

MEMORANDUM

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

CC: Chris Byers, Principal, Branch Renewable Energy

From: Sam Peikes, Associate Planner, North Star Planning *SP*

RE: North Yarmouth Solar – Site Plan Review meeting May 10, 2022

Date: April 29, 2022

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**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.

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## 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)**



Sketch Plan Submission Requirements	Included/Not Included	Notes
A fully executed and signed copy of the application	yes	
Evidence of payment of the application	yes	
11 copies of written materials plus 11 sets of maps or drawings	yes	
General Information	Included/Not Included	Notes
Record owner's name, address, and phone number and applicant's name, address and phone number	Water Line Solar, LLC 8 Quarry Ridge, North Yarmouth, ME 04097 (207)-653-9864	
The location of all required building setbacks and buffers	see C-1.0	
Names and addresses of all property owners within 500 feet of any and all property boundaries	see attachment 4	
Sketch map showing general location of the site within the town based upon a reduction of the tax maps	see attachment 3 pg. 3	
Boundaries of all contiguous property under the control of the owner or applicant	not applicable	
Tax map and lot number	Map 5 Lot 2	
A copy of the deed	see attachment 5	
The name, registration number and seal of the person who prepared the plan	see C-1.1	
Evidence of the applicant's technical and financial capacity	see attachment 7-A and 7-C	
Existing Conditions	Included/Not Included	Notes
Zoning classification	Farm and Forest District and Groundwater Protection Overlay	
The bearings and length of all property lines of the property to be developed	not applicable	
Location and size of any existing sewer and water mains, culverts and drains	see C1.0	
Location, names and present widths of existing public and/or private roads	see C1.0	
The location, dimensions and ground floor elevation of all existing buildings	not applicable	
The location and dimensions of existing driveways, streets, roads, parking, and loading areas	see C1.0	
Location of intersecting streets, roads or driveways within two hundred (200) feet of the site	see C1.0	
The location of open drainage courses, rivers, ponds, wetlands, vernal pools, streams	see C1.0	
The direction of existing surface water drainage across the site	see attachment 16 surface water drainage map	
The location, front view, dimensions and lighting of existing signs	not applicable	
Location and dimensions of any existing easements and copies of existing covenants or deed restrictions	not applicable	
The location of the nearest fire hydrant or other water supply for fire protection	not applicable	
Proposed Development Activity	Included/Not Included	Notes
Estimated demand for water supply and sewage disposal	not applicable	
The direction of proposed surface drainage	see attachment 16 surface water drainage map	Project will not significantly alter existing drainage patterns
Provisions for handling solid waste	not applicable	
The location, dimensions and materials to be used in the construction of proposed driveways, parking and loading areas	see Access Drive Cross Section on C1.0	
A proposed landscaping and buffering plan	not applicable	Area is heavily forested and not visible from any public roads or homes so unsure if this is applicable

The location and description of any stream, pond, vernal pool and/or wetland buffers	see attachment 9	The project contains a High Value Wetland, applicant is requesting a waiver from buffer requirements
The location, dimensions and ground floor elevation of all existing buildings	not applicable	
Building elevations	not applicable	
Location, front view, materials and dimensions of proposed signs	not applicable	
Location of all utilities	see C1.0	
A general description of the proposed use	see pg. 1 of application	
Driveway and entrance permit	not applicable	
Estimated peak hour traffic	not applicable	
Storm water calculations	not applicable	
A utility plan	see C1.0	
<b>Additional Information</b>	<b>Included/Not Included</b>	<b>Notes</b>
Graphic representations of how the development will look upon completion	not applicable	
A grading plan showing the existing and proposed topography	not applicable	
A planting schedule keyed to the site plan	not applicable	
A storm water drainage and erosion control plan	see attachment 16	stormwater and erosion control plan included with PBR application
A groundwater impact analysis	not applicable	
A traffic impact analysis	not applicable	
A written statement from any utility providing service to the project	not applicable	
Cost of the proposed development	see attachment 7-C and attachment 18	applicant has the financial capacity to complete the project and has provide decommissioning costs and financial surety
Performance guarantees	see attachment 8	Decommissioning plan is provided
<b>High Value Wetland</b>	<b>Included/Not Included</b>	<b>Notes</b>
Identified wetland types, the layout of the buffer and the topography of the site	see attachment 3 and exhibit E wetland determination forms	wetland types shown on pg. 8 of attachment 3
Description of existing vegetation in the proposed buffer area	request to waive	project will maintain existing vegetated meadow conditions within LOD
If a new buffer is proposed, a description of how the buffer will be developed	not applicable	not proposing new vegetation
Description of provisions for maintenance of the buffer area including restrictions on earth moving and vegetative clearing	request to waive	
Deed restrictions and covenants	request to waive	
Plat with buffer location, marker locations, maintenance provisions, and deed restrictions	request to waive	
<b>Groundwater Protection Overlay</b>	<b>Included/Not Included</b>	<b>Notes</b>
The boundaries of the Groundwater Protection Overlay District	see attachment 3 pg. 6	the project is within the Groundwater Protection Overlay District, but most of these requirements are not applicable since there is no waste disposal or water supply
The location, size and description of all storage tanks and areas and types of materials to be stored	not applicable	
Location and size, capacity and design of subsurface waste disposal systems and grease traps	not applicable	
Location of nearby wells or surface water bodies	see C-1.0	
Location of existing or proposed monitoring wells	not applicable	
Locations and dimensions of buildings, parking, streets and roads and any other impervious structures or surfaces	see C-1.0	
Complete list of all chemical, pesticides, fuels, nutrients and potentially toxic or hazardous materials to be used or stored on the premises	see attachment 1	
List of equipment to be used, parked, or stored	not applicable	
Groundwater protection and pollution prevention provisions	not applicable	
Spill prevention plans	see attachment 11	
Proposed method of performance guarantee	not applicable	
Any restrictions, conditions, covenants and easements	not applicable	

Background water quality data from on site monitoring wells	not applicable	
Any other information to prove activity will not adversely impact groundwater quality	not applicable	