

**TOWN OF CUMBERLAND  
PLANNING BOARD MEETING MINUTES  
Tuesday, July 17, 2018 - 7:00 pm**

**A. Call to Order:** Chairman Moriarty opened the meeting at 7:04 pm.

Chairman Moriarty reported with regret the resignation of former Planning Board member Gerry Boivin who served loyally and faithfully for a number of years. Chairman Moriarty noted that Mr. Boivin's input was extraordinarily helpful and on point. Mr. Boivin found that there were enough business conflicts and other commitments that he could not continue on the Board for the balance of his term. Mr. Boivin tendered his resignation following the June meeting. The Town Council is working on making a nomination and in August they expect to have a 7<sup>th</sup> member of the Planning Board. Chairman Moriarty thanked Mr. Boivin for all of his years of service and said it was much appreciated.

Mr. Boivin had served as Vice Chair of the Board. Election of a new Vice Chair will be put off until the August meeting.

Chairman Moriarty said that come January, he will not be seeking another term as Chair. He has served as Chair for 3 consecutive years and he believes in turn over. He will still be a member of the Board.

**B. Roll Call: Present:** Steve Moriarty - Chair, Paul Auclair, Jeff Davis, Bill Kenny, Joshua Saunders & Peter Sherr. **Staff:** Carla Nixon - Town Planner, Christina Silberman - Administrative Assistant, Bill Shane, Town Manager

**C. Approval of Minutes of the June 19, 2018 Meeting:** Mr. Auclair noted a minor correction on page 5. Mr. Saunders moved that the Board approve the minutes of the June 19, 2018 Planning Board meeting as amended, seconded by Mr. Auclair and **VOTED, 6 yeas - motion carries.**

**D. Staff Site Plan Approvals:** None.

**E. Minor Change Approvals:** None.

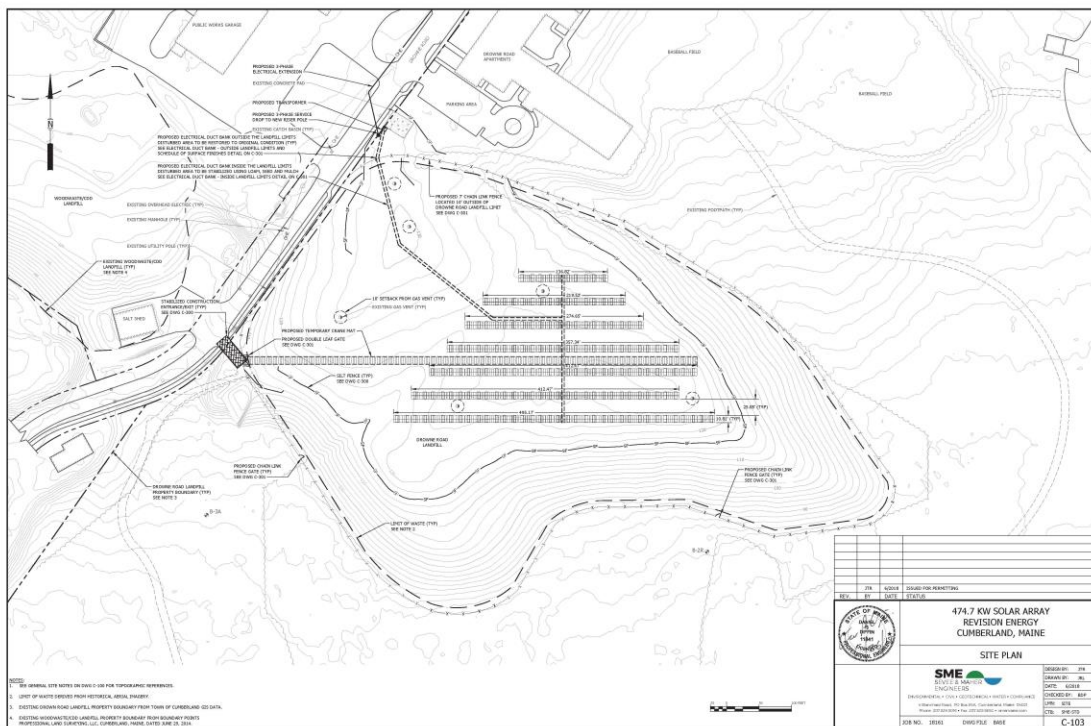
**F. Hearings and Presentations:**

**1. Public Hearing: Site Plan Review re: 474.7 Kilowatt Solar Array at 26 Drowne Rd.** *ReVision Energy, Applicant; Jeffrey Read, P.E., Sevee and Maher Engineers, Representative. Tax map R03, Lot 51 A in the Rural Residential 1 Zoning District.*

Chairman Moriarty introduced the item and explained the site plan review process.

Jeff Read, P.E., Sevee and Maher Engineers, said he is here to present the 474 kilowatt solar array for ReVision Energy. The project area is on a Town owned parcel that is 108.88 acres. The parcel includes the existing Town Hall, Drowne Road apartments, the Town Forest and the former Drowne Road landfill which is where they propose to site this project. The project site is across from the Public Works yard and up the road from the Village Green Subdivision. The array will be a 1,376 panel assembly arranged

in seven rows along the central and eastern portion of the existing landfill. Mr. Read displayed a plan of the layout.



Mr. Read said the original layout was shifted to the east so that the array would orient to the south to capture increased sun and provide an increase in the visual buffer. This eliminates any chance for glare or reflection off the array to any of the abutting uses. Everything to the south of the array is undeveloped land and Town Forest.

Mr. Read said the project is a unique opportunity for a site like this. The installation of solar arrays is one of the few uses for a closed landfill. The construction is based on a metal racking system which rests on cast in place concrete footers which rest on top of the cap.

Mr. Read noted that they are currently working with DEP because they are required to amend the landfill closure order and permit for the landfill operation that the Town currently has for the facility.

Mr. Read reported that the site will not impact any traffic and will not include any additional parking after the initial construction. There will be occasional site visits for maintenance.

Stormwater will be addressed through construction of the system. There will be roughly 7,500 additional sf of impervious surface. The development area is roughly ½ acre. Mr. Read said that no additional stormwater treatment permitting is required. There will be roughly ½ of a cubic foot per second in peak flows leaving the site. This is one of the waivers they are asking for. Mr. Read said that they feel this is a reasonable request as did the peer review. The increases are very slight and everything drains to the existing

wetland to the south and everything stays on the parcel. There are negligible increases at the property line.

No water or sewer are proposed with this project. There is no fire protection associated with the array. Water protection is not an issue. There will be no groundwater impact. No hazardous materials will be stored on the site. The site is not in a groundwater protection area nor within a flood plain. There will be no impact with regard to historical preservation or archeological resources. There is no proposed lighting or noise after construction. Mr. Read indicated that they have done their best to address buffering and potential visual impacts by relocating the array and adjusting the orientation so that visual impacts are minimal. There will be buffer through distance and through orientation. Landscaping is a challenge because plantings are not allowed on the cap because plantings could compromise the system. The landfill is capped with approximately 18" of clay overlaid with a 6" layer of loam and vegetation. Plantings potentially disrupt the clay surface and could allow runoff into the landfill which could contribute to a host of problems.

The site will be enclosed with a 7' tall security fence with gated access. Mr. Read noted that the limits of waste run to the flow line of the ditch and swale along the side of the road. The proposed fence will be behind the existing curb. They will coordinate, to the greatest extent that they can, planting screening to the point that they are effective. Challenges to planting along the street are existing overhead power lines, keeping outside of the flow line of the swale and some of the sight lines that impact how effective the plantings would be.

Mr. Read reviewed sight lines from various locations in Village Green looking toward the project. Mr. Read said there is a fair amount of existing vegetation that will protect the sight line from the apartments. Existing vegetation is also present which will limit visual exposure to the houses on lower Drowne Rd. Mr. Read reviewed photos depicting the view from the center of the proposed array toward Village Green and from the back edge of upper Wyman Way looking toward the array.





Chairman Moriarty said that the Board's materials indicate that the area will be 25,000 sf and Mr. Read indicated it was  $\frac{1}{2}$  acre. Mr. Read said that the area is 25,000 sf and noted that the requirement for DEP stormwater permitting is 1 acre and the site is less than 1 acre.

Chairman Moriarty noted that Mr. Read referenced the DEP landfill closure order and said he understands that it is a fairly elaborate, detailed order about what can be done with a capped landfill. Mr. Read agreed and said that the intent of the cap is to keep water from infiltrating down into the waste that could cause problems. In order to maintain the stability of the cap, there is not a lot that can be done on top of the cap. The solar array cannot disturb the clay. 2" of loam will be removed and replaced with some weed control and filled back in with stone up to grade. Existing drainage patterns will be maintained. The array will basically float on top of the cap. Mr. Read added that the DEP submittal includes settlement analysis and a settlement management plan. The loads from the array are very light and will not have settlement problems. The solar array is one of the few uses that DEP has a protocol for and will allow on a closed landfill. Chairman Moriarty confirmed that there will be no drilling into the cap and the array will simply sit on top of it. Mr. Read concurred and said that they have to be careful with the perimeter fence that it is outside of the limits of waste. Chairman Moriarty noted that the pipes you can see on the site are methane vents. Mr. Read added that as the waste decomposes, it generates methane gas and this needs a place to escape otherwise it will find a place to escape and could compromise the cap.

Chairman Moriarty asked about the chain link fence and Mr. Read said that the fence that will be visible from Drowne Rd. will be a black pvc/vinyl coated fence. Mr. Auclair said that he has seen the black fence at tennis courts and you barely see the fence.

Mr. Auclair said that his understanding is that the cap is entirely impervious and referenced Mr. Read noting that they will add 7,500 sf on impervious surface. Mr. Read said that there is a different situation when dealing with these caps and the cap is considered vegetated and the runoff patterns are different.



Mr. Auclair commented that it would be good if Mr. Read had photo shopped the pictures to add the panels and see what it would look like. Mr. Auclair asked if there are places beyond the landfill where plantings could help buffer to a greater degree. Mr. Read said there is an issue with the overhead power and tall plantings would not work there. Mr. Auclair asked if the 7' tall fence would help obscure the array and Mr. Read said that the fence will only come about halfway up the bank.

Mr. Auclair said that there is a mat for a crane that will be brought in and there will be heavy trucks with stone and concrete and he asked if the weight will be safe for the cap. Mr. Auclair noted that by looking at some of the Engineer's comments, they weren't sure the weight will be safe. Mr. Read said there will be no issues with the weight and when the cap was installed there were heavy trucks and things used.

Mr. Auclair said he saw the 1.2 million dollar estimate but didn't see the Power Purchase Agreement with the Town to know what the terms are for the future. Ms. Nixon said that this may be beyond the Planning Board's purview and the Board is looking at the site development and not the economic gain of the Town.

Mr. Sherr said that this is nothing unique and is an opportunity being sought by many municipalities with closed landfills. Mr. Sherr asked how common this is and how many ReVision has done. Mr. Read said his experience with ReVision Energy landfill projects are in Portland, Elliot, South Portland, and this project. Mr. Sherr noted Belfast as well. Mr. Read said ReVision Energy does projects like this in Maine, New Hampshire and Massachusetts. Mr. Sherr said that Mr. Read and ReVision Energy have already addressed some of the issues, like protecting the cover, by working on the other landfills. Mr. Read said that with this plan set, there is a construction plan and layout that has received previous approval from DEP and the construction has been well vetted by regulators.

Fortunat Mueller, ReVision Energy, said solar development is one of the only things you can do on a capped landfill. The first project in Maine was done by ReVision for Belfast about 3 years ago. ReVision Energy worked collaboratively with DEP to establish the standards for how to do solar on landfills. They used the standards from Massachusetts, which has thousands of these projects, and adjusted them for Maine. Mr. Mueller said projects in Belfast and South Portland have been completed. Projects in Portland, Cumberland and Elliot are in the permitting phase.

Mr. Mueller said in regards to the visual impact, in the picture of the sight line looking from upper Wyman Way toward the site, it would be about a 1/2" in the picture and would be the side of the panel. Mr. Sherr added that the salt shed and the existing Public Works garage also appear in the immediate peripheral of the photo. Mr. Read said as a point of reference, if you look at the tree line beyond the ridge in the photo, the array in the photo would be about 1/4 to 1/3 of the height of the tree line. The distance from the edge of the array to the residences on upper Wyman Way is about 1,000'.

Mr. Kenny said he has looked at the array in South Portland and asked if it is similar to what will be here. Mr. Mueller replied that the construction technique is the same but the South Portland array is about twice as large as this one will be.

Mr. Davis asked if there is any permitting required for the utility/electrical ducts. Mr. Mueller said this will be part of the DEP permit and will not affect any of the drainage on the site.

Chairman Moriarty opened the public hearing.

Adam Lee, 10 Harris Rd., asked if you could get electricity at a fixed price forever, would you be interested? Mr. Lee said that solar power is a steady, reliable supply of electricity at a fixed price that doesn't pollute nor make any noise, doesn't kill birds and has virtually no moving parts. Mr. Lee added that he has solar panels on his barn that ReVision Energy put up and the owners are acquaintances. The Chairman of the Planning Board was his neighbor when he was growing up. Mr. Lee said there are power lines and telephone lines running up the street that are not attractive but is how most people get power or phone service. There are massive transmission lines at the end of Harris Road. Mr. Lee said in the future there will be an expanded grid with more power lines and more transmission lines. This type of project will reduce the need for those. Use of electricity will continue to increase just as the price has. It is unlikely that the price will ever be lowered. Mr. Lee said solar power is a tremendous hedge against rising electric rates, is a substantial way to try to reduce climate change and is a good financial investment. Mr. Lee thinks this will be good for the Town and the community.

Denny Gallaudet, 67 Range Rd., said he supports the project and owns solar arrays at his house. This is the wave of the future and before long, there will be many landfills with solar power on them in our State. Mr. Gallaudet commended the process that has been taken up to this point. The Town Council has met and Town Manager Bill Shane and his staff have worked diligently on this. This site plan review is a good practice of local democracy that really works. Mr. Gallaudet said that in his personal experience, there have been many issues that have involved big change in Town in the 30 years he has been here. Mr. Gallaudet is consistently impressed with Town officials and the work that they put in to get the right decision. Mr. Gallaudet cited the development of Village Green that was formerly a working forest as an example. Mr. Gallaudet asked the people in attendance to trust the process.

Ernie Copley, 32 Bradbury Way, said he recognizes the benefits of the project but has some concerns. Mr. Copley had a solar array back in the 80s when he lived in Maryland and the footers were sank 3' down into the ground. This cannot be done here because of the landfill cap and the footers will be more shallowly based. There are microbursts in Cumberland now and then and Mr. Copley is concerned about this with footers this shallow. Mr. Copley's second concern is with the fence. Mr. Copley said that we have to anticipate vandals or mischievous teenagers may try to get into this high voltage, industrial facility. Mr. Copley said someone could dig under the fence to get into the facility or go over the fence. Mr. Read said that the fence will be located beyond the limits of waste and the corner posts will have concrete footers. Mr. Mueller noted that the 7' high fence is what is required by the National Electric Code. Mr. Mueller noted that this would be no different than if someone tried to remove the electrical service from a house and there is a limit to how much you can do to protect people from themselves. To date, there have not been any solar arrays vandalized in Maine or New Hampshire. Mr. Mueller said regarding extreme weather events, the

ballasted footers are designed for the worst case weather events with 100 mph wind speeds and there is enough weight to keep the array where it needs to be. Mr. Read noted that all points of connection on the array are designed by professional engineers to ensure they meet code requirements. Mr. Read added that the detail sheet in the plan set provides the dimensions and are designed for weight, overturning resistance and vertical bearing.

Paul Weiss, 314 Blanchard Rd. & member of the Conservation Commission, said he has a solar array at his house and he is an advocate for this project. Mr. Weiss said he is impressed with the changes that have been made over a short period of time to alleviate some of the concerns people have with sighting, etc. Mr. Weiss said he has gotten positive questions from neighbors about his solar array which pays for his whole house, two electric cars, heat and hot water. Mr. Weiss said his electric bill is \$11.30 per month and he thinks this is just for being connected. There are power lines and big transformers and other utilities in the community that are just accepted as the norm. Mr. Weiss said that solar is the most benign form of energy with a 25 year span of life. The landfill is a great space to have solar panels. Mr. Weiss said having solar power increases property value and saves money. This adds stability to the electrical grid and Maine is the second or third lowest rated in the country for electrical stability. Mr. Weiss invited the audience to come to his house and see his solar array. Mr. Weiss said that this is an incredible opportunity for the Town. It is a clean source of energy and is a huge financial opportunity.

Dennis Chick, 84 Wyman Way, said he has a good view of this site. Mr. Chick said he appreciates others saying how nice their solar looks and how it is landscaped but it doesn't appear that there will be that opportunity here. Mr. Chick shared some pictures of sight lines from his back deck. Mr. Chick said when he looks out from the back of his house, he sees the Public Works, salt shed, sand pile and will now also see a solar array with a black chain link fence. Mr. Chick asked if a berm could be built and asked how far in does the capped landfill begin from the road. Mr. Read said that the limits of waste and the edge of the cap go to the flow line of the drainage ditch along the side of the road. Mr. Chick asked if a berm could be built where the salt shed is with some plantings to block the sight line. Mr. Chick said part of the plan for Village Green was to move the salt shed and Public Works. He is concerned about what the building of the solar array will do to the value of future development of the Public Works site if that comes to fruition.

Katherine Pelletreau, 55 Drowne Rd., said she moved to the Village Green neighborhood a couple of years ago after living on Greely Road for 20 years. Ms. Pelletreau said that Village Green had so much promise and when she moved there, it was with the impression that there were going to be changes that have not yet been made like moving Public Works. Ms. Pelletreau said her view of Village Green has deteriorated since she moved there. Now there is a solar farm with over 1,000 solar panels coming in. Ms. Pelletreau said she is a fan of solar power and had solar power at her home on Greely Rd. This is different than residential solar power, this is a commercial sized development. Ms. Pelletreau said she appreciates the changes that have been made to try to address the concerns of the Village Green neighborhood but

this will have a huge impact. Many of the houses have direct sight line views. Ms. Pelletreau said they have not had an opportunity to see what the fence or panels will look like or what landscaping or protection for the community is going to look like. Ms. Pelletreau said they haven't seen how the plan will minimize any adverse impacts on neighboring properties. The development must provide for the buffering of adjacent uses that may be provided by distance, landscaping, fencing, changes in grade and/or a combination of these or other techniques. Landscaping must be provided as part of site design. Ms. Pelletreau said they have yet to see landscaping or explore the possibility of a berm across the road. The fence will be so close to the road that it will be right in your face as you are walking up the hill. It has yet to be considered how the other side of the road could be used to protect residents from the view. It doesn't sound like there is room to plant anything next to the fence and you can't plant on top of the landfill. The Town also owns the land on the other side of the road where the existing salt shed and sand pile are. Ms. Pelletreau said that it seems like some accommodation should be made for the sight lines in her community on this Town land. Ms. Pelletreau said that the Board could really benefit from a site visit so they can see what the community will see and experience the sight lines from Wyman Way and Drowne Rd.

Ms. Pelletreau said that when the proposal came up with the Town Council, there was mention of a phase two down the road. Phase two presumably would be on the remaining open portion of the landfill which is the part closer to the road with even more visual impact. Ms. Pelletreau disputes that this solar array will increase her property values and said that it is very different than with residential solar arrays. She is very concerned about a phase two and she is against this. Ms. Pelletreau said she understands why the Town wants to go with this site and in many respects it makes a lot of sense. In many of the other communities that ReVision has done these types of projects in, they have not been located in the middle of a new community. They are located on landfills that are set further out of Town and additional care needs to be taken here for the neighborhood. The community is already disappointed and concerned about the Town's broken promises about moving the salt shed, sand pile, Public Works Building, school buses and all which has a deleterious effect on the neighborhood. Ms. Pelletreau said that it is difficult to move forward without tangible assurance about what this is going to look like.

Arnold Klugman, 7 Bradbury Way, asked if the solar cells and panels are made in the USA and if not, why not. He also asked how the effectiveness of the cap is measured now and post construction and how will you know they have not disturbed the cap. Mr. Read said that as part of the DEP application they prepared a settlement analysis and settlement management plan. The effectiveness and impact of the cap is measured by differential settlement. Most settlement occurs within the first five years and this landfill is over 50 years old and was closed in 1991. Mr. Klugman asked about permeability. Mr. Read said the permeability is a product of the materials that the cap is made of so if the cap were to settle and the clay were to crack you would normally see it by visual inspection. Mr. Read explained that typically on capped systems where there is gas escaping, you will start seeing dead grass and other visual clues. Mr. Klugman asked if monitoring wells, gas output, groundwater levels, etc. are being monitored. Mr. Mueller said that the DEP has set monitoring requirements and these will not be impacted by



the addition of the solar array. Mr. Mueller said that the country of origin for the major equipment is a hard question to answer because the solar supply chain is international. The steel and the concrete tend to come from the US. The modules proposed are made by a Norwegian company with facilities all over the world. Mr. Mueller said he does not think there are cell or modular fabrications in the US at this time.

Terry Philbrook, 6 Baxter Ln., said he wishes there were a landscape architect looking at this to see what could be done on the other side of the road to do as much as the Town can to protect the aesthetics for the people who live in Village Green.

Eric Fitz, 7 Blanchard Rd., said his sense from listening to this conversation and from participating in previous meetings about this project is that it is clear that the people who live in Village Green care as much about the Town and protecting the environment as anybody but are concerned about the view. Mr. Fitz said it would have been helpful to have renderings of what this would look like. From a visual impact standpoint, it seems that we are proposing solutions in anticipation of a problem and Mr. Fitz doesn't think there is a problem. Mr. Fitz said the cultural perceptions of what is and what isn't nice to look at change over time. Any one of us cannot say what impact this will have on property values, what one person values can be very different from others. Mr. Fitz has solar on his property and loves looking at it. Mr. Fitz said that there have been a number of studies done looking at the impacts of commercial sized solar arrays and property values and all of them have been inconclusive. Mr. Fitz noted that seeing a picture of a white ball on a pole is different from a black solar panel because white reflects light and black absorbs it. Mr. Fitz said that he personally does not think that there is a visual impact and he cautioned the Town from considering options until there is more information about what it will look like. Telephone poles and power lines and other things that people are used to are not noticed and are just part of the landscape. Something new in your sight line will be noticed but will fade from your vision over time.

Eli Wilson, Range Rd., said that he is a middle school teacher in Falmouth and he has been very proud to talk about the steps that Cumberland is making towards a green energy future. He understands the impacts on the visuals. Mr. Wilson said that in terms of what solar power means to the future, it is a really powerful thing and he thinks it would be excellent if the Town went forward with it.

Susan Cygan, 51 Drowne Rd., asked what the process is now and stated that it is obvious this is going to go through. Ms. Cygan asked if the Town will be responsible for providing any kind of landscaping help. Ms. Cygan asked what the Board would like to see for Drowne Rd. after the solar array goes in. Chairman Moriarty said that there cannot be any plantings on the capped landfill. The other side of the road is currently occupied by other municipal uses but Chairman Moriarty doesn't think these will be there forever. The Town Council is actively working on relocation of the Town Garage and other associated uses but we do not know when this will reach a conclusion. Ms. Cygan asked if there are any plans for the Town to do any kind of landscaping after the solar array goes in. Chairman Moriarty said that landscaping is not part of the application due to what the limits are. Mr. Read added that based on the site and the constraints that there are, landscaping is pretty limited. If the fence were moved back to allow for plantings, they would not be tall enough.

Mr. Kenny asked if it is possible to put a hedge between the fence and the sidewalk. Mr. Read said potentially, but then the fence would have to be moved down into the ditch and the farther you move from the sidewalk, the deeper you are in the ditch. Mr. Read noted that it is tough to put anything in that would be effective here.

Dave Witherill, 5 Candlewick Ln., said he is a proponent of solar and he has 30 panels on his house. He also was part of the team that put solar panels on the church and a lot of people don't even know the panels are there. Mr. Witherill said he is a big supporter of this project.

Bill Shane, Town Manager, said the Town has tried to look at landscaping on this site but it has a placebo effect. Landscaping would not be effective. Planting next to the sidewalk would buffer very little. It is a difficult site. Mr. Shane said that when the Town started looking at the project, the proposal was for the solar array to be all the way to Drowne Rd. and the Town Council asked that the array be as far toward the Town Forest as possible. Mr. Shane said he is proud of this system and thinks it will be an attraction to Cumberland. It will be a great teaching tool with trips from the schools to go over. There will be a clock at Town Hall showing how much energy is produced and how many trees were saved.

Mr. Shane acknowledged that the Town Garage really needs to go. The Town Council is looking at a November referendum to vote on what happens to the Town Garage. The Town Council is looking at two site options right now, one is a 2.5 million dollar project and the other is a 6.5 million dollar project. The options include at a minimum for the sand/salt shed and the compost area to go as well. Mr. Shane said if the public decides the Town Garage will stay in place, the sand/salt shed and the compost area will go to an alternative site. The November Election is a Gubernatorial Election so there will be a good turnout with close to 70-80% of the Town voting.

Mr. Shane referred to the phase two plan and explained that there was a phase two plan initially but the Town Council said "no thanks" and that they would look at another site. Mr. Shane said the hope is that with the next Governor, some of the energy policies of the State will change and be similar to neighboring States in New England to allow the Town to go from 9 accounts to perhaps 50 accounts as part of the metering field. Mr. Shane explained that the Town will purchase the electricity generated from the solar field and nine Town accounts will be dedicated to buying this energy. In six years the Town will buy the solar field and own it as a community at 60% of the cost of installation. This will pay for itself in a short period of time. If there are changes from the State in the future, the Town could add additional accounts like the ones from Hawthorne Court and other areas as the Town grows. Mr. Shane said there are some huge opportunities for the Town as part of this project.

Mr. Shane said the Town Garage makes this a tough sell for the neighbors. The Town has done a lot of work on the relocation but has been unsuccessful with about 14 different site selections. Mr. Shane said he is confident there will be something before the voters in November that will result in a big improvement to the neighborhood.

Mr. Kenny asked for clarification on the land across the street from the proposed array and whether additional buildings can be built there. Mr. Shane said the compost pile is

sitting on a landfill that will have to be capped as well and then there is a 100' setback from the landfill for structures. The landfill area comes right up to the edge of the sand pile. Mr. Kenny asked if the Town could put a berm here and Mr. Shane said there could not be a berm on the landfill but there could possibly be one where the sand pile is now. Mr. Kenny said a berm there wouldn't be very effective because of the slope and Mr. Shane agreed.

Ms. Pelletreau said it is frustrating to listen to the discounting of the neighborhood concerns and the idea that no planting is going to make any difference. Ms. Pelletreau said there is a landscape architect who lives in Village Green that the neighbors have consulted with who says there are things that can be done that would make a difference. Ms. Pelletreau rejects the notion that nothing can be done. There is a possibility of a berm where the sand pile is now. Ms. Pelletreau added that there is no reason that the level of the ditch couldn't be raised up where the fence will go. The area across the street should be considered as part of the same project. Ms. Pelletreau said that the solar panel area should not be approved without a landscaping component that addresses the neighbors' concerns.

Pete Wilson, 18 Oak Ridge Rd. said that Mr. Gallaudet shared his analysis of the project and he agrees that it is financially beneficial to the Town. Mr. Wilson said it looks to him like basically the Town is saving a lot of money but are probably transferring costs to other people that rely on CMP. Mr. Wilson would like to see the Town upgrade this system so that we could separate from CMP.

Eric Fitz, in response to Mr. Wilson's comment, said that there have been a number of studies done in Maine that show that the benefits of residential and commercial solar projects dramatically outweigh the costs of the system and benefit rate payers. Mr. Fitz added that the actual studies that the State commissioned found that the more solar systems there are in the State actually reduce rates to residents by avoiding the need for new transformers, upgrades and transmission lines. Mr. Fitz noted that the financial benefits of the project for the Town are worth considering options of what can reasonably be done. Mr. Fitz said we have to look at the costs associated with protecting the visual impact for a few homes in Village Green vs. the savings for the whole Town. If the neighborhood has a landscape architect with ideas, they should share this with the Town. He would like to see an option that doesn't cost hundreds of thousands of dollars to address this.

Mr. Saunders noted that it appears a berm on the Village Green side of Drowne Rd. would have to be 30' high. Chairman Moriarty asked if there is enough land here to build a berm. Mr. Shane said to build a 30' high berm here would take a very large footprint. The landfill on this side of Drowne Rd. cannot be impacted either. Mr. Shane added that the slop drops off here also. Mr. Sherr asked if the current sand pile, as an example of a berm, sheds the view. Mr. Shane said no, there isn't enough height to it. Mr. Shane said the best thing that can happen is for most of the Public Works facility to move from here and what would be put in its' place will be a combination of some type of commercial building or townhouses.

Mr. Auclair asked if Mr. Shane is saying that where the sand pile is, there is no room for some tall trees. Mr. Shane said it is not an absolute no but this area goes downhill. Mr.

Auclair said it would be interesting to know what the neighbors' landscape expert had suggested that might work.

Mr. Kenny asked if there is any way to reroute the road. Mr. Shane said it would be very expensive.

Mr. Saunders noted that the project uses a ballast system for the solar array and asked if the fence could be on a ballast and moved to the top of the ridge. Mr. Mueller said they have tried a ballasted fence on other sites but it is difficult to make last and then you would see the fence and the solar array. Mr. Mueller is not sure that trees would grow where the salt has been for many years.

Jane Wilson, Range Rd., said she is very much in favor of this project and it seems to her that there are separate aesthetic issues between the sight lines and the fence. Ms. Wilson asked what the requirements are for security for the fence. It seems to Ms. Wilson that there could be opportunities to beautify the fence and the walkway. Chairman Moriarty said that there is a proposed 7' fence. Ms. Wilson asked if it has to be chain link. Mr. Mueller said normally it is just a galvanized fence which is what is proposed for the rest of the site and the vinyl coated fence would be on the side facing the road because it is more attractive. Mr. Mueller said that the National Electric Code is silent on the kind of fence there is. The rule is that the array cannot be readily available to unqualified people and a 7' high fence meets that rule.

Mr. Fitz asked if it is possible to do plantings along the property line for the three houses on upper Wyman Way. Chairman Moriarty said this is privately owned land. Mr. Fitz asked about the Town side of the land and Chairman Moriarty confirmed with Mr. Shane that this land is within the limits of the wood waste landfill.

Mr. Weiss noted that there are options for the homeowners to do some landscaping on their own property. Mr. Weiss referred to working on a project previously with Ms. Nixon to allow for a windmill off Blanchard Rd. and there were similar comments from people then. It was a huge project and it is very positive. Mr. Weiss said this is a unique opportunity here and people should not just think about their own selves for these kinds of things but about the community, the environment and the children. Mr. Weiss said that people will eventually accept solar arrays and they will part of the landscape. This is the future of electricity along with other renewable sources. Mr. Weiss said this is an opportunity for all of us to benefit. Mr. Weiss urged people to give some deep thought to this about the aesthetics compared to the future and the environment.

Mary Hart, 79 Wyman Way, said she shares the sentiments shared by the neighbors in Village Green. Ms. Hart pointed out that it is more than 3 houses that will be impacted, it will impact the entire community.

Chairman Moriarty closed the Public Hearing and called for a five minute break. Chairman Moriarty resumed the meeting.

Mr. Auclair said he is very much in favor of the project in terms of the benefit to the Town and the future of the Town. Mr. Auclair is sympathetic with anyone that will be upset by the sight issues but he does not see a good solution. Mr. Auclair suggested people that are bothered by the view could do something on their own land.



Mr. Sherr said that the Town and the applicant have spent a lot of time looking for solutions. It is a difficult situation and at the end of the day there isn't a whole lot of buffering that can be done by the applicant or the Town without large construction costs. Buffering on private property can be done. Mr. Sherr said that the Town will continue to pursue a new location for the garage, brush pile and salt shed and over time this will help appease some of the issues here. It comes down to a project that will or will not move forward without buffering. Mr. Sherr pointed out that a lot of minds have looked for out of the box solutions and nothing has come up and said that from his perspective, there isn't much that can be done.

Mr. Davis echoed the other Board member's sentiments and said that this project has some unique characteristics that limit buffering. Mr. Davis favors the project for the benefits to the Town.

Chairman Moriarty said that he respects the opinions of the neighbors but he believes that if the solar array is in place, after a short period of time, it will just become part of the scenery. Chairman Moriarty doesn't see the fence along Drowne Rd. as being something people are going to notice after a while and it is not a significant issue to him. The distance from some of the homes that will be the most impacted visually is significant and they will be looking at the thin side of the panels.

Mr. Saunders said he echoes what other Board members have said and he empathizes with the people speaking tonight. Mr. Saunders said that this is the first time the Board has not found a reasonable solution and he thinks it is because there isn't a reasonable solution to be had. Mr. Saunders said the sight issue is not a reason to not approve the project as a whole.

Chairman Moriarty reviewed the requested waivers.

Mr. Saunders moved that due to the particular nature of the project and the property that the Board waive the requirement for a hydrogeological evaluation, seconded by Mr. Kenny and **VOTED, 6 yeas, unanimous - motion carries.**

Mr. Saunders moved that due to the particular nature of the project that the Board provide a waiver for performing a market study, seconded by Mr. Kenny and **VOTED, 6 yeas, unanimous - motion carries.**

Mr. Saunders moved that due to the particular nature of the project and the property that the Board approve a waiver for no increased stormwater runoff, seconded by Mr. Auclair and **VOTED, 6 yeas, unanimous - motion carries.**

Chairman Moriarty reviewed the approval standards and criteria (findings of fact). The Board and Ms. Nixon suggested some minor changes to some of the findings. Mr. Saunders moved to adopt the findings of fact as amended, seconded by Mr. Auclair and **VOTED, 6 yeas, unanimous - motion carries.**

#### **Chapter 229 - Site Plan Review, Section 10: Approval Standards and Criteria**

The following criteria shall be used by the Planning Board in reviewing applications for site plan review and shall serve as minimum requirements for approval of the application. The application shall be approved unless the Planning Board determines that the applicant has failed to meet one or more of these standards. In all instances, the burden of proof shall be on

the applicant who must produce evidence sufficient to warrant a finding that all applicable criteria have been met.

**A. Utilization of the Site:** Utilization of the Site - The plan for the development, including buildings, lots, and support facilities, must reflect the natural capabilities of the site to support development. Environmentally sensitive areas, including but not limited to, wetlands, steep slopes, floodplains, significant wildlife habitats, fisheries, scenic areas, habitat for rare and endangered plants and animals, unique natural communities and natural areas, and sand and gravel aquifers must be maintained and preserved to the maximum extent. The development must include appropriate measures for protecting these resources, including but not limited to, modification of the proposed design of the site, timing of construction, and limiting the extent of excavation.

**The proposed use is one of the few uses allowed under the current MEDEP permit structure for closed landfills. The solar array will provide years of clean energy through the proposed Power Purchase Agreement (PPA) to help offset electrical expenses at multiple municipal facilities. The site is not situated over a sand and gravel aquifer and will have no impact to rare or endangered species. There will be no cutting of trees. Based on the above findings of fact, the Board finds the standards of this section have been met.**

**B. Traffic, Circulation and Parking**

**(1) Traffic Access and Parking.** Vehicular access to and from the development must be safe and convenient.

**(a)** Any driveway or proposed street must be designed so as to provide the minimum sight distance according to the Maine Department of Transportation standards, to the maximum extent possible.

**(b)** Points of access and egress must be located to avoid hazardous conflicts with existing turning movements and traffic flows.

**(c)** The grade of any proposed drive or street must be not more than + 3% for a minimum of two (2) car lengths, or forty (40) feet, from the intersection.

**(d)** The intersection of any access/egress drive or proposed street must function: (a) at a Level of Service D, or better, following development if the project will generate one thousand (1,000) or more vehicle trips per twenty-four (24) hour period; or (b) at a level which will allow safe access into and out of the project if less than one thousand (1,000) trips are generated.

**(e)** Where a lot has frontage on two (2) or more streets, the primary access to and egress from the lot must be provided from the street where there is less potential for traffic congestion and for traffic and pedestrians hazards. Access from other streets may be allowed if it is safe and does not promote short cutting through the site.

**(f)** Where it is necessary to safeguard against hazards to traffic and pedestrians and/ or to avoid traffic congestion, the applicant shall be responsible for providing turning lanes, traffic directional islands, and traffic controls within public streets.

**(g)** Access ways must be designed and have sufficient capacity to avoid queuing of entering vehicles on any public street.

**(h)** The following criteria must be used to limit the number of driveways serving a proposed project:

**(1)** No use which generates less than one hundred (100) vehicle trips per day shall have more than one (1) two-way driveway onto a single roadway. Such driveway must be no greater than thirty (30) feet wide.

(2) No use which generates one hundred (100) or more vehicle trips per day shall have more than two (2) points of entry from and two (2) points of egress to a single roadway. The combined width of all access ways must not exceed sixty (60) feet.

**(2) Access way Location and Spacing**

Access ways must meet the following standards:

**(a)** Private entrance / exits must be located at least fifty (50) feet from the closest un-signalized intersection and one hundred fifty (150) feet from the closest signalized intersection, as measured from the point of tangency for the corner to the point of tangency for the access way. This requirement may be reduced if the shape of the site does not allow conformance with this standard.

**(b)** Private access ways in or out of a development must be separated by a minimum of seventy-five (75) feet where possible.

**(3) Internal Vehicular Circulation.** The layout of the site must provide for the safe movement of passenger, service, and emergency vehicles through the site.

**(a)** Projects that will be served by delivery vehicles must provide a clear route for such vehicles with appropriate geometric design to allow turning and backing.

**(b)** Clear routes of access must be provided and maintained for emergency vehicles to and around buildings and must be posted with appropriate signage (fire lane - no parking).

**(c)** The layout and design of parking areas must provide for safe and convenient circulation of vehicles throughout the lot.

**(d)** All roadways must be designed to harmonize with the topographic and natural features of the site insofar as practical by minimizing filling, grading, excavation, or other similar activities which result in unstable soil conditions and soil erosion, by fitting the development to the natural contour of the land and avoiding substantial areas of excessive grade and tree removal, and by retaining existing vegetation during construction. The road network must provide for vehicular, pedestrian, and cyclist safety, all season emergency access, snow storage, and delivery and collection services.

**(4) Parking Layout and Design.** Off street parking must conform to the following standards:

**(a)** Parking areas with more than two (2) parking spaces must be arranged so that it is not necessary for vehicles to back into the street.

**(b)** All parking spaces, access drives, and impervious surfaces must be located at least fifteen (15) feet from any side or rear lot line, except where standards for buffer yards require a greater distance. No parking spaces or asphalt type surface shall be located within fifteen (15) feet of the front property line. Parking lots on adjoining lots may be connected by accessways not exceeding twenty-four (24) feet in width.

**(c)** Parking stalls and aisle layout must conform to the following standards.

| Parking Angle | Stall Width | Skew Width | Stall Depth | Aisle Width  |
|---------------|-------------|------------|-------------|--------------|
| 90°           | 9'-0"       |            | 18'-0"      | 24'-0" 2-way |
| 60°           | 8'-6"       | 10'-6"     | 18'-0"      | 16'-0" 1-way |
| 45°           | 8'-6"       | 12'-9"     | 17'-6"      | 12'-0" 1-way |
| 30°           | 8'-6"       | 17'-0"     | 17'-0"      | 12'-0" 1 way |

**(d)** In lots utilizing diagonal parking, the direction of proper traffic flow must be indicated by signs, pavement markings or other permanent indications and maintained as necessary.

**(e)** Parking areas must be designed to permit each motor vehicle to proceed to and from the parking space provided for it without requiring the moving of any other motor vehicles.

**(f)** Provisions must be made to restrict the "overhang" of parked vehicles when it might restrict traffic flow on adjacent through roads, restrict pedestrian or bicycle movement on adjacent walkways, or damage landscape materials.

## **(5) Building and Parking Placement**

**(a)** The site design should avoid creating a building surrounded by a parking lot. Parking should be to the side and preferably in the back. In rural, uncongested areas buildings should be set well back from the road so as to conform to the rural character of the area. If the parking is in front, a generous, landscaped buffer between road and parking lot is to be provided. Unused areas should be kept natural, as field, forest, wetland, etc.

**(b)** Where two or more buildings are proposed, the buildings should be grouped and linked with sidewalks; tree planting should be used to provide shade and break up the scale of the site. Parking areas should be separated from the building by a minimum of five (5) to ten (10) feet. Plantings should be provided along the building edge, particularly where building facades consist of long or unbroken walls.

**(6) Pedestrian Circulation:** The site plan must provide for a system of pedestrian ways within the development appropriate to the type and scale of development. This system must connect the major building entrances/ exits with parking areas and with existing sidewalks, if they exist or are planned in the vicinity of the project. The pedestrian network may be located either in the street right-of-way or outside of the right-of-way in open space or recreation areas. The system must be designed to link the project with residential, recreational, and commercial facilities, schools, bus stops, and existing sidewalks in the neighborhood or, when appropriate, to connect the amenities such as parks or open space on or adjacent to the site.

**There is an existing 20' X 50' paved entrance into the site from Drowne Road. This area will be sufficient for the infrequent parking needs by technicians (estimated to be less than three per year). There are no proposed buildings, only the solar arrays. There is no need for pedestrian ways within the development as there will be no public access to the site. The site will be completely fenced with a locked gate for access by authorized personnel for mowing, maintenance and emergencies. Based on the above findings of fact, the Board finds the standards of this section have been met.**

## **C. Stormwater Management and Erosion Control**

**(1) Stormwater Management.** Adequate provisions must be made for the collection and disposal of all stormwater that runs off proposed streets, parking areas, roofs, and other surfaces, through a stormwater drainage system and maintenance plan, which must not have adverse impacts on abutting or downstream properties.

**(a)** To the extent possible, the plan must retain stormwater on the site using the natural features of the site.

**(b)** Unless the discharge is directly to the ocean or major river segment, stormwater runoff systems must detain or retain water such that the rate of flow from the site after development does not exceed the predevelopment rate.

**(c)** The applicant must demonstrate that on - and off-site downstream channel or system capacity is sufficient to carry the flow without adverse effects, including but not limited to, flooding and erosion of shoreland areas, or that he / she will be responsible for whatever improvements are needed to provide the required increase in capacity and / or mitigation.

**(d)** All natural drainage ways must be preserved at their natural gradients and must not be filled or converted to a closed system unless approved as part of the site plan review.

**(e)** The design of the stormwater drainage system must provide for the disposal of stormwater without damage to streets, adjacent properties, downstream properties, soils, and vegetation.

**(f)** The design of the storm drainage systems must be fully cognizant of upstream runoff which must pass over or through the site to be developed and provide for this movement.

**(g)** The biological and chemical properties of the receiving waters must not be degraded by the stormwater runoff from the development site. The use of oil and grease traps in manholes, the use of on-site vegetated waterways, and vegetated buffer strips along waterways and drainage



swales, and the reduction in use of deicing salts and fertilizers may be required, especially where the development stormwater discharges into a gravel aquifer area or other water supply source, or a great pond.

## **(2) Erosion Control**

**(a)** All building, site, and roadway designs and layouts must harmonize with existing topography and conserve desirable natural surroundings to the fullest extent possible, such that filling, excavation and earth moving activity must be kept to a minimum. Parking lots on sloped sites must be terraced to avoid undue cut and fill, and / or the need for retaining walls. Natural vegetation must be preserved and protected wherever possible.

**(b)** Soil erosion and sedimentation of watercourses and water bodies must be minimized by an active program meeting the requirements of the Maine Erosion and Sediment Control Handbook for Construction: Best Management Practices, dated March 1991, and as amended from time to time.

**No buildings are being constructed and there will be minimal site disturbance required for the placement of the solar panels. No additional stormwater permitting is required from the MEDEP. A stormwater management report was submitted with the application that shows there will be no adverse impacts to downstream properties. Construction will be completed in accordance with the most recent version of the Maine Erosion and Sediment Control Handbook. Based on the above findings of fact, the Board finds the standards of this section have been met.**

## **(D) Water, Sewer, and Fire Protection**

**(1) Water Supply Provisions:** The development must be provided with a system of water supply that provides each use with an adequate supply of water. If the project is to be served by a public water supply, the applicant must secure and submit a written statement from the supplier that the proposed water supply system conforms with its design and construction standards, will not result in an undue burden on the source of distribution system, and will be installed in a manner adequate to provide needed domestic and fire protection flows.

**(2) Sewage Disposal Provisions:** The development must be provided with a method of disposing of sewage which is in compliance with the State Plumbing Code. If provisions are proposed for on-site waste disposal, all such systems must conform to the Subsurface Wastewater Disposal Rules.

**(3) Utilities:** The development must be provided with electrical, telephone, and telecommunication service adequate to meet the anticipated use of the project. New utility lines and facilities must be screened from view to the extent feasible. If the service in the street or on adjoining lots is underground, the new service must be placed underground.

**(4) Fire Protection:** The site design must comply with the Fire Protection Ordinance. The Fire Chief shall issue the applicant a "Certificate of Compliance" once the applicant has met the design requirement of the Town's Fire Protection Ordinance.

**The proposed development does not include water or sewer service. Fire protection is not required for the solar array. Based on the above findings of fact, the Board finds the standards of this section have been met.**

## **E. Water Protection**

**(1) Groundwater Protection:** The proposed site development and use must not adversely impact either the quality or quantity of groundwater available to abutting properties or to the public water supply systems. Applicants whose projects involve on-site water supply or sewage disposal systems with a capacity of two thousand (2,000) gallons per day or greater must demonstrate that the groundwater at the property line will comply, following development, with the standards for safe drinking water as established by the State of Maine.

**There will be no septic systems needed for this project.**

**(2) Water Quality:** All aspects of the project must be designed so that:

**(a)** No person shall locate, store, discharge, or permit the discharge of any treated, untreated, or inadequately treated liquid, gaseous, or solid materials of such nature, quantity, obnoxious, toxicity, or temperature that may run off, seep, percolate, or wash into surface or groundwaters so as to contaminate, pollute, or harm such waters or cause nuisances, such as objectionable shore deposits, floating or submerged debris, oil or scum, color, odor, taste, or unsightliness or be harmful to human, animal, plant, or aquatic life.

**(b)** All storage facilities for fuel, chemicals, chemical or industrial wastes, and biodegradable raw materials, must meet the standards of the Maine Department of Environmental Protection and the State Fire Marshall's Office.

**There will be no storage facilities for fuel, chemicals, chemical or industrial wastes or biodegradable raw materials. Nor will there be any discharge of liquid, gaseous or solid materials.**

**(3) Aquifer Protection:** If the site is located within the Town Aquifer Protection Area, a positive finding by the Board that the proposed plan will not adversely affect the aquifer is required.

**The site is not located within the Town Aquifer Protection Area.**

**Based on the materials included in the application, the Board finds that the standards of this section have been met.**

**F. Floodplain Management:** If any portion of the site is located within a special flood hazard area as identified by the Federal Emergency Management Agency, all use and development of that portion of the site must be consistent with the Town's Floodplain management provisions.

**The site is not located within a floodplain. See Appendix D of the application for a FEMA Flood map of the area. Based on the above finding of fact, the Board finds the standards of this section have been met.**

**G. Historic and Archaeological Resources:** If any portion of the site has been identified as containing historic or archaeological resources, the development must include appropriate measures for protecting these resources, including but not limited to, modification of the proposed design of the site, timing of construction, and limiting the extent of excavation.

**A letter is on file from the Maine Historic Preservation Commission stating that there will be no impact on historical or archaeological resources. Based on the above finding of fact, the Board finds the standards of this section have been met.**

**H. Exterior Lighting:**

The proposed development must have adequate exterior lighting to provide for its safe use during nighttime hours, if such use is contemplated. All exterior lighting must be designed and shielded to avoid undue glare, adverse impact on neighboring properties and rights - of way, and the unnecessary lighting of the night sky.

**No exterior lighting is proposed. Based on the above findings of fact, the Board finds the standards of this section have been met.**

**I. Buffering and Landscaping**

**(1) Buffering of Adjacent Uses:** The development must provide for the buffering of adjacent uses where there is a transition from one type of use to another use and for the screening of mechanical equipment and service and storage areas. The buffer may be provided by distance, landscaping, fencing, changes in grade, and / or a combination of these or other techniques.

**(2) Landscaping:** Landscaping must be provided as part of site design. The landscape plan for the entire site must use landscape materials to integrate the various elements on site,

preserve and enhance the particular identity of the site, and create a pleasing site character. The landscaping should define street edges, break up parking areas, soften the appearance of the development, and protect abutting properties.

**The proposed array will be located on the eastern portion of the closed landfill to minimize impact to adjacent properties. The orientation of the solar panels has been modified to reduce the impact on abutting properties. The Board finds that distance is an acceptable buffer. While plantings are not allowed on the landfill cap, the placement of the array in a low area of the site will provide a natural “berm” so that passing pedestrians and vehicles will not see the array. During the public hearing, the Board and members of the public explored various opportunities for landscape buffers but due to the unique attributes of the site, no additional landscaping buffer is feasible. Based on the above findings of fact, the Board finds the standards of this section have been met.**

**J. Noise:** The development must control noise levels such that it will not create a nuisance for neighboring properties.

**While the solar panels do not emit noise, development maintenance activities may produce elevated noise levels periodically. There will be a period of time during the construction phase that may create elevated noise levels compared to normal operation of the development, but will not be permanent noises associated with the development. Anticipated noises that could possibly occur during construction could come from, but are not limited to, equipment noise. It is anticipated that no adverse impact will occur on the surrounding area. Based on the above findings of fact, the Board finds the standards of this section have been met.**

#### **K. Storage of Materials**

**(1)** Exposed nonresidential storage areas, exposed machinery, and areas used for the storage or collection of discarded automobiles, auto parts, metals or other articles of salvage or refuse must have sufficient setbacks and screening (such as a stockade fence or a dense evergreen hedge) to provide a visual buffer sufficient to minimize their impact on abutting residential uses and users of public streets.

**(2)** All dumpsters or similar large collection receptacles for trash or other wastes must be located on level surfaces which are paved or graveled. Where the dumpster or receptacle is located in a yard which abuts a residential or institutional use or a public street, it must be screened by fencing or landscaping.

**(3)** Where a potential safety hazard to children is likely to arise, physical screening sufficient to deter small children from entering the premises must be provided and maintained in good condition.

**There is no proposed outdoor storage of materials. Based on the above findings of fact, the Board finds the standards of this section have been met.**

**L. Capacity of the Applicant:** The applicant must demonstrate that he / she has the financial and technical capacity to carry out the project in accordance with this ordinance and the approved plan.

**Technical Ability:** The applicant has retained a licensed land surveyor and a professional engineer to prepare plans and the application.

**Financial Capacity:** The project will be funded by a power purchase agreement with the Town of Cumberland. ReVision Energy has provided nearly 100 nonprofit PPA projects in the past six years and has developed nearly 80 solar PPA projects valued at a capacity of \$15 million. There

is a letter dated 6-25-18 on file from Bangor Savings Bank stating that ReVision Energy has the funds to complete the project.

**Based on the above findings of fact, the Board finds the standards of this section have been met.**

**M. Design and Performance Standards**

- (1) Route 100 Design Standards
- (2) Route 1 Design Standards
- (3) Town Center District Design and Performance Standards
- (4) Village Mixed Use Performance Standards.

**None of the above are applicable to this project.**

Chairman Moriarty reviewed the proposed conditions of approval.

Mr. Saunders moved that the Board approve Site Plan Review for a 474.7 Kilowatt Solar Array at 26 Drowne Rd., Tax Map R03, Lot 51 A in the Rural Residential 1 Zoning District subject to the Expiration of Approval, the Standard Condition of Approval and the three proposed Conditions of Approval, seconded by Mr. Kenny and **VOTED, 6 yeas, unanimous - motion carries.**

**Expiration of Approval:** Construction of the improvements covered by any site plan approval must be substantially commenced within 12 months of the date upon which the approval was granted. If construction has not been substantially commences within 12 months of the date upon which construction was granted, the approval shall be null and void. If construction has not been substantially completed within 24 months of the date upon which approval was granted or within a time period as specified by the Planning Board, the approval shall be null and void. The applicant may request an extension of the deadline to commence or complete construction prior to expiration of the period. Such requests must be in writing and must be made to the Planning Board. The Planning Board may grant up to two one-year extensions to the period if the approved plan conforms to the ordinances in effect at the time the extension is granted and any and all federal and state approvals and permits are current.

**Standard Condition of Approval:** This approval is dependent upon and limited to the proposals and plans contained in the application and supporting documents submitted by the applicant. Any variation from the plans, proposals and supporting documents, except de minimis changes as so determined by the Town Planner which do not affect approval standards, is subject to review and approval of the Planning Board prior to implementation.

**Conditions of Approval:**

- 1. All outstanding fees shall be paid prior the issuance of a building permit.
- 2. A preconstruction conference shall be held prior to the start of construction.
- 3. The applicant shall submit all outstanding agency letters prior to the preconstruction conference. These include the Maine Dept. of Inland Fisheries and Wildlife, Central Maine Power and Maine DEP.

**G. Administrative Matters/New Business:** Chairman Moriarty said the next meeting will be in August and the Board will take up the election of a new Vice Chair at the time. Ms. Nixon said she expects OceanView to be ready for continued review, a Village Green amendment to add an additional 4 lots and a couple of ordinance change recommendations.



**I. Adjournment:** Mr. Auclair moved to adjourn the meeting at 10:01 pm, seconded by Mr. Kenny and **VOTED, 6 yeas, unanimous - motion carries.**

A TRUE COPY ATTEST:

\_\_\_\_\_  
Stephen Moriarty, Board Chair

\_\_\_\_\_  
Christina Silberman, Administrative Asst.