deem the application complete at this time. Anne Whitten stated that they can't do that until they have everything that they need for the information. She stated that they can accept the application but not deem it complete. Chairman Aleva knows that some of the other Board members not present tonight will probably like to discuss the drainage ideas and what they will do for buffer and landscaping around the perimeter. They will want to see what each of the arrays will look like and how it will be set up. David Ballard asked if a soil sample had been done. Mr. Paquette stated that they did it electronically through NRCS. It is all published.

Anne Whitten asked what they do with the electricity that is produced. She asked if they sell it back to the electric company. Greg Lucini stated that there are 2 ways to move the power. One is through the transmission system which are the high tension wires that you see that moves power from one location to another. They string together substations. Sometimes on the side of the road you will see a substation with all the wires coming in. That substation takes the power that is coming in at a high voltage and changes it to something that can be used by the homeowner or business. It steps down from a very high voltage to a lower voltage. It is transformers that do this. Then there are distribution lines that connect to the transformers. The distribution lines are what go from the substations out to all of the rate payers. It is the distribution lines that they tie into and that is why they call them distributed generation. The power is being generated at a distributive level at many different places. It comes into the distribution lines and works its way through back to the substation and then goes back out again. This project is all about the powers being consumed locally and not going into the transmission system. He stated that there are big projects in Maine with 50 and 75 megawatts that go directly

into the transmission system. This also has nothing to do with the CMP Corridor that is being talked about. That is just moving bulk power from one place to another. This power with this project stays local.

Anne Whitten asked if that meant that the people around here would be using the power and Mr. Lucini said that they would. He stated that they will have an opportunity to buy into it. It is called community solar and that is probably where this power will land. It will be transacted via the community solar mechanisms that the State has provided for now. He stated that the rule making is still being done so it is not final yet but the Law does exist. The Governor and Legislature put it into plan last summer. Mr. Lucini stated that anyone that is a rate payer can sign up for it. There are 2 advantages to it. The first is that you will receive a discount on your rate which will probably be in the 10% range. He said that people do not have to do anything. They don't have to make a commitment, pay any money, or put solar panels on the roof. They will just get a reduction. The second thing is that the local people who will be benefiting from it are also supporting renewable energy. He stated that they still have a long way to go to get from carbon based to 100% renewable energy.

Chairman Aleva asked if they would be leasing the land. Mr. Lucini stated that Mr. O'Brien will continue to own it and when their lease is up, the solar rate goes away and they take everything down. This will all be noted on the permits and the lease with Mr. O'Brien. Anne Whitten asked why they would take it down. Mr. Lucini stated that the lease would expire. He said that the leases are based upon their power contracts. The way that the Legislation is written is that they can do a 25 year power contract which is what they will be doing with this project. There are no guarantees that they will get another one beyond the 25 years. The lease with Mr. O'Brien will be for 25 years with options to extend it if they can remonetize the power. He stated that he won't be doing it but somebody absolutely will be because there is value in it. There will either be a market for some technology where the panels will no longer be used.

Mr. Lucini stated that his team met with Roger and there was some talk about what the buffers and setbacks are. He wants to make sure that the Board and Roger are okay with how they show it on the plan. Roger said that they were fine. Roger asked Mr. O'Brien if the pit was still going to be active in any way. Mr. O'Brien said that it would be. Mr. Lucini stated that it would not affect the panels. He said that it rains enough around here to wash off any dust. He stated that they will be able to monitor production remotely and if there is any soiling on the panels that is causing an effect on the production, they will have a truck come out to spray the panels with water.

Chairman Aleva asked if they were including the expansion of the pit into the DEP permit. Mr. O'Brien stated that the pit is already approved and they are just amending it to include the solar panels. Mr. O'Brien showed the Board members on the plan the area of the pit that is all mined out and also the part of the pit that is part of the original approval for him to mine. He stated that the entire 64 acres was completely approved through DEP. The panels are going in the areas that are all mined out. Mr. Lucini stated that one of the questions that was brought up on other

conversations was about the curb cut. They originally proposed the access up higher but to avoid dealing with the issue, they are just going to use the existing curb cut. They will access the same place that the pit is being accessed now. At some point when they get in there, their road will veer off.

Chairman Aleva stated that, on the plan it looks like there are 3 rectangles and a pad. He asked what this was for. Mr. Paquette stated that it was the equipment pads. Chairman Aleva asked how tall the arrays were. Mr. Lucini stated that the tallest will be about 12 feet. Chairman Aleva asked if they were going to pivot or if they were going to be stationary. Mr. Lucini stated that they are still trying to figure that out. There has been no final decision. They are looking at the economics of using single axis trackers. Another company is using them in Minnesota and they have similar weather patterns to what we have here. It looks like they may be able to do it here which would be great because the array will have more production. It costs more money to build it because it has motorized trackers but, in the end, they get better production. The nice thing about it is if there is a snow storm, they send a message so that the panel goes vertical and when the storm is over, you put it back to where you want it to be for the time of the day that you need to get the best production. David Ballard asked about the arrays being off the ground. Mr. Lucini stated that the bottom lip is about 3 feet. Mr. Ballard asked if they produce any heat. Mr. Lucini stated that the panels do not produce any heat or any noise. He said that the inverters produce some noise but once you move a couple hundred feet away from it, you can't hear it at all. They are nowhere near any residences so it shouldn't be an issue.

David Ballard asked where their monitoring station was. Mr. Lucini stated that it was all remote. They may go out there 2-3 times a year unless there is a problem and they have to go and repair something. Chairman Aleva asked if they sit on a concrete pad or posts. Mr. Lucini stated that they are on posts that are driven into the ground. The geodetic will tell them what to do. In rocky areas, they use screws.

Mr. Lucini stated that the latest technology is called bifacial panels. It is dual glass on both sides. This array will pick up the reflection from the back side which helps to boost the energy generation. This will work great when there is snow because there is no better reflection. Anne Whitten asked what would happen if we got too much snow and the panels wouldn't be able to tilt. Mr. Lucini stated that they are rated so that they will be able to move effectively given all different snow depths.

David Ballard asked where they were going to plug into the main system. Mr. Lucini stated that the point of connection is right there out on the street. They will have to do an upgrade of 3 phase because it stops right on the road. They will have to pay CMP to run a couple hundred yards to the nearest 3 phase line. Chairman Aleva asked if they were going to have poles going up the access road. Mr. Lucini stated that the first 3 poles belong to CMP and have CMP equipment on them. He stated that their poles would go in from there.

Anne Whitten motioned to set an escrow amount of \$6,500. David Ballard seconded the motion.  
VOTE: 3-0

Anne Whitten motioned to accept the application submitted by Goldmark LLC to construct a Solar Array (Map 004 Lot 89). David Ballard seconded the motion. VOTE: 3-0

4. Other Business:

No other business at this time.

5. Adjournment:

Anne Whitten motioned to adjourn the meeting at 7:15 pm. David Ballard seconded the motion.  
VOTE: 3-0

Roger Frechette  
Planning Coordinator

Respectively submitted,  
Susan Niehoff, Stenographer

Chairman Geoffrey Aleva

Jon Morse

Anne Whitten

Matthew Qualls

David Ballard

Scott Strynar