

**Fryeburg Planning Board Meeting
Public Hearing
June 2, 2020 – Town Office**

Members in Attendance: Patrick Emery, Ed Price, Charlie Buterbaugh, Edy Kizaki, Tom Rebmann

The meeting was called to order at 6:05p.m. It was determined that there was a quorum.

Intro: Jack Kenworthy from Walden Renewables gave a PowerPoint presentation about the history of Walden Renewables, other projects that they have completed and others that are in progress, the benefits of solar energy, and the expected completion process, including studies of the two phases of the project. Dale Knapp from Boyles Associates discussed the environmental side of the project, such as wildlife, clearing procedures, new species opportunities, etc.

Public Forum: There was one town resident and one reporter present, and several attended via Zoom.

Kizaki asked about the difference between the two project studies. Kenworthy replied, stating that Phase 1 (4.9 KW) is studied through CMP due to its size, while Phase 2 (11 KW) is being studied by ISO and this process has not been finished.

Damon Steer asked when the project will be approved. Emery stated that this is our first solar project. Kenworthy stated that they are hoping to start Phase 1 in Q3.

Nora Schwarz questioned the visual impact of the project from Jockey Cap. Kenworthy stated the project is only visible in the winter months when leaves are off and a person would have to seek out the project to see it because it sits 180 degrees from the viewing direction off Jockey Cap. Schwarz also asked if they would be planting any screening trees. Kenworthy stated that they will not be planting trees.

Henry Foster asked how the power lines would be routed along West View Drive to access the power grid. Kenworthy stated that Phase 2 would be routed along West View Drive and the lines would look like a normal residential style distribution line. Phase 1 access would be onto Route 302 from the southerly entrance. Foster also asked how long the full project will take to complete. Kenworthy stated that there were too many variables to give a timeframe.

Tom Kingsbury stated that this is a good project and that the Planning Board should approve it.

Terri Parks asked about the loss of habitat on the 94 acres of cleared property. Knapp stated that the meadow buffer will create new habitat for other species and the fencing size will allow wildlife to access the fenced portion of the project.

Tom Rebmann asked about areas for beekeepers to place hives for pollination. Kenworthy stated that they are only the lessees and do not have the authority to grant this activity but would help facilitate the possibility.

Steer asked who and how people will be able to purchase the power from this project. Kenworthy stated that there are companies that recruit buyers for the power.

Charlie Buterbaugh asked about the educational program procedures. Kenworthy stated that they will commit to at least two class trips per year and for all ages, and that it's like a laboratory in the woods.

Kingsbury asked about access for all emergency personnel. Kenworthy stated that all essential departments will have access with KnoxBox keys.

Price asked the CEO if the town had received confirmation of abutter letters being mailed. CEO stated that they have. Price asked about rerouting the snowmobile trail. Kenworthy stated they will reroute. Price asked about running all power via Route 302. Kenworthy stated that Route 302 cannot handle all power generated and will have to utilize West View Drive. Price asked about Section 9 of the Maine DEP application. Knapp stated that Section 9 is complete and found no significant vernal pools; but nevertheless, they are using buffers as if there were significant vernal pools found.

Emery closed the Public Hearing at 7:30p.m.

Planning Board had further discussion.

Price made a motion to approve the application with the following conditions:

Walden Renewables Solar Utility approved with the following conditions:

1. Upon Maine Department of Environmental Protection approval.
2. All solar energy system installations shall be installed in compliance with the photovoltaic standards of the latest edition of the National Fire Protection Association Fire Prevention Code (NFPA) and National Electric Code (NEC), and International Building Code (IBC).
3. Prior to operation, electrical connections must be inspected and approved by the Code Enforcement Officer or his/her designee, or the State electrical inspector as applicable. The site plan applicant shall be responsible for Town-incurred costs to hire qualified professionals for a third party inspection for any and all components deemed necessary by the Town CEO.
4. Any connection to the public utility grid must be inspected and approved by the appropriate public utility unless waived by the public utility.
5. All solar energy systems shall be maintained as necessary to ensure that it is operating safely and as designed and approved until decommissioned.
6. Visual Impact - Reasonable efforts shall be made to minimize visual impacts by preserving natural vegetation, screening of abutting properties, and protecting scenic resources.
7. Natural Resources – Reasonable efforts shall be made to protect wetlands, watersheds, surface waters, slopes greater than twenty percent (20%) as well as High Value Undeveloped Habitat Blocks, High Value Plant and Animal Habitats and Focus Areas of Ecological Significance as mapped by the Maine Department of Inland Fisheries and Wildlife's Beginning with Habitat Program. Walden Renewables will add pollinator friendly seed mix to be distributed during reseeding of the meadows to create a biodiverse habitat for pollinator species. The site plan applicant will provide reasonable community benefits including, but not limited to local educational opportunities and scholarships as outlined in their letter to the town.

8. Operations and Maintenance Plan - The Site Plan applicant shall provide to the Town an operations and maintenance plan, which shall include measures for maintaining safe access to the installation as well as other general procedures for operational maintenance of the installation.

9. Emergency Services - The site plan applicant of the solar energy system shall provide a copy of the project summary, electrical schematic, and Site Plan to the Fire Chief. Upon request, the owner or operator shall cooperate with the Fire Department in developing an emergency response plan. All means of shutting down the system shall be clearly marked on the plan. The site plan applicant shall identify a responsible person to the Code Enforcement Officer and the Fire Chief for public inquiries throughout the life of the installation and shall promptly notify the Town when such contact information changes.

10. Installation Conditions - The site plan applicant of the solar energy system shall maintain the facility in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, vegetation control, and the integrity of security measures including Knox box and keys. Site access shall be maintained to a level acceptable to the Fire Chief. The site plan applicant shall be responsible for the cost of maintaining any private access road or driveway to the site and to the system.

11. Performance Guarantee - Walden Solar will fully fund the estimated decommissioning cost of \$136,000 prior to construction of Phase 1 and an additional \$325,000 prior to construction of Phase 2. These funds shall be in the form of an irrevocable letter of credit. The amount of the financial assurance will be adjusted every five years in connection with the updated decommissioning cost estimate. The financial assurance will remain in place until the decommissioning work has been completed and approved by the town.

12. The solar energy system that has reached the end of its useful life or has been abandoned shall be removed. The site plan applicant shall physically remove the installation no more than one hundred and eighty (180) days after the date of the discontinued operations. The site plan applicant shall notify the Code Enforcement Officer of the proposed date of the discontinued operations and plans for removal.

13. Decommissioning shall consist of:

a. Physical removal of all solar energy systems, structures, equipment, security barriers and transmission lines from the site.

b. Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations; and

c. Stabilization or re-vegetation of the site as necessary to minimize erosion. The Code Enforcement Officer shall have the authority to allow the owner or operator to leave

landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation provided compliance to all applicable codes and ordinances.

14. Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, the solar energy system shall be considered abandoned if it fails to generate electricity for more than one (1) year without first obtaining the written consent of the Code Enforcement Officer. Determination of abandonment shall be made by the Code Enforcement Officer.

15. As per LUO 16.B., the first 30 feet of each entrance shall be paved. In addition, the entrance off Route 302 shall be maintained to the reasonable satisfaction of the driveway owner. Before the commencement of any construction from West View Rd entrance, the gravel section of West View Rd starting at the end of the town road to the solar farm entrance, will be brought up to the town road standards and paved including the 30 feet of entrance. Work will be coordinated with the Town Road Commissioner.

16. The site plan applicant will relocate and maintain the snowmobile trail in association with the local snowmobile club.

17. The site plan applicant will maintain Best Management Practices as outlined in their proposal in their letter to the town dated March 17, 2020 and according to Maine DEP SLODA approval.

Rebmann seconded. This was passed unanimously (5-0).

Emery made a motion to adjourn, seconded by Price. This was passed unanimously (5-0).

Meeting adjourned at 8:32 pm.