

LIMERICK PLANNING BOARD MINUTES – Approved June 2, 2021

May 5, 2021

Aaron opened the meeting at 7:00 pm. Laura and Wendy were absent Greg and Dave were present.

WALK-INS:

None

MINUTES:

The minutes for March 17th and April 7th were tabled until the next meeting.

The proposed ordinance change for 40-acre lots was tabled until further notice.

OLD BUSINESS:

Review Limerick East Range Solar 1, LLC Map 35 Lot 1 and 1B

Andrews Vardakis, Wood Environment & Infrastructure Solutions Inc. the authorized agent, and Bret Pingree the Engineer for the proposed Solar Array addressed the board and discussed the permits they have received thus far, they are still awaiting the Solar Collection permit from CMP..

REVIEW:

Article VII – Conditional Uses

- A. A conditional use permit is designed for those uses, which may be permitted as a service to the community or for the benefit of the town’s general welfare. The standards of this provision are designed to ensure adequate control of the location, design and operation of conditional uses.

- B. The Planning Board may approve an application for a Conditional Use Permit if the applicant demonstrates that the proposed use:

For each of the 16-conditions the Applicants answers were read into the record and are a part thereof.

The following narrative is in response to the Conditional Use Requirements listed in the Town of Limerick Planning Board, Conditional Use Permit Application.

CU #1. The purposes and definition of a conditional use contained in the Limerick Ordinance are satisfied by this Project as follows. The use is allowed as specified in the land use chart as a solar farm. This type of land use requires a conditional use permit in the RF&F district. The proposed solar facility would contribute to local energy production and consumption. No public funds or public utilities will be required by the Project.

CU #2. The Site is located in the RF&F district off Range East Road in Limerick on the right side of the road heading east on Range East Road. It is surrounded by a lightly forested area and large fields. The solar array would not be visible from the road as it would be set back approximately 1,000 feet and fronted with existing trees. There are three residences on the same side of the street as the solar array and two residences and one business across the street from the solar array, however these residences and business will be protected from the view of the proposed solar array. Activities at the Site will be infrequent – the Applicant will make occasional maintenance visits and the proposed solar array will be otherwise unstaffed. The proposed solar array may generate some noise that is not expected to be audible from abutting properties. Low vehicle speeds on the access roads will be mandated to keep dust at a minimum. There are no vibrations, fumes, odors, light, or glare anticipated from the operation of the proposed solar array. Solar module cutsheets are included in **Attachment G**.

CU #3. There will be no adverse effect on adjacent property values. The array will be set back out of view from abutters and will utilize the existing vegetation as screening. Abutters are far enough away to not be disturbed by the minimal sound and dust that may be generated at the solar array. There are no vibrations, fumes, odors, light, or glare anticipated from the operation of the proposed solar array.

CU #4. There is no anticipated additional traffic to and from the Site other than maintenance on an as-needed basis. The location of the Site is visible for a long distance from both directions allowing plenty of time for cars or trucks to enter and leave the site without creating hazards to vehicular traffic travelling along Range East Road.

CU #5. All components of the solar array will be installed and operated according to all requirements set forth in the National Electric Code and State Fire Code. No battery storage units are proposed. When no longer in operation, the modules will be disposed of in accordance with the laws and regulations of the Town of Limerick and any other applicable laws and regulations relating to solid, special, or hazardous waste disposal.

CU #6. Flood hazard does not appear to be a constraint on the Project. Based on the most recent Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) for the study area, the proposed fenced array area is located in Flood Zone C, defined as an area with minimal flooding. Based on the Maine Flood Hazard Map, Q3 Flood Maps, the proposed fence array is located approximately 0.86 miles north of an area designated Zone AE, an area of 100-year flood. The FEMA FIRM areas are shown on the Project Drawings and on the environmental constraints map on **Figure 3 in Attachment B** and the Project Drawings in **Attachment D**.

Low Impact Development measures will be employed to prevent drainage problems, ground or surface water contamination, and soil erosion. Site clearing for the proposed project is limited to the area required to accommodate the proposed array and associated shading considerations. Impervious area for the project has also been minimized to the access road, equipment pads, and ground-mount posts for the array racking system. Except for this limited impervious area, the tree clearing area that is within the fence line will be seeded and re-vegetated to form a meadow buffer. The existing grade will be maintained throughout the site, maintaining existing natural stormwater flow patterns. Additionally, stumps and scrub vegetation will not be removed in the proposed tree clearing area that is outside of the proposed fence line, maintaining a vegetative buffer condition. To address changes in hydrology with the proposed development, stormwater best management practices (BMPs) will be employed on-site. The BMPs (e.g., vegetated surfaces) will be designed to attenuate the minimal increase in stormwater flow as a result of impervious areas (concrete pads, racking posts), and the change in surface cover for the conversion of wooded areas to grass, which results in no increase in peak runoff flow rate or volume off the property. Additionally, erosion and sedimentation (E&S) controls will be installed around the perimeter of the proposed work areas prior to the start of construction and maintained until the site has been stabilized with vegetation to minimize stormwater impacts.

A Stormwater Permit by Rule will be submitted to the MEDEP concurrent to this Application. See the Stormwater Management section below for additional information.

CU #7. There will be a 15-foot-wide access road into and out of the Site that runs alongside the eastern property line terminating with a 100-foot hammerhead turnaround.

CU #8. Not Applicable – There is no exterior lighting proposed.

CU #9. The Site is currently in a wooded area and the proposed array has been designed to utilize the natural surroundings for screening.

CU #10. The access road has been designed to satisfy all vehicular loading and unloading, parking, and pedestrian circulation needs for the proposed array. The solar array is not anticipated to affect vehicular loading and unloading or parking on Range East Road.



CU #11. Not Applicable – Waste water or solid waste will be not be generated from the solar installation. The erosion and sedimentation control and construction housekeeping BMPs specified on drawing C-502 of **Attachment D** will be employed to prevent ground or surface water contamination.

CU #12 and #13. See response to requirement CU #6.

CU #14. Not Applicable – There is no need or demand for water supply.

CU #15. No impacts to the site are anticipated since hazardous materials will not be stored or utilized on-site. The proposed transformers contain biodegradable materials such as vegetable oil. Our research to date does not indicate that actionable levels of metals, perfluoroalkyl substances (PFAS), or other chemicals will leach from the panels during their active lifetime. The decommissioning plan for the site provides for replacing or repairing broken panels and removing them from the site before they pose a risk to operation or the environment.

CU #16. There is no anticipated adverse impact on significant vistas or wildlife habitat. As noted previously, site clearing for the proposed project has been minimized to the extent possible and most of the cleared area will be maintained as natural meadow or brush conditions to fit in with the rural nature of the area. Data maintained by the Maine Office of GIS and MDIFW do not show any state-listed plants or state-listed animal habitats on the Site. To confirm these data, Wood has concurrently submitted a request to MDIFW for review of the Site with respect to Endangered, Threatened, and species of Special Concern; Designated Essential and Significant Wildlife Habitat; and inland fisheries habitats.

In addition to the local Site Plan Approval, additional permits to comply with state and federal laws may be applicable through the appropriate agencies as detailed below:

Wetlands: A preliminary review of available on-line information from the Maine Office of GIS was performed which included map data from the U.S. Fish & Wildlife Service National Wetlands Inventory (NWI). The review shows that Freshwater Forested/Shrub wetlands are located within the Limit of Work area of the Project. **Figure 3 in Attachment B** is an environmental constraints map showing the location of sensitive environmental resources as depicted by publicly available map data.

Wood performed an on-site inspection and delineation of wetlands in August, October, and November 2020 to verify the location and characteristics of potential wetland areas and to search for other resources that may not be shown on publicly available air-photo interpreted maps such as the NWI. Three vegetated wetland areas and associated drainage features were identified and delineated. Two are located on the northern portion of the property which lie approximately 27 feet from the proposed Project area at the closest point and one wetlands area is located near the center of the property and lies approximately 485 feet from the proposed Project at the closest point, as shown on the Existing Condition Plan (Drawing V-101) in **Attachment D**. No potential vernal pool habitat was observed on-site.

Stormwater Management: As described in CU #6, stormwater BMPs will be employed on-site to address changes in hydrology with the proposed development and E&S controls will be installed around the perimeter of the proposed work areas prior to the start of construction and maintained until the site has been stabilized with vegetation to minimize stormwater impacts.

A Stormwater Permit by Rule (PBR) will be submitted to the Maine Department of Environmental Protection (MEDEP) concurrent to this Application. The Stormwater PBR is applicable for this Project under Maine's Stormwater Management Rule (06-096 CMR 500) since the project is not in the direct watershed of a lakes most at risk or urban impaired stream and there is less than one acre of impervious area and less than 5 acres of developed area proposed for this project. The MEDEP

1. Will meet the definition and specific requirements set forth in this ordinance for the specific use; Greg moved and Dave seconded that the applicant answers and site walk this is met.

Vote 3-0 In Favor

2. Will not have a significant detrimental effect on the use and peaceful enjoyment of adjacent or nearby property as a result of noise, vibrations, fumes, odor, dust, light, glare or other cause; Aaron motioned and Greg seconded the motion that based on information from the applicant, the site walk and public hearing this is met.

The Applicant stated that any noise from the equipment won't be heard because of the distance of over 100 feet from residences.

Vote 3-0 In Favor

3. Will not have a significant adverse effect on adjacent or nearby property values; Aaron motioned and Dave seconded the motion that based on the information in applicants answers, the public hearing and the site walk this condition has been met.

Vote 3-0 In Favor

4. Will not result in significant hazards to pedestrian or vehicular traffic or significant traffic congestion; Aaron motioned and Dave seconded the motion that based on the information in applicants answers, the public hearing and the site walk this condition has been met.

Vote 3-0 In Favor

5. Will not result in significant fire danger; Aaron motioned and Dave seconded the motion that based on the information in applicants answers, the public hearing and the site walk this condition has been met.

There was discussion concerning unacceptable public access, the applicant stated the projects perimeter will be a 7 foot high chain link fence

Vote 3-0 In Favor

6. Will not result in significant flood hazards or flood damage, drainage problems, ground or surface water contamination, or soil erosion; Aaron motioned and Dave seconded the motion that based on the information contained in applicants answers, the storm water plan, the DEP approval, the public hearing and the site walk this condition has been met.

Vote 3-0 In Favor

7. Will not create a safety hazard because of inadequate access to the site, or to the buildings on the site, for emergency vehicles; Aaron motioned and Dave seconded the motion that based on the information in the applicants answers, the public hearing, the site walk and by including a turn-around in the area prior to the fenced area gate this condition has been met.

Vote 3-0 In Favor

8. Exterior lighting will not create hazards to motorists traveling on adjacent public streets, is adequate to the safety of occupants or users of the site and will not damage the value and diminish the usability of adjacent properties; Aaron motioned and Dave seconded the motion that based on the information in applicants answers, the public hearing and the site walk this condition is not applicable, there will be no lighting.

Vote 3-0 In Favor

9. Makes provisions for buffers and on-site landscaping, which provides adequate protection to neighboring properties from detrimental features of the development; Aaron motioned and Dave seconded the motion that based on the information in applicants answers, the public hearing and the site walk this condition has been met.

Vote 3-0 In Favor

10. Makes provisions for vehicular loading and unloading and parking for vehicular and pedestrian circulation on the site and onto adjacent public streets which neither create hazards to safety nor impose significant burdens on public facilities; Aaron motioned and Dave seconded the motion that based on the information in applicants answers, the public hearing and the site walk this condition has been met.

Vote 3-0 In Favor

- 11.** Makes adequate provision for disposal of wastewater or solid waste and for the prevention of ground or surface water contamination; Aaron motioned and Dave seconded the motion that based on the information in applicants answers, the public hearing and the site walk this condition has been met.

Vote 3-0 In Favor

- 12.** Makes adequate provision to control erosion or sedimentation; Aaron motioned and Dave seconded the motion that based on the information in applicants answers, the public hearing, the site walk and the conditions in number 6 this condition has been met.

Vote 3-0 In Favor

- 13.** Makes adequate provision to handle storm water run-off and other drainage problems on the site; Aaron motioned and Dave seconded the motion that based on the information in applicants answers, the public hearing, the site walk and the conditions in number 6 this condition has been met.

Vote 3-0 In Favor

- 14.** Provides for a water supply that will meet the demands of the proposed use; ; Aaron motioned and Dave seconded the motion that based on the information in applicants answers, the public hearing and the site walk this condition is not applicable, there will be no water supply.

Vote 3-0 In Favor

- 15.** Makes adequate provisions for the transportation, storage and disposal of hazardous substances and materials as defined by State law; Aaron motioned and Dave seconded the motion that based on the information in applicants answers, the public hearing and the site walk this condition has been met.

There was discussion concerning dangerous broken panels and unauthorized people inside the project. This was explained that these systems are monitored and if something is wrong, for example broken panels, this system notifies the company and they immediately deploy a unit for repairs

Vote 3-0 In Favor

16. Will not have an adverse impact on significant scenic vistas or on significant wildlife habitat, which could be avoided by reasonable modification of the plan; Aaron motioned and Dave seconded the motion that based on the information in applicants answers, the public hearing and the site walk this condition is met.

Vote 3-0 In Favor

SPECIFIC CONDITIONS OF APPROVAL:

There was additional discussion concerning the Solar Ordinance, the site plan and attachment F for the Decommissioning Plan which appears as part of the application information.

Aaron motioned and Greg seconded the motion that the Applicant will confirm to the Town of Limerick that the Solar Array Ordinance has been followed prior to obtaining a permit for its construction from the code office.

Vote 2-1 In Favor Dave voted no

Aaron read the following paragraph into the record to become a part thereof:

This approval is dependent upon and limited to the proposals and plans contained in the application and supporting documents, including the supplemental and revised plans, the oral representations submitted and affirmed by the applicant, and conditions of approval imposed by the Board. Any variation from the plans, proposals and supporting documents and representations, except a change determined by the Code Enforcement to be a minor change that does not affect approval standards or conditions of approval, is subject to the review and approval of the Planning Board prior to implementation.

Aaron motioned and Dave seconded the motion to grant the conditional use permit to Limerick East Range Solar 1, LLC.

CORRESPONDENCE:

None

NEXT MEETING:

It was decided to not have a meeting on May 19, 2021 so the next meeting will be June 2, 2021.

ADJOURNMENT:

Greg motioned and Dave seconded the motion to adjourn the meeting at 8:35 PM.

Vote 3-0 In Favor

Respectfully submitted:

Joanne L. Andrews

Planning Board Secretary