

Planning Board Meeting Minutes

December 13, 2022

1. **ROLL CALL:** Riley Bergeron, Toni Ferraro, Evan Cyr, Mathieu Duvall, Paul Jacques*, Joshua Daigle*, and Darren Finnegan.
ABSENT: Stacey LeBlanc & Brian Dubois; * = both associate members elevated to full member status, can participate in discussion, and vote on motions made during this meeting.

2. **MINUTES:** Mathieu Duvall makes a motion to approve November 15, 2022, seconded by Joshua Daigle VOTE: 6-0-1 Mathieu abstained due to absence; **Motion passes**

3. **PUBLIC HEARING/ SITE PLAN AND SPECIAL EXCEPTION: 1.83 MWdc Solar Array and 1,020kW Samsung SDI Battery:** *BWC Gulf Island Pond, LLC is proposing to a 1.83 MWdc solar array (Project) at 224 East Waterman Rd. (Parcel I.D. 393-010). BlueWave is also proposing a DC-Coupled Battery Energy Storage System (BESS) consisting of one 1,020kW Samsung SDI Battery. The system is anticipated to be a two-hour duration BESS resulting in a total expected energy capacity of approximately 2,040kWhs. The proposal is pursuant to Chapter 60 Article IV Division 2- Agriculture and Resource Protection District, Article XVIII-Solar Energy Generating Systems, and Article XVI Division 2 and 3- Site Plan Review and Special Exception.*

Staff Report presented by John Blais

Applicant: Flycatcher shares more background and information. Highlighting benefits to the City. Anticipated construction time 4-8 months

Motion to open public comment made by Mathieu Duvall and seconded by Riley Bergeron VOTE: 7-0-0; **Motion passes unanimously.**

Kathy Shaw of Sopers Mill Rd. asks questions about crops being displaced with this project. Does this allow for another type of planting after construction? Does this project have to be reviewed by the Ag Committee?

Marcy & John Hutchinson of 112 East Waterman Rd asks if this area could be turned in to residential if this project is approved, also concerns about lower property value. What are they doing with the fields, and can this project be stopped?

Emily Robinson of 432 East Waterman Rd, and owner of 56 East Waterman Rd is wondering if this entire area will be rezoned from Ag to Residential with this project approval.

Pam Rousseau of 745 West Auburn Rd. concerns of the Ag land being destroyed by Solar projects.

Motion to close public comment made by Riley Bergeron and seconded by Mathieu Duvall VOTE: 7-0-0; **Motion passes unanimously.**

Clarification that the proposed area is existing corn field.

Size of the panels are not ok for residential.

Staff clarified the guidelines for the Ag Work group; 200-acre threshold triggers the Ag Group review; this project does not meet that threshold.

Motion made by Riley Bergeron to approve the Solar Generating Systems/Site Plan/Special Exception pursuant to Article IV Division 2- Agriculture and Resource Protection District, Article XVIII-Solar Energy Generating Systems, and Article XVI Division 2 and 3- Site Plan Review and Special Exception of the Auburn Code of Ordinances to construct a 1.83 MW solar array and a DC-Coupled Battery Energy Storage System (BESS) consisting of one (1) 1, 020kW Samsung SDI Battery on approximately 121.57 acres on one parcel (PID 393-010) located at 224 East Waterman Road. Located in the Agriculture and Resource Protection Zoning District, with the following conditions:

1. All bonding and inspection fees shall be paid and a notice to proceed issued by the Engineering Department before the start of construction.
2. An Addressing Plan shall be provided for the area of the property that will be used for the solar project.
3. Maine General Construction Permit
4. Updated detail on entrance pad to include 3' paved apron.
5. Interservice agreement with CMP.
6. Surety for Decommissioning (Bond) Co-naming with SOM/MaineDEP .
7. Updated electrical and building plans by a PE for electrical & building permits.
8. As-builts with shutting down procedures for public safety officer.
9. Certificate of Completion prior to energizing the site.
10. Customer Net Energy Billing Agreement (CNEBA)
11. Solar Decommissioning Permit by MaineDEP.
12. Signage provided for trucks entering and exiting the site
13. A vegetative plan is submitted to City Staff

Seconded by Joshua Daigle

VOTE: 7-0-0; **Motion passes unanimously**

- 4. WORKSHOP/ SNRB PRESENTATION/ Resolve 06-09062022/ Order 151-11072022:** *City Council directs the Planning Board after consultation with the Sustainability and Natural Resource Management Board to conduct a public hearing pursuant to Chapter 60 Article XVII, Division 3 of the Zoning Ordinance and report in writing the results of the hearing and recommendations of the Planning Board pursuant to Chapter 60 Article XVII Division 4 of the Zoning Ordinance to the City Council no later than March 20, 2023, on whether to eliminate the income standard and the current strip zoning limitations in all areas outside of the Lake Auburn Watershed overlay as an ordinance text amendment as shown on the attached proposed text changes. The Sustainability and Natural Resources Board will present their recommendation. This item is pursuant to Chapter 2 Sec. 2-471 Workshop or informational meetings.*

Presentation given by Jane Costlow – Chair of SNRB, Members of working group Ralph Harder, Bill Griswold and Bill Sylvester.

Public Comment

Stephen Beale of Johnson Rd urges for Public Hearings and wanting a workshop before the Public Hearing to provide information.

Kathy Shaw of Sopers Mill Rd extended a “Thank You” to SNRB for their work and feels the recommendation is reasonable and achievable.

John Cleveland of 183 Davis St commends Staff and SNRB for their clear recommendations. Agrees a Public Hearing would be a good idea. Believes the Planning Board should answer “No”.

Jeffery Harmon of Vista Drive believes the threshold requirement of the AGRP zone needs to be addressed in the context of LD 2003. They should not agree to this ordinance change.

Pam Rousseau of 745 West Auburn Rd shares concerns that removing the income standards will trigger development. Auburn is beautiful with the AGRP zone. Agrees with the concept of “meaningful engagement with the land”.

Ryan Smith of 14 Weaver St asks Planning Board to not make a recommendation until Planning Board can work out more details. States that change to AG zone if there is one should achieve public good. Recommends Auburn create mechanism to protect from LD 2003 and form and Ad Hoc committee.

Stephen Beale of 575 Johnson Rd. Clarifies that Council has directed Planning Board to conduct a public hearing

Discussion amongst SNRB members, City Staff and Planning Board members of options and way to respond to this agenda item.

The Board resolves to prepare a workshop for an alternative to the income standard and wait until this is underway before offering an answer to Council.

5. **WORKSHOP/ City Council Ordinance 07-02222022:** *Discuss the moratorium on development proposals involving definitions around Public Safety Facilities, Detention Facilities, Correctional Facilities and/ or Government Offices at a site on which one does not currently exist. This item is pursuant to Chapter 2 Sec. 2-471 Workshop or informational meetings.*

Staff Report presented by Katherine Cook

Discussion amongst staff and Planning Board members for clarification

Motion to move past 9pm made by Mathieu Duvall and seconded by Riley Bergeron
VOTE: 7-0-0; **Motion passes unanimously**

6. **PUBLIC COMMENT:**

Stephen Beal of 575 Johnson Rd has concerns about the new agenda posted.
Staff provided clarification regarding deadlines and submittals.

7. **MISCELLANEOUS:**

- a. Upcoming Agenda Items
 - i. 150 Andrew Drive

8. **ADJOURNMENT**

Motion made by Mathieu Duvall and seconded by Toni Ferraro VOTE: 7-0-0; **Motion passes unanimously.**

Next Meeting January 10, 2023