City of Auburn, Maine

Office of Planning & Permitting
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To: Auburn Planning Board
From: Megan Norwood, City Planner
Re: Amendment to the Approval of BD Solar Auburn, LLC Granted on March 10, 2020 to Split the Approved Project into Two Projects with Two Ground Leases for State Regulatory Purposes and to Amend the Port of Auburn Planned Unit Development to Add Additional Land to Unit 4 at the Parcel Located on Lewiston Junction Road (PID: 142-007) in the Industrial Zoning District.
Date: April 13, 2021
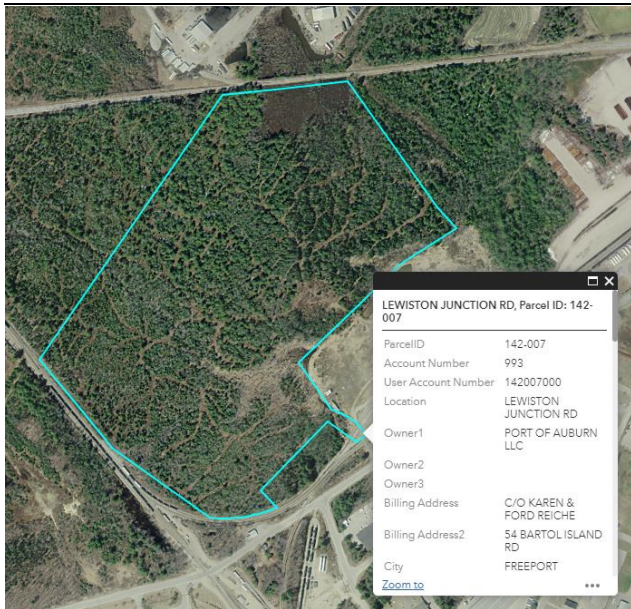
I. PROPOSAL: The Planning Board approved the Site Plan/Special Exception at the March 10, 2020 meeting for the construction of a 14.6MW solar array on a 142.74 acre parcel split between the City of Auburn and the Town of Poland. It is important to first point out that there are no changes proposed to the project itself. For State regulatory purposes the Applicant will be splitting the solar project into two separate ground leases. Typically, this is something we can review at a Staff Level; however, the Applicant requested a formal finding/public hearing by the Planning Board to present to their title company. This change is more-so a Subdivision Amendment to the Port of Auburn Planned Unit Development approved for this site in to add additional land to Unit 4 (which does not trigger subdivision review) but subjecting portion of unit 3 and unit 4 to ground leases for the solar project may because of the creation of a "third lot" within a five-year period.

II. DEPARTMENT REVIEW:
  a. *Police* – No comments received.
  b. *Auburn Water and Sewer* – No comments received.
  c. *Fire Department* – No comments received.
  d. *Code Enforcement (Electrical)* – No comments received.
  e. *Engineering* – No comments received.
  f. *Addressing* – No comments received.

III. PLANNING BOARD ACTION – Sec. 60-1359. – Guidelines. When reviewing any subdivision for approval, the Planning Board shall consider the following criteria, and before granting either approval or denial, shall determine that the proposed subdivision:

(1) Will not result in undue water, air or noise pollution. In making this determination it shall at least consider:

  a. The elevation of land above sea level and its relation to the floodplains, the nature of soils and subsoils and their ability to adequately support waste disposal;

  b. The slope of the land and its effect on effluents;

c. The availability of streams for disposal of effluents; and

d. The applicable state and local health and water resources regulations, including stormwater management requirements in accordance with section 60-1301(14);

(2) Has sufficient water available for the reasonably foreseeable needs of the subdivision;

(3) Will not cause an unreasonable burden on an existing water supply, if one is to be utilized;

(4) Will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result;

(5) Will not cause unreasonable highway or public road congestion or unsafe conditions with respect to use of the highways or public roads existing or proposed;

(6) Will provide for adequate sewage waste disposal;

(7) Will not cause an unreasonable burden on the ability of a municipality to dispose of solid waste and sewage if municipal services are to be utilized;

(8) Will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites or rare and irreplaceable natural areas;

(9) Is in conformance with a duly adopted subdivision regulation or ordinance, comprehensive plan, development plan, or land use plan, if any;

(10) Is funded by a subdivider has adequate financial and technical capacity to meet the standards of this section;

(11) Will not adversely affect the character of the surrounding neighborhood and will not tend to depreciate the value of property adjoining the neighboring property under application;

(12) Has provisions for on site landscaping that are adequate to screen neighboring properties from unsightly features of the development;

(13) Will not create a fire hazard and has provided adequate access to the site for emergency vehicles;

(14) Will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of groundwater;

(15) Does not have long-term cumulative effects of the proposed subdivision will that unreasonably increase a great pond phosphorus concentration during the construction phase and life of the proposed subdivision.

STAFF RECOMMENDATIONS – Planning Staff recommends the Planning Board find that amendment to the Port of Auburn Planned Unit Development for the creation of two ground leases meets the above subdivision criteria and approve the amendment with the following conditions:
- All conditions from the original BD Solar Auburn, LLC plan granted on March 10, 2020 shall be addressed as part of this approval.
- Should the leases constitute any changes to the Site Plan approved by the Planning Board, those changes shall be identified and brought to Staff for a determination as to whether they can be approved at a staff level or require Planning Board approval.

Suggested Motion: I make a motion to approve an amendment to the BD Solar Auburn, LLC solar project granted on March 10, 2020 to split the approved project into two projects with two ground leases for State regulatory purposes and to amend the Port of Auburn Planned Unit Development to add

additional land to Unit 4 at the parcel located on Lewiston Junction Road (PID: 142-007) in the Industrial Zoning District with the following conditions:

- All conditions from the original BD Solar Auburn, LLC plan granted on March 10, 2020 shall be addressed as part of this approval.
- Should the leases constitute any changes to the Site Plan approved by the Planning Board, those changes shall be identified and brought to Staff for a determination as to whether they can be approved at a staff level or require Planning Board approval.

Megan Norwood

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