

ITEM 1 - ROLL CALL

Present: Carmela Braun – Chair, Jeff Leathe – Vice Chair, Lissa Crichton – Secretary, and Christine Bennett.

Also Present: Jeff Brubaker, Town Planner.

Voting members: Carmela Braun, Jeff Leathe, Lissa Crichton, and Christine Bennett.

Note: Ms. Braun welcomed Christine Bennett to the Planning Board.

Ms. Bennett said that I am pleased to rejoin the PB. I was a PB member for five years. My life took a different track for a bit but now I'm back and really excited to work with this PB and the Planner.

ITEM 2 – PLEDGE OF ALLEGIANCE

ITEM 3 – MOMENT OF SILENCE

ITEM 4 – 10-MINUTE PUBLIC INPUT SESSION

Mr. (Gene) Wypyski, Creek Crossing, said that I am here to support the PB's effort to build a solar energy systems ordinance. I think that industry and those issues are coming at us real hard and fast. I think an effort to develop a solid ordinance that not only serves all the stakeholders in the Town but, as well, gives the PB kind of a recipe so it's a lot more straightforward and the information is out there. What we expect. What the needs are. I just think it's a real good thing you all are doing. My friend, Jeff Brubaker, your Planner, and I have gotten together a couple times on the topic and I'm hoping to add some value to this effort. A second thing is to express, personally, to thank all that you do on the PB. It's a lot of work. It's dedication. Most people don't know but I think all of the Town, the citizens and the residents, all benefit very much from what you do. So, thank you for what you do and keep up the good work.

Ms. Braun thanked him on behalf of the PB.

ITEM 5 – REVIEW AND APPROVE MINUTES

There are no minutes tonight.

ITEM 6 – NOTICE OF DECISION

There were no Notices approved.

ITEM 7 – PUBLIC HEARING

There were no public hearings.

ITEM 8 – NEW BUSINESS

A. Meeting start time

Mr. Brubaker said that this is an open discussion. We have talked about starting earlier. 6:30PM was thrown out there but also even earlier than that.

Ms. Braun said that 5:30PM has been thrown out there several times.

Mr. Brubaker asked if the PB has always met at 7PM.

Ms. Lemire said yes.

Mr. Brubaker said that, now, with Zoom and with different work schedules these days, it seems there is an opportunity to consider an earlier start time so that, when we have these long evenings, we're not getting out of here so late.

Ms. Braun agreed that was another thing. I think that most of the engineers in Town would be willing to come at 5:30PM as opposed to going home and coming back at 7PM.

Ms. Lemire said that the SB has always met at 5:30PM and it's worked fine.

Ms. Braun agreed that that was another incentive for 5:30PM. The SB does so why can't we. Is everyone in agreement for 5:30PM.

Ms. Bennett suggested 6PM may be better as there are people who work and commute. The traffic is another issue.

The PB discussed reasons back-and-forth for different start times and how the meeting agenda could be designed to accommodate later public hearings.

Mr. Sudak said that 5:30PM wouldn't be a problem for me because I can walk here from work. I work in all the towns in York County and I don't think I know a single one that meets at 5:30PM; that they meet at 6PM and 6:30PM.

Ms. Bennett asked if, hypothetically, a Board member can't make it at 5:30PM but can make it at 6PM, can that Board member join the meeting part way through. I wanted to know if there is anything in our by-laws that would prohibit me, perhaps, not being able to get here at 5:30PM.

Ms. Lemire suggested that might be a consideration for alternates that might want to come on the PB. I don't think there's anything in the ordinances that would prohibit you from participating.

Ms. Braun said that there is nothing in the by-laws.

Ms. Lemire said that I know that Board members have either had to leave for a little bit or come in late and I don't remember them ever not participating when they got here. You are prepared when you get here.

Ms. Braun said that I can't imagine that, as Chair, I would ever prohibit anyone from participating.

Ms. Bennett said that previously I have been shut down a couple of times for being late.

Ms. Lemire added unless there is a public hearing and it's already started and it was near the end.

Ms. Braun agreed that would be different. The member would wait until we were done with that. We can consider 5:30PM or 6PM.

Ms. Bennett said that I am applying for jobs up to an hour away and that might make it difficult to get here by 5:30PM if I get out at, say, 4PM. But, as I said, it was a hypothetical question.

Ms. Lemire suggested trying 6PM for six months to see how it works.

The PB agreed that would be a good idea and agreed to start meetings at 6PM.

Ms. Lemire suggested the change be in March so that the time change could be posted for the residents.

Ms. Braun agreed and asked for a motion that the start time change become effective March 1st.

Mr. Leathe moved, second by Ms. Bennett, that the Planning Board change the meeting time of the Planning Board to 6PM to begin with our first meeting in March.

VOTE

4-0

Motion passes

B. Planning Board retreat

Ms. Braun said that Mr. Brubaker and I have been discussing the possibility of a PB retreat. I mentioned this last week to Mr. Latter and Ms. Crichton, both of whom were in favor. It would be a chance for us to get together, hopefully out of this room and find a different forum, so we could sit in a circle, face one another, and not be...it still would be open to the public but I wanted it to be an open forum where we could discuss certain issues, see how you're feeling, and all of that. I'm also hoping to get some education involved, with soil and HydroCAD and all of that. We've been thinking of asking Michael Cuomo for soil and Ms. Rabasca and some other folks for HydroCAD and, also,

Attorney Saucier to come down for some legal issues. Hopefully, we will make this not necessarily a monthly thing but at least bi-annually so that we have a chance, as a group, to find out where we stand and how we're doing. We're thinking of April only because we have one more meeting in February and then, in March, we've got to get the ordinance changes done, with a public hearing and get it to the SB. We're thinking of the first meeting date in April (April 5th). If we have to stay in this room due to technology challenges, we will sit in the middle of the room. We're not going to sit up here like this.

There was discussion around other workshops having been held in this room.

Ms. Braun said that that would work. I just want us to be facing one another and to have an open forum. How does everyone feel. I would like to hear your thoughts on that.

Ms. Bennett said that I think it's a fabulous idea. It's important to take a pause and have a dialogue or an educational piece where we aren't discussing specific applications.

Ms. Crichton said that I think it's a very good idea.

Mr. Leathe agreed.

Ms. Braun said that Mr. Latter was all for it, as well. So, let's plan on a retreat April 5th or around there. The date is subject to change depending on what's happening.

The PB discussed possible locations and the logistics of moving the technology to other places, as this will be streamed.

Mr. Brubaker said that I talked with Mr. Sullivan, and he's on board for it, so we'll try to have Mr. Sullivan there to say hi. It looks like Attorney Saucier is available for that Tuesday. Mr. Sullivan suggested getting little pre-recorded video modules from MMA.

Ms. Braun said that I hadn't thought about MMA. That would be good but the basis is an open forum for us to interact. The education is important but the interaction is more important.

Mr. Brubaker agreed that too many educational pieces might quickly overwhelm.

Ms. Braun agreed and suggested having one module.

ITEM 9 – OLD BUSINESS

A. Ordinance Amendments: 1. Solar Energy, 2. Signage, 3. Update on 5G/Small Cell and Erosion & Sedimentation Control.

1. Solar Energy:

Mr. Brubaker said that I did add a definition for 'public utility' and it does reflect State law; that I added 'as may be amended'.

Mr. Leathe asked for a quick summary of how that is different from our old definition.

Mr. Brubaker said that the old definition is in strike-through. It narrows what is defined as a 'public utility' because the State law is narrower than the Town code's definition; that it narrows entities that would be called 'public utility' and, therefore, narrows what would be considered a public utility facility when the PB reviews it. Also, by clearly defining 'solar energy systems' and then adding Land Use Tables rows for 'solar energy systems', there will be no doubt that any future applications that come in would be defined under 'solar energy systems' rather than utility.

Mr. Leathe asked, as we move to 5G, would that be considered a 'public utility'.

Mr. Brubaker said that I don't know for sure but, under State law, I don't believe it would be because I redacted a little bit of the State definition, which exempts telecommunications from this to some extent. There are other State definitions for wireless structures, small wireless facilities and so forth, so I think the idea would be that, especially with respect to what we want to move forward with, with small wireless facilities and 5G regulation in Town, is that it would soon get its own definition. So, therefore, under the Town's review, those also wouldn't be considered a 'public utility'. Regarding 'rated nameplate capacity', Mr. Wypyski suggested this definition. I moved this up in the order. So, when you read about a 500-kw facility opening up, that's the rated nameplate capacity. Photovoltaic systems produce power in direct current (dc) and then they all have invertors to convert to ac (alternating current).

Mr. Wypyski said that the legacy regulations for solar energy systems come out of the west coast – Arizona, Nevada – huge and lots of light. The legacy verbiage regulations tend to focus on the amount of square feet or acreage that a given solar energy system would physically take up. So, what I learned is to put it in perspective, a 5-kw system is about 400 square feet of panels, which is roughly what your neighbor's split level or raised ranch could have on their roof. A lot of the regulations were, you know, the small system was up to 15,000 square feet of space or 87,500 square feet of panels. What that means is that about 100 square feet gives you 1 kw. So, the typical home installation is about a 5- or 6-kw system that's about 400 to 500 square feet of panels on your roof. From there, you get into ground-mounted systems that can go anywhere from three houses tied up with a couple of ground-mounted, like what Edward Jones has on Route 236, to acres of systems. Approximately 2 acres of panels will give you one megawatt of power, and that's what we're really talking about regulating. The small system on a guy's house is going to be a little 5 kw system that will go into batteries for a TV or washer. The systems that are acres are your one-megawatt to 5-megawatt size and they're the ones plugging into the grid and those are really the ones you have to manage. The little rooftop system on the house is straightforward. What I'm trying to say is...we talk rated nameplate capacity...that's critical because, if they say they're going to put up a one-megawatt system, that's about 2½ acres of panels, which means they need about 4 acres

of land. A 5-megawatt system is going to need 15 to 20 acres of land. So, what I learned is to focus on how big these systems are in their rated nameplate capacity as opposed to it's one acre of cells, it's 200 feet of cells. It helps us think about how to size and really regulate these systems.

Mr. Brubaker discussed the next definition, which defines the sizes, asking if the PB wanted to add rated nameplate threshold to pair with the area thresholds or do you want to replace the area thresholds with just the rated nameplate capacity thresholds. These area thresholds are right from the Audubon; that we could estimate how much power comes from 15,000 square feet and add that. My calculation was about 275 kw and that's just for the panels and obviously you'd need some space for the aisles, and so forth. For 2 acres, that's about 1.5 or 1.6 megawatts. Do we want to clarify these size standards by Mr. Wypyski's suggestion to add an approximate megawatt and kilowatt capacity.

Ms. Braun said that that would make sense to me.

Ms. Bennett said that I would think, prefer, we would stick with a square-footage figure versus a kilowatt estimation just because, in my experience putting a solar array on my house, the capacity of the panels, themselves, is improving over time such that using square footage...currently, my solar panels are five years old and I could probably get another ½ kilowatt if I just swapped out with new panels, maybe even another kilowatt., so the technology is evolving. I know we may be coming up against limits on the photovoltaic systems but if we put this into the ordinance we may have to go back in a few years and start changing it when the technology improves, if it continues to improve the way it has.

Ms. Braun said that something should be noted, I think, for the large scale as far as their rating. Something should be put in that definition beyond the square footage. They are the ones we're really concerned about, in my opinion. Add something, maybe in parenthesis.

Mr. Brubaker suggested wording, with large-only, that it's something that is equal to or greater than two acres or equal to or greater than approximately 1,675 kilowatts or 1.5 or 1.6 megawatts.

Mr. Braun said yes and asked how everyone else felt about that.

Mr. Leathe discussed his concern for the impact to our power grid as these get larger and larger. We had talked about poles and distribution and transfer stations needing to be upgraded, and things like that. So, we may consider opening up to review of these so we could manage the Town property for large scale and in that case the size and capacity of the system would be more important than it would be for a small-scale.

Ms. Braun said that they said they were having a hard time supplying energy to Eliot, specifically to new businesses as they open on Route 236. We don't want something like this to hamper that and make it worse.

Mr. Brubaker asked if that would be something where you could require that piece of information from the applicant, where they would have to show their homework, as it were, they have done with CMP.

Mr. Leathe said maybe in addition to the square feet. It would be good for us to know the impact on the grid.

Ms. Braun said that having the knowledge of what they've done with CMP and what CMP has approved should be part of the packet.

Mr. Brubaker suggested putting that under §33-191 Informational Requirements.

Ms. Braun agreed.

Mr. Brubaker said that I will make a note to add 'rated nameplate capacity', as well.

Mr. Leathe asked if the medium-scale reach into those issues, as well.

Ms. Bennett said that I think, as it's written and from the math that you gave us, it sounds like we're talking about a 1-megawatt system in the medium scale. With the past application we just heard, it was often offered by the applicant that there was only 10-megawatt capacity left in the substation that services most of Eliot. That would be 10 medium-scale systems. 2 acres, maybe. It's conceivable that

Mr. Wypyski said that I really look at the investment, consultant, and marketing literature to customers from the industry to see what they're selling. What I discerned from the regulations that this Town needs is basically, forgetting the small-scale, medium-scale, large-scale that I think is obsolete from Audubon. The issue really is that you have roof-mounted, which doesn't change the land use of the property, and then you have systems that plug into a grid, which by definition need to be...and medium-scale is not economically practical. They are either going to do a 2- or 3-megawatt system or you're going to have it on your roof. We don't have to worry about my opinion. We don't have to worry about gradations. You've either got the roof system, which we're all for and doesn't upset anything, and then you have the ground-mounted systems, which could be medium to large; that practically speaking, they're going to be large because they can't make a buck making them smaller than large. We're looking at the 10-megawatt capacity and the transformers in Eliot so we're never going to have a really big installation here. And you aren't going to have tons of mediums because it's not practical. They will have to be big to get the economies of scale. So, it's almost like we're not really going to have to worry about all kinds of stuff. I think, if this regulation hits your roof-mounted, we love them. They're all behind a meter. And then you've got these big honking systems that are plugging into the grid with investors and subscriptions, and that's really what we've got to manage, in my opinion, reading the literature.

Ms. Bennett clarified that not all roof systems are behind meters. I am tied into the grid. That's because the same rules that the commercial solar installers are using are offered to

residential, as well, so I am tied in, and most homes are until you either re-wire your house or have a storage system. With a lot of houses, a lot of these roof-top installations start to run up against these limitations of the current infrastructure.

Mr. Wypyski agreed, asking her how big her system is.

Ms. Bennett said that I have 7 kilowatts.

Mr. Wypyski said yes, that they market then in that 5- to 7-kilowatt range.

Mr. Brubaker addressed a couple points that were raised. Regarding Mr. Leathe's concern, I could add 'd'. CMP study/documentation under Information required' (§33-191). Does everyone want to see this for both medium- and large-scale systems.

Ms. Braun said that I don't know if we need it for large-scale but medium, maybe, depending. Yes, we better. What does the PB think.

Mr. Leathe said, to your point, having two categories instead of three and, again, I'm not an expert in this, at all, but it does make sense to me for rooftop applications. Everything else is more commercially-oriented and that is where we should the focus, I think.

Ms. Braun agreed.

Mr. Wypyski said that if it's not commercially oriented then it could become environmentally sensitive. They start digging out the mountain and all of a sudden you have a forest of these huge panels on big concrete bases. That's different than having panels on the top of your houses. To me, that's the big change or where we should address it.

Ms. Braun said that we should think about consolidating the two.

Mr. Brubaker said that we could consolidate the two sizes. So, we have the small-scale staying the same, as you see, with 15,000 square feet or less, and then everything else larger. There could be some roof-mounted, like on a commercial building, that's more and that's something, hopefully, we would encourage because it is not causing any additional ground disturbance. Is there a carve-out you would want to see for large roof-mounted systems that are larger than 15,000 square feet.

Ms. Braun said that we would have to add that in somehow.

Mr. Brubaker said, regarding the Eliot Business Park on Route 236, that each of those buildings is about 1 ¼ acres. So, if you took the pitch of the roof, the half that faces southeast, that would be about 2/3 of an acre of panels.

Mr. Leathe said that I think that's a good point.

Ms. Lemire said that I can't remember how big it is, but the Town garage (Public Works) has roof-mounted panels on one side.

Mr. Brubaker said that I'm hearing you want me add some kind of allowance for larger roof-mounted panels. These could be bigger with less rigorous requirements and would primarily come under 'CEO'.

The PB agreed.

Mr. Brubaker said that I added this Agri voltaic definition and is from one of the American Planning Association guides. You'll see this language later on but, in general, the ordinance discourages the use of agricultural ground-mounted solar arrays but I thought there could be limited-scale applications of Agrivoltaic where an applicant could be encouraged to or a certain applicant might be interested in a small part of their panels ultimately used for crop production. That is why this definition is in there but I'm not sure how I'm going to operationalize it. I added 'photovoltaic systems'. I think the popularity of solar water tanks, for example, has crested a bit so I don't think we're seeing that much. But you might see some and, obviously, there's some other kind of 'out there' solar energy systems that are not photovoltaic that you're unlikely to see here, I think. If you drive west on I-15 from Las Vegas and you cross the California border, you'll see this giant circle of mirrors with an open tower. They all concentrate the sun at a point on this tower. It's very otherworldly. That's a solar energy system.

Mr. Wypyski suggested an edit. You have "Solar energy system, roof-mounted means a solar energy system that is mounted on the roof of a building or structure and does not change or impact land use". There were words in an ordinance that I read that defined roof-mounted that removed any issue of land use regulation because it doesn't impact any portion of...you have 10% of the land in a building; well, then 10% for your solar system. It's a way to further define what a roof-mounted system is. It really has no land use impact. That's really what makes it unique. Everything else for planning is impacted by those regulatory questions.

Ms. Braun said that it also clarifies that it doesn't have to come to the PB, that it's Code Enforcement.

Mr. Brubaker added a note to clarify CEO responsibility. He showed a graph for a typical 400-watt capacity panel, saying that this is about 20 square feet. So, just pure panels, without aisles or anything like that, would take about 50 square feet to create a kilowatt capacity. This 77'X39' panel is more like a commercial-size panel. I think residential panels may be in various sizes. I just thought it was interesting that, for about every 50 square feet of panel, you get about 1 kilowatt; that that translates to about one acre per megawatt but that includes the aisles and spaces in between, the shade management area. So, if you want 5 megawatts or bigger, you're going to have to have about a 20-acre solar array. He showed the decommissioning plan on the screen:

Sec. 33-191. – Medium- and large-scale ground-mounted solar energy systems

In addition to the required elements in Section 33-127, all medium- and large-scale ground-mounted solar energy system site plan review applications must include the following:

- (a) A decommissioning plan required by, or otherwise consistent with, 35-A MRSA 3491 through 3496.
- (b) Documentation of the financial guarantee required by 35-A MRSA 3491 through 3496. The Town shall have the option to be an obligee on a surety bond or otherwise hold a financial assurance.

[wordsmith the following]

(c) Environmental information:

- (1) Maine Department of Inland Fisheries and Wildlife habitat determination letter
- (2) Delineated wetlands. Wetland delineation for wetlands shown on the site plan.

Mr. Brubaker said that the PB was interested in having both medium- and large-scale ground-mounted systems submit a decommissioning plan and, shown here, this is what State law requires. The State law requires that 3-acre or more systems submit a decommissioning plan. We have gone further than that in that, as long as you are over 15,000 square feet of panels, you need to submit a decommissioning plan. Then, for a financial guarantee, this also piggybacks on the State law section. It requires documentation of a financial guarantee, required by the same section. I think we might need to wordsmith this to make sure we're getting a financial guarantee for the medium-scale systems and I will work on that. With the surety bond, the Town is an obligee so that we can make claims against the surety bond in the case where the Town needs to have the expense to remove the system, itself.

Mr. Leathe asked if that should be stated in this.

Mr. Brubaker said that I think that's something that's here but could be word smithed a little bit more, if you all agree with that. It would basically be the Town having power in any case of medium- or large-scale systems to be able to properly remove the panel system if the owner/operator doesn't comply.

Ms. Braun agreed that the Town has to have some guaranty of that.

Ms. Bennett said that I have looked at a couple ordinances in the State of Maine, one of which was the City of Belfast. In their decommissioning requirements, they put in a definition of what it would mean – abandoned – to let them know that it's time to remove these panels. I thought that was a really good piece to put there. They put in that it is considered abandoned if it fails to operate for 12 or more consecutive months. So, at that point, you don't have someone going belly-up and just walking away and leaving this system to be the problem of the State of Maine nor, specifically, the Town of Eliot.

Mr. Brubaker said that that's a good point. It is not in your printed copy but, earlier today, you had provided a Readfield one, and they have a similar one so I put it in this copy:

(10) *Decommissioning and removal.* All ground-mounted solar energy systems that have discontinued operation shall be removed. For the purpose of this paragraph, "discontinued operation" means that the system has operated at 10 percent or less of its rated nameplate capacity for a continuous period of at least twelve (12) months. The owner or operator shall physically remove the installation no more than 365 days after the date of discontinued operations. The owner or operator shall notify the Code Enforcement Officer by certified mail of the proposed date of discontinued operations and plans for removal. At minimum, decommissioning shall consist of:

Mr. Brubaker said that, certainly, if there are other insights from Belfast or other ordinances...

Ms. Bennett said that I think this has more specificity than Belfast has in theirs. This is good.

Mr. Brubaker said that Readfield has the 10% or less piece, therefore, hopefully an operator, if they need to shut it down temporarily for some major repairs, it wouldn't be caught up in this. But if they go a-wall for 12 months, the Town has the power to basically deem the system subject to decommissioning.

Ms. Bennett said that, in the Belfast ordinance, the City of Belfast requires that large-scale solar energy systems enter the performance guaranty with the city, not just that the city is an obligee on another's performance guaranty and it says that 'the performance guaranty shall be equal to 150% of the estimated cost of removal'. That accounts for inflation over 20 years. It also says that 'the applicant shall provide the city with that performance guaranty prior to getting a building permit'. So, they have to dot 'I's, cross 'T's, and count their costs before they can actually build.

Mr. Brubaker said that that seems a little bit stronger than just being a dual obligee.

Ms. Bennett agreed, saying it could take the State years to actually deal with it. Another thing about the Belfast ordinance, they allowed for, in lieu of decommissioning, it to be donated to a community organization. She read from the ordinance that describe the criteria for developing a plan for this.

Mr. Brubaker asked if that says whether that means, like, the actual re-location of the panels to a community organization land.

Ms. Bennett said no. I didn't see anything in there that would indicate that someone would be picking it up and moving it. This building (Town Hall) is being electrically supplied by the Transfer Station. There's no wire coming from the Transfer Station to

here. It goes into the grid and we get the credits against our consumption. It could be degraded down to the point where it isn't producing as much energy as you would want commercially, or profitably, but it could be donated to the Town for additional energy or Marshwood Middle School, which is not tied into our solar array...

Mr. Brubaker said that it could be this code, with the way it is worded, wouldn't prohibit that from happening.

Ms. Braun said that you're talking donating miles of array but the land that it sits on. That's implied I assume. That gets into a whole other thing, doesn't it.

Ms. Bennett said that that would be incumbent on the community organization or the array operator if there was an opportunity for them to, instead of decommissioning it, and at least it's still active.

Mr. Brubaker said that it sounds like a cool idea. It would just be a logistic challenge to determine scenarios. Presumably, they still could under this ordinance. Hopefully, there's nothing tripping them up from donating. Just say that they're honest but just came on hard times from before 12 months, saying we can't do this anymore, we're getting out of the business, and we found this community organization that can take on...maybe there's some kind of agreement where the community organization gets the revenues or the power generation or something like that. I think it's a great idea but I'm wondering if it needs to be codified or whether that would be a choice that the operator could make under our ordinance.

Ms. Bennett agreed we should keep that in the back of our minds as we craft the ordinance to see that we don't cross out that opportunity.

Mr. Brubaker said that I will review to make sure that option isn't precluded. That would be a cool idea; that you would rather have the panels change to better hands rather than have them languish.

Ms. Braun asked if that was a question for Attorney Saucier.

Mr. Brubaker said that he would eventually review this. I will also talk with our Assessor, as he came from Belfast, and might have some idea of what the options might look like.

Mr. Brubaker said that I did add archeological resources, basically requiring a sign-off from the State Historic Preservation Commission. In the Standards section for Fencing §45-463(b), there is the 5-inch height (Audubon) opening at the bottom of the fence.

Ms. Crichton asked if that was standard.

Mr. Brubaker said that I'm not sure; that the Odiorne application had 6 inches.

Ms. Braun said that the 6 inches makes more sense to me.

Mr. Brubaker said that it says at least 5 inches so it wouldn't preclude someone from going up to 6 inches.

Mr. Leathe said that, regarding fences, with the other application there was another type of fence with the ability to get out of the facility. I don't remember the name of it.

Ms. Lemire agreed, saying that I'm looking through the minutes because I know they talked about it.

Mr. Leathe said that it was right at the end. They talked about sort of a man hole or door.

Ms. Lemire agreed, saying that it had that shape for a human but would also meet the shape of a larger animal.

Mr. Leathe said yes. I thought that was a good idea.

Mr. Brubaker said that the Audubon used a term, too, and I did a Google image search and it was really hard to find exactly what they called it.

There was general consensus to include this.

Mr. Brubaker said that I add a 'Purpose' and an 'Objectives' section:

- (a) *Purpose*. The purpose of this section is to establish performance standards for solar energy systems.
- (b) *Objectives*. This section is intended to achieve the following objectives:
 - (1) Support the goals of the 2009 Comprehensive Plan, such as Critical Natural Resource Policy 1: "Work to preserve rare and endangered plant and animal habitat and other important natural resource systems within Eliot and adjacent communities"
 - (2) Avoid or minimize potential adverse impacts of solar energy systems on abutting properties and the environment, including rare plant populations; habitat for rare or exemplary natural communities; and large, undeveloped blocks of forestland
 - (3) Encourage the siting of solar energy systems on land that has already been developed or disturbed, such as:
 - i. on top of buildings
 - ii. in parking lots

Mr. Brubaker said that there is a Comprehensive Plan tie-in as well as what we're trying to do with this ordinance. We are trying to really discourage environmental impacts to each of those. We are trying to encourage them on rooftops and already disturbed area. Parking lots, too, that I think I talked about before.

Ms. Braun said that I think one example was a hospital where they put one in and people were able to park underneath. That would be cool.

Ms. Crichton asked if there was anything in here regarding pesticides.

Mr. Brubaker said that that is already in here:

habitat included under the State's Beginning with Habitat program. Native, pollinator-friendly seed mixtures shall be planted and maintained to the extent possible. Mowing shall be minimized to the extent practicable. Herbicide and pesticide use shall be prohibited. Only mechanical means of weed and pest control is allowed.

Ms. Braun said that suppose somebody does want to put it in a parking lot, that wouldn't change the lot coverage because the lot coverage in the parking lot would have been included at the time. You are putting it on the parking lot.

Mr. Brubaker said that it would change the lot coverage unless you wanted to fine-tune the ordinance to give a lot coverage incentive for a parking lot system because a paved parking lot would not come against lot coverage. Under our definition that we're adding to the solar ordinance currently, as written, it would add to the lot coverage. If we want to encourage a system like that, then this ordinance needs to change to not disincentivize. It could be put in and would be a carve-out where we say that we want lot coverage to count when you're putting a solar array on a green field but, if it's on something that's already blacktopped, we would want to encourage that.

Ms. Braun asked Mr. Brubaker to wordsmith that into the ordinance.

The PB agreed.

Mr. Brubaker said that that was a great point because, otherwise, that could really put a damper on parking lots.

Ms. Bennett said that I am an advocate for changing the lot coverage to included impervious surfaces, like other communities do. That blacktop is coverage of the land and should be part of lot coverage.

Ms. Braun agreed.

Ms. Bennett said that if we did that, indeed, the incentive we're talking about would be even more of an inducement.

Ms. Crichton asked if somebody just purchased Littlebrook Airfield.

Ms. Braun said yes.

Ms. Crichton said that there is a lot of blacktop out there.

Ms. Bennett asked if we are to continue the medium-scale size in our ordinance and definition.

Mr. Brubaker said that I definitely heard comments earlier that it might be good to consolidate those two.

Ms. Bennett said good. I was just feeling that, regarding the Table of Land Uses, a medium-scale system being under 2 acres was just not appropriate in the Village District where most of the settlement is on half acre lots.

Mr. Brubaker said that, with medium-scale, I just figured there could be a 15,001 square-foot system that somebody might want to have room for in the Village. I could change that to a 'no'.

Ms. Bennett said that there were some other things that the City of Belfast required in their final plan, a description of the owner of the system, the operator of the system, and details and qualifications, and the technical ability of that owner or operator to construct and maintain and operate the facility. I think that's just a due diligence piece. The other piece is that, if the operator is leasing the site, they get a copy of the lease agreement. They can redact the financial information, but only that, so that you can know exactly who has what rights and what the terms are, how they trump each other. I think that's an important piece to know about the owner and operator because they could be different people. They also require a construction plan and timeline. They require, on the plan, to identify the methods that the operator will use to manage on-site vegetation management and preservation so that it's codified on the plan.

Mr. Brubaker suggested we expand that to more land uses. I actually think that we need to reword the whole affidavit of ownership section. We already have in our code for all site plan review the ownership requirement and, then, the construction timeline. So, I think it's something we could potentially wordsmith for all things, if that makes sense to everybody.

Ms. Braun agreed that it does.

Mr. Brubaker said that the affidavit of ownership section, it's weirdly worded where it says, "A deed or a valid option of at least 90 days" but there are lease agreements, lease options, as well, if it's a corporation, we need to know the owners and principals, etc. It just seems to me a little inflexible. We definitely want to see who is behind the application. Maybe I can bring something back to the PB on that front. I have your notes, Ms. Bennett, about on-site management. I think there's an operations plan requirement in there but I can check on that.

Mr. Wypyski said that I think it's a very good discussion. He asked when we talk about application and permit fees for solar energy systems. I want this to be like cannabis in Eliot. I think that for roof-top small-scale systems it would just be a building permit. For

your larger systems, I was thinking \$2,500, which is what Readfield charges for medium, and \$5,000 for large.

Ms. Braun said that I don't have any problem with your suggestion for fees, as I would like to see the fees increased, as well; that that is something we have to discuss with the SB, I think.

Mr. Brubaker said that there are two things. Application fees for PB and we would certainly entertain a kind of add-on fee because all applications have to pay the usual site plan review fee. But an add-on fee I think would be a good topic for discussion for solar energy systems because there are some specialized things that need to happen that cause additional staff time.

Mr. Wypyski said that the second thing is an annual permit fee - \$10/kw.

Mr. Brubaker said that that's something that would be a SB type of thing.

Mr. Wypyski said that Ms. Bennett would pay \$70 for her system.

Ms. Bennett said happily.

Mr. Wypyski said that the Odiorne array would pay \$29,000/year for their system. The cannabis industry in this Town, which pays \$30,000+, who employs 150 people and hiring more, we're going to have this very solid industry sitting there, the least we can do is get \$29,000/year to have that there to support all the infrastructure the Town is going to have to engage in to run it, manage it, think about it, take care of it, know about it, so someday we can brag to the State that Eliot produces 10 megawatt of power because we know who is doing what and how much they produce. So, that's a recommendation from a concerned citizen.

Ms. Braun reiterated that I have no problem but we have to follow correct channels.

Mr. Leathe asked Mr. Wypyski if he was entering into this space where the Maine State Legislature does not require solar developers with medium and large to pay property taxes. The way it works, as I understand, is the State will reimburse the town half of what the proposed tax would be. Are you looking at this from that angle so that towns can get a little bit more of their fair share or is this just a totally separate thought.

Mr. Wypyski said that I think all of the above. If you look at the code, which I read, we can't do anything to discourage solar and we don't want to. But there are too many good things about this Town that we give away, like the fancy yachts that dock at Dead Duck for nothing and they are half a million-dollar yachts. The point is that solar is both something we should know about very well and regulating it and keeping plugged in to who is who, how much they generate, and the impact on our infrastructure, CMP's boxes, all that. We need to know that. But, as well, I think it's simply an opportunity to make some money because, if you look at the way investors are looking at this industry, they

are looking at it, say energy...green, green, green...money. They're all making a buck and they're talking about anywhere from \$20,000 to \$100,000 for 1- to 5-megawatt. Pure profit once it's up and running. I think the Town should get a piece of it and I think we're justified in getting that.

Mr. Leathe asked if he knew of any other examples of that that are in place in the State of Maine.

Mr. Wypyski said that Readfield gave me the idea.

Mr. Leathe said that we should look at that.

2. Signage

This is not finished.

3. 5G/Small Cell

Mr. Brubaker said that I've started working on that but that might be more a November thing. State law is kind of up in the air about that right now. Whatever we do, we will be limited on how much we can regulate by FCC rule-making and whatever the State legislation says. Within that there should be some basic parameters for us to explore.

4. Erosion & Sedimentation Control.

Mr. Brubaker said that we're still waiting on the model ordinance to come from the Southern Maine Stormwater Working Group. I expect that to be mid to late this month. I then think the idea would be, if you all are up for it, to have Ms. Rabasca Zoom in, or come here, on March 1st to present that. The prior meeting with her is a general idea of what is in this. We don't have to have this on the June ballot; that we were just trying to be proactive to get it in place. It is kind of a turn-key ordinance so we are semi-required to adopt something like it. We can make the case that we can change it but I'd rather just trust Southern Maine Stormwater Working Group. Ms. Rabasca does good work.

Ms. Braun agreed.

Mr. Leathe said that the sense I got was that we should endeavor to get ahead of some newer issues that may be coming along, whether it's erosion & sedimentation, telecom, solar stuff. Be a little more proactive to put some ordinances in place that may not be perfect but at least we have something.

There was general agreement.

Mr. Brubaker said that I do what I can but I definitely appreciate the need, a lot of input and help. Because we're doing a lot of heavy lifting. We're making a lot of changes to

the ordinances to update them. Anywhere you turn in the ordinance there's language that needs to be updated.

Ms. Braun said they contradict one another all the time.

Mr. Brubaker said that the more engaged the PB, or a potential subcommittee, could be in helping with these changes would be good.

ITEM 10 – CORRESPONDENCE

There was no correspondence.

ITEM 11 – SET AGENDA AND DATE FOR NEXT MEETING

Ms. Crichton will be gone but will Zoom in for the next meeting.

Mr. Leathe said that one thing I've been wondering about is whether the PB should form an ordinance review and amendment committee – subcommittee or working group – to start to take a more diligent approach and a more supportive approach to review our ordinances, which are old, antiquated, and contradictory. The school board has a policy committee that meets once or twice a month and they are really tight on keeping their policies up-to-date. It might be a good model for us. It's more work for whoever is involved in it but, even to do just some of that every month would be better than doing nothing.

Ms. Braun said that I think that would be an excellent idea. It would be helpful all the way around, especially for Mr. Brubaker as he doesn't have enough help. I'm concerned with the workload for Mr. Brubaker and hoping he would get some help; that the best thing we can do is support the Town Manager's budget. Hopefully, we will see a respite, now from complex applications and ordinance amendments.

There was general agreement to discuss further a subcommittee to work on ordinances.

Meeting schedule and submission deadlines.

Mr. Brubaker said that you have been working extremely hard. I always appreciate your efforts and how you serve the Town. We're looking at a little bit of a slow-down in terms of meetings because we've done four meetings in five weeks. It will just be the normal two in February and March and the second one in March will be the ordinance public hearing. We talked about flipping March so the first March meeting will be application review and then the ordinance public hearings on the 15th. Then, there is a fifth Tuesday in March so there will be three weeks off and then the retreat in April. Then back to a kind of normal two-meetings-a-month schedule. I thought, in June, we could have two meetings but, if we needed to, maybe have a third the end of June. We

could then do like we did last summer and have a kind of summer break in most of July, with the exception of that last week in July.

Ms. Braun said, regarding submissions, we need to stick to it for all of our sakes. We've got to be that way. I know some people won't be happy but, for all of our sanity, we've got to stick to them.

Ms. Lemire said that, in order for you to do your due diligence, you need that time. It's just that simply.

Ms. Braun agreed, saying that I can't get something this morning for tonight's meeting. That is why I have been pushing submission scheduling. Also, application fees paid at the time of application. Both of those things are sticking points for me.

Mr. Brubaker said that we've started doing better with tracking. We have a fee-tracking spreadsheet now. I still believe that our code basically allows sketch plan review to happen before the fee period. Then, when they go to full site plan review, they should have all of their fees paid.

The next regular Planning Board Meeting is scheduled for February 15, 2022 at 7PM.

ITEM 13 – ADJOURN

The meeting adjourned at 8:37 PM.



Lissa Crichton, Secretary

Date approved: 4/25/22

Respectfully submitted,

Ellen Lemire, Recording Secretary

