



Planning Board Agenda
January 10, 2023 – 6:30 PM
Wescustogo Hall & Community Center
Business Meeting

Planning Board will not take up new agenda items after 9:30 PM

- I. Call to Order**

- II. Minutes Approval**
 - a. September 23, 2022
 - b. October 4, 2022

- III. Old Business**

- IV. New Business**
 - a. Water Line Solar Project – Extension Request

- V. Any other Business**
 - Administrative**
 - a. Finding of Facts – North Yarmouth Veterinary Hospital – Site Plan Review – Signing ONLY
 - b. Review of Previous Year’s Application(s)
 - c. January Workshop Discussion

- VI. Adjournment**

Mission Statement

The North Yarmouth Planning Board is a volunteer board composed of members of the North Yarmouth community. The Board is charged with reviewing applications for development within the town and making decisions by applying the Town of North Yarmouth Land Use Ordinance and applicable State of Maine Statutes.

In addition to application review, the Planning Board periodically reviews the [Land Use Ordinance](#) and recommends changes to support the [Comprehensive Plan](#) and foster sustainable development. The goal is to keep North Yarmouth a safe, peaceful, healthful, attractive, and economically successful community.

Applicants can expect efficient, fair, thoughtful, impartial decisions and respectful treatment by all members of the Board.

Town of North Yarmouth
Planning Board
Meeting Minutes of September 13, 2022
Business Meeting
(recording is available via [Town Hall Streams](#))

I. Call to Order

The meeting was called to order at 7:06 PM. Present: Chris Cabot (Chairperson), Kimry Corrette (Board Member), Jeffrey Brown (Secretary), Sanford Peabody (Board Member), Paul Whitmarsh (Alternate Board Member),

Absent without notice: Paul Metevier (Board Member), Trey Milam (Alternate Board Member)

II. Minutes Approval

a. April 12, 2022

Kimry Corrette motioned to approve the minutes from the April 12, 2022 Planning Board meeting; Jeff Brown seconded the motion. Discussion. Vote 4 Yes / 0 No

III. Old Business

a. Deacon Hayes Commons Major Subdivision/Site Plan Review

Steve Roberge, Design Engineer – Provided with an overall project as well as an overview of the August 9 meeting. The changes to the plan include:

- The design of the new engineered disposal system
- Revised ground water nitrate study specific to the engineered disposal area meeting the Town's 5 Mil per liter nitrate level at the property line
- Relocated previous proposed landscaping away from the disposal system
- Updated the sidewalk along Walnut Hill Rd
- Updates to the subdivision and site plan suitable for the Planning Board signature and recording at the Registry
- They also identified units 4, 8, & 11 are designated to be affordable housing
- The new designs that were handed out, the septic tank and the CEN21 units are on the other end of the disposal chambers system rather than out in the parking lot.

Kristen Collins, Applicant's Attorney – She inquired if the Planning Board was able to review her letter of September 8.

Ben Smith, Town Planner – reviewed his memo and indicated that the new septic design plans that were handed out does not change the findings in the memo, it appears the new plan just have the tanks and the field have been proposed to be rearranged. He reviewed the process of what has transpired with the application to date. There was a special Planning Board meeting scheduled for August 23 to act on this application, however the Applicant agreed to extend the 30 day time

Town of North Yarmouth
Planning Board
Meeting Minutes of September 13, 2022
Business Meeting
(recording is available via [Town Hall Streams](#))

period stipulated in the ordinance. There is an expectation that the Board will act on this application at this meeting. He stated that the Applicant has been coordinating with Yarmouth Water District and it would certainly be worth hearing from the Applicant more on their coordination.

Chris Cabot asked the Applicant to review the reasoning for the change to the septic system.

Mark Censi, Site Evaluator/Geologists – Reviewed reasoning for the change to the engineering septic system. The system is designed to cover 2000 gal per day in any one spot. An engineering system review process is very thorough, it involved many DEP departments at the State level.

Steve Roberge, Design Engineer – He noted that with the engineered system there is a warranty for the Fugi System also has a maintenance requirement for the system on a year basis.

Eric Gagnon, Yarmouth Water District – He noted that with the Fugi systems owner manual, it is recommendation for the operation the system, that a semi-annual maintenance to be performed.

The Board reviewed the proposed conditions from the August 9, 2022 meeting and made some modifications with the Applicant's.

1. Prior to the issuance of a certificate of occupancy, the landowner or responsible homeowners' association shall provide to the Code Enforcement Office an Operations & Maintenance Plan approved by the State of Maine.
2. Landowner or responsible homeowners' association shall comply with the Operations and Maintenance plan.
3. Landowner or responsible homeowners' association shall submit to the Code Enforcement Office a maintenance agreement with Fuji Clean and comply with that maintenance agreement.

**Chris Cabot motioned to add the conditions of approval #1-3 for the Deacon Hayes Commons Project; Jeff Brown seconded the motion.
Discussion. Vote 4 Yes / 0 No**

4. Performance guarantee – Prior to the issuance of building permits, the applicant will submit an Irrevocable Letter of Credit in the amount of \$100,000 to be approved by Selectboard.

Town of North Yarmouth
Planning Board
Meeting Minutes of September 13, 2022
Business Meeting
(recording is available via [Town Hall Streams](#))

Sanford Peabody motioned to add the conditions of approval #4 for the Deacon Hayes Commons Project; Jeff Brown seconded the motion. Discussion. Vote 4 Yes / 0 No

5. Consistent with Sec. 5.8(C) of the Land Use Ordinance, the units shall be built in two phases to prevent classroom overcrowding, so that the Certificate of Occupancy for the second half of the units shall not be issued until the calendar year following the Certificate of Occupancy that have been issued for the first six units, also subject to the Town's current building cap ordinance.

Chris Cabot motioned to add the conditions of approval #5 for the Deacon Hayes Commons Project; Kimry Corrette seconded the motion. Discussion. Vote 4 Yes / 0 No MOTION & SECOND WAS WITHDRAWN

5. **REVISED:** Consistent with Sec. 5.8(C) of the Land Use Ordinance, the units shall be built in two phases to prevent classroom overcrowding, so that the building permits for the second half of the units shall not be issued until the calendar year following the building permits that have been issued for the first six units, also subject to the Town's current building cap ordinance.

Chris Cabot motioned to add the conditions of approval #5 for the Deacon Hayes Commons Project; Jeff Brown seconded the motion. Discussion. Vote 4 Yes / 0 No

Chris Cabot reviewed three emails that came into the Planning Board earlier in the day prior to the meeting.

Kimry Corrette motion to approve the final subdivision and site plan for Deacon Hayes Commons located at tax map 007 lot 062 with the following findings of fact and conclusions in the planning memo dated 7/27/22 with the updates & conditions voted on at tonight's meeting; Chris Cabot seconded the motion. Discussion. Vote 4 Yes / 0 No

IV. New Business

- a. Sketch Plan - Village Green Apt
Steve Roberge, Design Engineer reviewed the proposed Village Green Apartment project on Lot 23 of the Village Center Estate Phase II subdivision. The development company for this project is Construction Aggregate, Inc. The plan includes building 4 residential units (3 along Walnut Hill Rd and 1 off Village View Lane)

Town of North Yarmouth
Planning Board
Meeting Minutes of September 13, 2022
Business Meeting
(recording is available via [Town Hall Streams](#))

Ben Smith, Town Planner – Reviewed the Planner Report and record keeping for this project.

Ben Scipione, Code Enforcement Officer – Inquired that the applicant was planning to build the entrance off Walnut Hill Rd to road standards since there will be three (3) houses being served. The applicant indicated they would be building to road standards

Planning Board Members – Reviewed the project and discussed setback of the sidewalk, front and side setbacks, road frontage, DEP and DOT permitting.

Chris Cabot motioned to hold a public hearing on the Village Green Apartment project at the October 11, 2022 meeting; Kimry Corrette seconded the motion. Discussion. Vote 4 Yes / 0 No

- b. Subdivision Amendment – Perennial Crossing
Peter Baigle, Land Design Solutions – reviewed and discussed the proposed amendment to the Perennial Crossing Subdivision for the well easement.

Ben Smith, Town Planner – Reviewed the Planners Report on this project.

Jeff Brown motioned to approve the amended Perennial Crossing subdivision; Kimry Corrette seconded the motion. Discussion. Vote 4 Yes / 0 No

- c. Minor Subdivision Application – Oxbow Pond
Gary Bahlkow, Applicant – Reviewed and discussed the proposed plan for the minor subdivision.

Ben Smith, Town Planner – Reviewed the Planner Report on this proposed project.

The Planning Board agreed to schedule a site walk for this proposed subdivision and will provide the applicant with as much information as possible about the waiver prior to the November Board meeting.

- d. Finding of Facts – Edge Energy 18 Mill Ridge Rd
Chris Cabot motioned to approve the Finding of Facts for Edge Energy 18 Mill Ridge Rd; Jeff Brown seconded the motion. Discussion Vote 4 Yes / 0 No

Town of North Yarmouth
Planning Board
Meeting Minutes of September 13, 2022
Business Meeting
(recording is available via [Town Hall Streams](#))

- e. Finding of Facts – Learning Time Child Care
Chris Cabot motioned to approve the Finding of Facts for Learning Time Child Care; Jeff Brown seconded the motion. Discussion Vote 3 Yes / 0 No

V. Any other Business

a. **Review of Previous Years Applications.**

The review was previously sent to Board members to review.

b. **Administrative Business**

- **September Workshop**

VI. Adjournment

Meeting was adjourned 10:38 PM.

Recorded by Tracey Cox, Executive Assistant to CEO/Assessor

Planning Board Members

Chris Cabot - Chair

Jeffrey Brown - Secretary

Sanford Peabody, Board Member

~~Paul Metevier, Board Member~~

Kimry Corrette, Board Member

~~Troy Milam, Alternative Board Member~~

~~Paul Whitmarsh, Alternate Board Member~~

Town of North Yarmouth
Planning Board
Meeting Minutes of October 4, 2022
Business Meeting
(recording is available via [Town Hall Streams](#))

I. Call to Order

The meeting was called to order at 6:02 PM. Present: Jeffrey Brown (Secretary), Kimry Corrette (Board Member), Paul Metevier (Board Member), Trey Milam (Board Member), Alex Urquhart (Alternate Board Member) and Paul Whitmarsh (Alternate Board Member)

Absent with notice: Sanford Peabody (Board Member)

II.

Minutes Approval

None

III. Old Business

None

IV. New Business

a. Chairperson Nominations/Vote

Jeffrey Brown reviewed his discussions with other regular voting board members regarding the Chairperson position. The discussed the Select Board decision for Paul Metevier' s request to step down to alternate due to health issues. Jeffrey Brown noted that he would like to give the Select Board the opportunity to reconsider their decision, he suggested that the Planning Board members email the Town Manager & Select Board Chair and cc'd the Planning Board Members requesting a reconsideration.

Jeffrey Brown motioned to table the election of a Planning Board Chairperson until further notice; Kimry Corrette seconded the motion. Discussion.

Vote: 6 Yes / 0 No

V. Any other Business

a. **Administrative Business**

1. **Bylaws Review and Modifications**

The board reviewed the current bylaws and made some modifications.

Town of North Yarmouth
Planning Board
Meeting Minutes of October 4, 2022
Business Meeting
(recording is available via [Town Hall Streams](#))

Jeffrey Brown motioned to approve an amendment to Section 2.D by adding the following: In the absence of both the chair and secretary from a meeting, where a quorum of members and alternates exists, the quorum shall vote to appoint a regular voting board member to preside over the meeting and will have the same responsibilities as an officer for that meeting; Kimry Corrette seconded the motion. Discussion.
Vote 6 Yes / 0 No

Jeffrey Brown motioned to approve adding the following to Section 2. F. In the event of a vacancy in either the secretary or chair position, the planning board shall fill the vacancy with a regular voting board member by majority vote at a regular or special meeting; Paul Metevier seconded the motion. Discussion.
Vote: 6 Yes / 0 No

Kimry Corrette motioned to amend Section 2.A to the following: Officers of the Board shall consist of a Chairperson and Secretary to be chosen annually at the first regular meeting in July of each year by and from among regular voting Board Members unless otherwise provided by law; Jeffrey Brown seconded the motion. Discussion. Vote: 6 Yes / 0 No

VI. Adjournment

Meeting was adjourned 7:00 PM.

Recorded by Tracey Cox, Executive Assistant to CEO/Assessor

Planning Board Members

Jeffrey Brown – Secretary/Interim Chair

Kimry Corrette, Board Member

Trey Milam, Board Member

~~Sanford Peabody, Board Member~~

Paul Metevier, Board Member

Paul Whitmarsh, Alternate Board Member

Alex Urquhart, Alternate Board Member



12/19/22

Ben Scipione
Code Enforcement Officer
Town of North Yarmouth
10 Village Square Road
North Yarmouth, ME 04097

RE: Request to extend construction start date deadline for Water Line Solar, LLC

Ben,

Thank you for taking the time a few weeks ago to discuss options for extending the timeline in which the Water Line Solar Project would need to commence construction. When the project received its site plan review approval dated May 10, 2022, CMP and ISO-NE had yet to begin their grid studies on the project. In September 2022, CMP provided an estimate of costs to upgrade the distribution lines between the project and the Elm Street substation in Yarmouth, and subsequently an Interconnection Agreement was signed with CMP which provides the requisite approvals to at least interconnect per CMP's requirements. However, the project is still required to enter into an ISO-NE ("ISO New England" is the grid operator for New England) cluster study in order to evaluate the project's impact on the regional grid in the Greater Portland area. The project cannot interconnect to the grid without this approval from ISO-NE.

The cluster study is anticipated to commence in July 2023, and the study completion target is between Dec 2023 and April 2024. These projected dates have shifted dramatically (+8 months delay) since the site plan review process with the Planning Board, but unfortunately these delays are outside of the Project's control. The Project understands that construction must start within 1 year of the Planning Board approval, so since it's clear this Project will not start construction by that deadline, Water Line Solar is requesting an additional year to commence construction. The signed Findings of Fact is dated May 10, 2022, so instead of starting construction by May 10, 2023, the Project requests that construction be allowed to commence by May 10, 2024.

A question may arise about why this request is occurring now and not closer to the initial 1-year anniversary of the Planning Board approval. Because the Project is actively seeking financing support, financiers have inquired about whether permits and approvals will still be active once the cluster study is concluded, and the project is ready to start construction. By submitting this request now, it helps to put financiers at ease so that planning and due diligence work can continue ahead of the ISO-NE approval.

I have attached a copy of the signed Findings of Fact for reference. Thank you for your consideration, and please let me know if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "CB", is written over a light blue horizontal line.

Chris Byers, Owner
Branch Renewable Energy, LLC & Water Line Solar, LLC
207-653-9864
cbyers@branchrenewables.com



BRANCH
RENEWABLE ENERGY

Attachment 1

Signed Findings of Fact for Water Line Solar, LLC
(5/10/22)



Town of North Yarmouth
Planning Board

FINDINGS OF FACT

May 10, 2022

Water Line Solar, LLC – Solar Farm Project

Overview

Water Line Solar, LLC, the applicant, a subsidiary of Branch Renewable Energy, LLC, is proposing to develop an approximately 2 MW ground mounted solar array located at 238 Sweetser Road at Map 5 Lot 2. The project is within the Farm and Forest District and the Groundwater Overlay District. Approximately 14 acres of the project area will be developed for installation of solar equipment.

This project was last brought to the Planning Board on April 12, 2022 for a preliminary site plan review. At that meeting the Board discussed the applicant's waiver request from section 10.3 C and D "a high value wetland buffer". The applicant has provided additional supplemental written material for the justification of the waiver request. At the meeting on May 10, 2022, the Planning Board should vote on the project.

Applicant: Water Line Solar, LLC (c/o Branch Renewable Energy, LLC)

Owner: Yarmouth Water District

Location: 238 Sweetser Road

Zoning: Farm and Forest and Groundwater Protection Overlay

Tax Map Number: Map 5 Lot 2

Existing Land Use: rural/forested

Proposed Land Use: community solar array

Acreage: approximately 14 acres

Waivers: The applicant is requesting a waiver from Section 10.3C and D for High Value Wetland buffer requirements.

Waiver Recommendation: Based on the supporting evidence from the applicant this is a reasonable waiver request.

Site Walk: A site walk for this project has not been scheduled.

Public Hearing: A public hearing for this project has been scheduled for May 10, 2022

Findings of Fact and Conclusions of Law for the North Yarmouth Planning Board

Suggested Motion: To [approve/approve with conditions/deny] the North Yarmouth Solar site plan located on Map 5 Lot 2 based on the Findings of Fact and Conclusions in the Planner memo dated April 29, 2022.



Town of North Yarmouth

Planning Board

FINDINGS OF FACT

May 10, 2022

Water Line Solar, LLC – Solar Farm Project

Site Plan Review - Findings of Fact:

1. Utilization of the Site

- The approximately 14-acre community solar array will be constructed on a rural and forested lot and will limit disturbance and tree clearing as much as possible. See “Limit of Disturbance” areas shown on Site Plan C-1.0 dated March 9, 2022.
- The site topography is relatively flat and is adequate to support the development.
- Nine wetlands were delineated within the project area, totaling approximately 10 acres. One of those wetlands (wetland W-MR-06) is classified as a High Value Wetland. Total direct wetland impacts are approximately 0.68 acres for clearing and filling. No grading or stumping is proposed within the wetlands.
- No vernal pools or significant wildlife were identified within the project area (see Attachment 10).

2. Utilities

- All utilities are anticipated to serve the solar project and will be installed underground.
- The project will connect to the CMP grid and is within the Yarmouth Water District. No water supply will be needed.
- The site is on an aquifer and is anticipated to have minimal groundwater impacts.

3. Brook, Pond, Vernal Pool and Wetland Buffers

- The applicant is requesting a waiver from Section 10.3C and D High Value Wetland buffer requirements.
- Impacts to the High Value Wetland will include 10 square feet of fill, 4,843 square feet of shading, and 13,260 square feet of clearing/conversion.
- There will be no stumping or grading within the wetlands and the clearing and shading will not significantly diminish the productive habitat and natural ecosystem functions (see Attachment 9).
- According to the natural resources delineation from BRI Environmental dated April 20, 2022, tree clearing in the portions of the High Value Wetland will still allow the wetland to serve as a wet meadow/emergent wetland resource and will not diminish water quality.
- The project will maintain a vegetated meadow within the limit of disturbance area and is applying for a Tier II NRPA permit.

4. Impact on Community Facilities

- The solar array will not result in a negative impact on the environment or community facilities.

5. Hazardous Materials and Emissions



Town of North Yarmouth
Planning Board

FINDINGS OF FACT

May 10, 2022

Water Line Solar, LLC – Solar Farm Project

- No hazardous materials or emissions will result from the project.

6. Exterior Lighting

- No exterior lighting is proposed for the project.

7. Financial and Technical Capacity

- The applicant has provided a letter from Gorham Savings Bank providing proof of financial capacity.
- The applicant has adequate resources and experience to carry out the project (see Attachment 7).

8. Landscaping, Buffers and Screening

- The solar array will be constructed in a forested area and is not visible from any abutting property or public road and therefore no additional buffering will be necessary.
- Most of the existing vegetation on site will be retained and minimal grading is proposed.
- No new landscaping or buffers are being proposed.

9. Noise

- The applicant has submitted a noise levels analysis (see Attachment 15).
- Project noise levels will not have any adverse effect on neighboring properties and will not exceed Town noise standards.

10. Signs

- No signs will be included for the project.

11. Storage of Materials

- No outside storage areas will be included for the project.

12. Stormwater Control

- Drainage on site generally flows southeast towards the Royal River.
- The solar array development will have minimal impact on existing drainage patterns. See Attachment 3 Surface Water Drainage Map dated March 10, 2022 showing existing and proposed drainage patterns.



Town of North Yarmouth

Planning Board

FINDINGS OF FACT

May 10, 2022

Water Line Solar, LLC – Solar Farm Project

- The applicant has submitted a Tier II NRPA Permit by Rule March 14, 2022 for minor earthwork within the wetlands to install solar posts (see Attachment 16).
- The applicant has provided an erosion and sedimentation control plan in compliance with DEP Best Management Practices. See Attachment 16D. and erosion control details C-5.0 and 5.1 dated March 9, 2022.

13. Protection of Significant Wildlife Habitat

- No significant wildlife habitat or rare or threatened species are located within the project area. See letters from MDIFW in Exhibit 10 dated January 20, 2022.

14. Access Management and Vehicular Circulation

- The project will not produce vehicular traffic other than for construction and maintenance needs.
- The project will utilize the existing 16-foot-wide access road connecting from Sweetser Road to the solar panel project equipment. See Site Plan C-1.0 dated March 9, 2022.
- The applicant sent a letter to the Fire Chief March 28, 2022 who determined that the access road hammerhead turnaround is adequate for emergency vehicle access.
- The solar project is sited on a back lot and will be provided with a right-of-way at least 50 feet wide prior to final site plan approval.

15. Pedestrian Ways and Bicycle Access

- No pedestrian or bicycle ways are being proposed for this project.

16. Off-Street Parking and Loading

- No off-street parking or loading will be included for the project.



Town of North Yarmouth
Planning Board

FINDINGS OF FACT

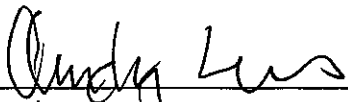
May 10, 2022

Water Line Solar, LLC – Solar Farm Project

Conclusions of Law:

1. The development **will** reflect the natural capabilities of the site to support development.
2. Utilities serving developments in the Village Center District and Village Residential District **will** be installed underground.
3. The proposed development **will not** result in a negative impact to the environment or to the community facilities or services.
4. The development **will not** contribute emission of dust, ash, smoke or other particular matter.
5. ~~The proposed development **will/will not** have adequate exterior lighting to provide for its safe use during nighttime hours. (N/A)~~
6. The landscape **will** be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal, retaining existing vegetation where desirable, and keeping any grade changes in character with the general appearance of neighboring areas.
7. The development **will** control noise levels such that it **will not** create a nuisance for neighboring properties.
8. ~~The size, location, design, color, texture, lighting and materials of all exterior signs **will/will not** detract from the design of proposed buildings and structures. (N/A)~~
9. ~~Exposed non-residential storage areas, exposed machinery, and areas used for storage **will/will not** have sufficient setbacks and screening. (N/A)~~
10. Adequate provisions **will** be made for the collection and disposal of all storm water that runs off proposed roads, parking areas, roofs and other surfaces.
11. Developments **will** be designed to protect and conserve important wildlife habitat to the greatest extent feasible.
12. The layout of the site **will** provide for the safe movement of passenger, service, and emergency vehicles throughout the site.
13. ~~The site plan **will/will not** provide for a system of pedestrian ways within the development appropriate to the type and scale of development. (N/A)~~
14. ~~Parking areas **will/will not** be constructed to protect the natural environment and visual character of the community, improve pedestrian safety and accessibility, and promote the quality of life in developed areas. (N/A)~~

Planning Board Members

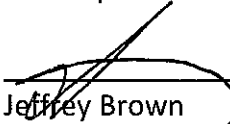


Audrey Lones




Christopher Cabot

Sandra Falsey



Jeffrey Brown



Kimry Corrette

MEMORANDUM

TO: North Yarmouth Planning Board
Through Tracey Cox, Assistant to Code Enforcement

CC: Chris Byers, Branch Renewable Energy

From: Kate Burch, Planner, North Star Planning

RE: Request to extend construction start date, Water Line Solar LLC –
Planning Board meeting January 10, 2023

Date: January 3, 2023

Overview

The applicant is requesting a one-year extension of the Planning Board's approval from May 10, 2022 for the development of a ground-mounted solar array located at 238 Sweetser Road. The approval from May 10, 2022 was good for one year. The applicant has signed an Interconnection Agreement with CMP that provides approval to interconnect as per CMP's requirements. The project has been delayed because of a pending grid study from Central Maine Power (CMP) and grid operator ISO New England. The study has been delayed 8 months and is now projected to be completed between December 2023 and April 2024. The applicant requests an extension from May 10, 2023 – May 10, 2024.

The Findings of Fact below are from the planner memo dated April 29, 2022.

Applicant: Water Line Solar, LLC (c/o Branch Renewable Energy, LLC)

Owner: Yarmouth Water District

Location: 238 Sweetser Road

Zoning: Farm and Forest, Groundwater Protection Overlay

Tax Map Number: Map 5 Lot 2

Existing Land Use: rural/forested

Proposed Land Use: community solar array

Acreage: approximately 14 acres

Waivers: The Planning Board voted to waive Section 10.3 C and D for High Value Wetland Buffer requirements.

Site Walk: A site walk for this project has not been scheduled.

Public Hearing: A public hearing was held on May 10, 2022.

Suggested Motion: **[To approve/approve with condition(s)/deny]** the one-year extension to the Planning Board's approval, through May 10, 2024, for Water Line Solar, LLC.

Site Plan Review - Findings of Fact:

1. Utilization of the Site
 - The approximately 14-acre community solar array will be constructed on a rural and forested lot and will limit disturbance and tree clearing as much as possible. See "Limit of Disturbance" areas shown on Site Plan C-1.0 dated March 9, 2022.
 - The site topography is relatively flat and is adequate to support the development.
 - Nine wetlands were delineated within the project area, totaling approximately 10 acres. One of those wetlands (wetland W-MR-06) is classified as a High Value Wetland. Total direct wetland impacts are approximately 0.68 acres for clearing and filling. No grading or stumping is proposed within the wetlands.
 - No vernal pools or significant wildlife were identified within the project area (see Attachment 10).

2. Utilities

- All utilities are anticipated to serve the solar project and will be installed underground.
- The project will connect to the CMP grid and is within the Yarmouth Water District. No water supply will be needed.
- The site is on an aquifer and is anticipated to have minimal groundwater impacts.

3. Brook, Pond, Vernal Pool and Wetland Buffers

- The applicant is requesting a waiver from Section 10.3C and D High Value Wetland buffer requirements.
- Impacts to the High Value Wetland will include 10 square feet of fill, 4,843 square feet of shading, and 13,260 square feet of clearing/conversion.
- There will be no stumping or grading within the wetlands and the clearing and shading will not significantly diminish the productive habitat and natural ecosystem functions (see Attachment 9).
- According to the natural resources delineation from BRI Environmental dated April 20, 2022, tree clearing in the portions of the High Value Wetland will still allow the wetland to serve as a wet meadow/emergent wetland resource and will not diminish water quality.
- The project will maintain a vegetated meadow within the limit of disturbance area and is applying for a Tier II NRPA permit.

4. Impact on Community Facilities

- The solar array will not result in a negative impact on the environment or community facilities.

5. Hazardous Materials and Emissions

- No hazardous materials or emissions will result from the project.

6. Exterior Lighting

- No exterior lighting is proposed for the project.

7. Financial and Technical Capacity

- The applicant has provided a letter from Gorham Savings Bank providing proof of financial capacity.
- The applicant has adequate resources and experience to carry out the project (see Attachment 7).

8. Landscaping, Buffers and Screening

- The solar array will be constructed in a forested area and is not visible from any abutting property or public road and therefore no additional buffering will be necessary.
- Most of the existing vegetation on site will be retained and minimal grading is proposed.
- No new landscaping or buffers are being proposed.

9. Noise

- The applicant has submitted a noise levels analysis (see Attachment 15).
- Project noise levels will not have any adverse effect on neighboring properties and will not exceed Town noise standards.

10. Signs

- No signs will be included for the project.

11. Storage of Materials

- No outside storage areas will be included for the project.

12. Stormwater Control

- Drainage on site generally flows southeast towards the Royal River.
- The solar array development will have minimal impact on existing drainage patterns. See Attachment 3 Surface Water Drainage Map

dated March 10, 2022 showing existing and proposed drainage patterns.

- The applicant has submitted a Tier II NRPA Permit by Rule March 14, 2022 for minor earthwork within the wetlands to install solar posts (see Attachment 16).
- The applicant has provided an erosion and sedimentation control plan in compliance with DEP Best Management Practices. See Attachment 16D. and erosion control details C-5.0 and 5.1 dated March 9, 2022.

13. Protection of Significant Wildlife Habitat

- No significant wildlife habitat or rare or threatened species are located within the project area. See letters from MDIFW in Exhibit 10 dated January 20, 2022.

14. Access Management and Vehicular Circulation

- The project will not produce vehicular traffic other than for construction and maintenance needs.
- The project will utilize the existing 16-foot-wide access road connecting from Sweetser Road to the solar panel project equipment. See Site Plan C-1.0 dated March 9, 2022.
- The applicant sent a letter to the Fire Chief March 28, 2022 who determined that the access road hammerhead turnaround is adequate for emergency vehicle access.
- The solar project is sited on a back lot and will be provided with a right-of-way at least 50 feet wide prior to final site plan approval.

15. Pedestrian Ways and Bicycle Access

- No pedestrian or bicycle ways are being proposed for this project.

16. Off-Street Parking and Loading

- No off-street parking or loading will be included for the project.

Conclusions of Law:

1. The development **will** reflect the natural capabilities of the site to support development.
2. Utilities serving developments in the Village Center District and Village Residential District **will** be installed underground.
3. The proposed development **will not** result in a negative impact to the environment or to the community facilities or services.
4. The development **will not** contribute emission of dust, ash, smoke or other particular matter.
5. ~~The proposed development **will/will not** have adequate exterior lighting to provide for its safe use during nighttime hours. (N/A)~~
6. The landscape **will** be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal, retaining existing vegetation where desirable, and keeping any grade changes in character with the general appearance of neighboring areas.
7. The development **will** control noise levels such that it **will not** create a nuisance for neighboring properties.
8. ~~The size, location, design, color, texture, lighting and materials of all exterior signs **will/will not** detract from the design of proposed buildings and structures. (N/A)~~
9. ~~Exposed non-residential storage areas, exposed machinery, and areas used for storage **will/will not** have sufficient setbacks and screening. (N/A)~~
10. Adequate provisions **will** be made for the collection and disposal of all storm water that runs off proposed roads, parking areas, roofs and other surfaces.
11. Developments **will** be designed to protect and conserve important wildlife habitat to the greatest extent feasible.
12. The layout of the site **will** provide for the safe movement of passenger, service, and emergency vehicles throughout the site.
13. ~~The site plan **will/will not** provide for a system of pedestrian ways within the development appropriate to the type and scale of development. (N/A)~~
14. ~~Parking areas **will/will not** be constructed to protect the natural environment and visual character of the community, improve pedestrian safety and accessibility, and promote the quality of life in developed areas. (N/A)~~