

**Town of Waterford Planning Board**

**Findings of Fact and Conclusions of Law Regarding:**

**Solar farm off of Hersey Road in North Waterford, Maine 04088**

**Applicant: Waterford Solar 1, LLC (dba Borrego Solar Systems Inc.), represented by David Albrecht, P.E. (Borrego) and Thomas Chadbourne (Lessor)**

**FINDINGS OF FACT:**

The Applicant proposes to construct a solar energy facility with an installed capacity of 4.990 megawatts (AC) of electricity. The proposed Project is located on 19.9 acres of leased land at the end of Hersey Road in North Waterford. The lessor of the land is Thomas Chadbourne. See also Subdivision plans for Hersey Heights (dated 11/18/2020) within which the leased land exists as Lot #4 of the subdivision.

The total Project area consists of 19.9 acres of land located on the current Town of Waterford Tax Maps as M63 L06. Over 10 acres of this total are located over the reclaimed gravel pit owned by Mr. Chadbourne. The balance of the leased land is lightly forested, having previously been extensively harvested.

The parcel is reached over Hersey Road. Hersey Road has been in existence since at least 2005 and consists of a well-developed gravel road which has been used extensively by commercial gravel trucks to remove material from the aforementioned licensed gravel pit. Hersey Road was determined to be appropriately engineered to accommodate the traffic that would be required in order to develop this solar array.

The Applicant submitted, as part of the application, communications with the Maine Historic Preservation Commission and the Maine IF&W, and the Maine Natural Areas Program. Each of these sources indicated no issues or sensitivities that would preclude the development of the parcel for a solar array. In addition, the parcel is located over coarse, well-drained soils which are estimated to be 80% internally-drained. This implies little to no runoff from the parcel into the Crooked River. The entire parcel is located over 250 feet from the river.

There is a 5722SF vernal pool north of the parcel. The entire parcel is over 100 feet away from said pool and only a small fragment of the parcel is within 250 feet of the pool. A Maine DEP permit by rule will be required for this development.

The site of the parcel is sheltered from the view from nearby roads and from abutters due to the location and the buffer of land retained by the lessor.

Linear arrays of photovoltaic (PV) panels will be mounted on fixed tilt metal racks supported by vertical pile foundations driven into the ground (see Plans). The Project will include DC inverters which will convert the DC output of the PV panels to alternating current (AC). The Project will also include two equipment areas. A 7-foot-tall perimeter chain link fence will be installed around the Project to prevent the general public from accessing the site. Perimeter

fencing is a safety requirement of the National Electrical Safety Code. There will be two points of (locked) gated access for vehicles.

Electricity from the equipment areas will be routed via underground collection cables to a utility pole located on the north east margin of the parcel. An overhead collection line of approximately 600 feet will be installed from the north east gated entrance of the parcel to existing power poles on Purdy Dr. which currently run out to Bisbeetown Rd.

The anticipated life of the Project is 25 to 30 years. The lease is twenty years duration with options to extend for five year segments. At the end of the useful life of the Project, the site will be decommissioned. During decommissioning, all Project components will be removed, and land will be allowed to revert to prior land use following decommissioning. A decommissioning bond, with the beneficiaries including both the lessor and the Town of Waterford will ensure adequate funding to complete the decommissioning if the lessee is unable or unwilling to complete the decommissioning.

Materials submitted for the application include:

1. Main Application dated 11/20/2020
2. Plans dated 12/03/2020

A site walk was conducted by the Waterford Planning Board and the Applicant on Sunday October 11, 2020 at 10:00AM and a public hearing (over Zoom), attended by same, was held on Wednesday October 21, 2020 at 6:30PM.

Plans and Drawings which hereby become part of the site plan and approval record for this project include the final Site Plan application dated 11/20/2020, and drawings submitted by the applicant and dated 12/03/2020.

## **CONCLUSIONS OF LAW**

### **Compliance with Town Site Plan Review Criteria**

#### **Section 5. A. General Standards**

1. **Preserve and Enhance the Landscape:** The site was a disturbed site, mostly cut and at least half of it is over a restored existing licensed gravel pit. It is not visible to neighbors. This standard is met.
2. **Relationship of the Proposed Buildings to the Environment:** This standard was met by the applicant. The project is screened from neighbors and not visible from key scenic points in North Waterford.
3. **Vehicular and Pedestrian Access:** There is no pedestrian access to the parcel. Over half of the project has been a working gravel pit for some time; with good access. These standards are not applicable to this project.
4. **Parking and Circulation:** These standards are not applicable to this project.

5. **Surface Water Drainage:** Over 80% of this parcel is estimated to be internally-drained. This standard was met by the applicant and was addressed in the plans.
6. **Utilities:** The project will not impose any unreasonable new burden on public utilities. This standard is met.
7. **Advertising Features:** These standards are not applicable to this project.
8. **Special Features of the Development:** These standards are not applicable to this project. The project is self-contained and screened from neighbors.
9. **Exterior Lighting:** This standard was met by the applicant and was addressed in the plans. There is some motion-detector lighting for nighttime service to equipment.
10. **Emergency Vehicle Access:** Safe emergency vehicle access will be provided through the existing Hersey Road. This standard is met.
11. **Municipal Services:** This project will not have any unreasonable adverse impact on existing community services. This standard is met.
12. **Surface Water Quality:** The project is located above the floodplain and is over 80% internally-drained. This standard is met.
13. **Conservation and Erosion Control:** These standards are met. The project is over 80% internally-drained.
14. **Phosphorus Export:** This standard was waived as the project is over 80% internally-drained.
15. **Ground Water:** There are no hazardous materials in the solar panels or the transformers—all use vegetable oil-based coolants. This standard is met.
16. **Air Emission:** These standards are not applicable to this project.
17. **Electromagnetic Interference:** There is very limited electro-magnetic emission from this equipment. This standard is met.
18. **Odor Control:** These standards are not applicable to this project.
19. **Water Supply:** These standards are not applicable to this project.
20. **Sewage Disposal:** These standards are not applicable to this project.
21. **Waste Disposal:** This standard was met by the applicant and was addressed in the plans.
22. **Scenic Locations and Views:** The project does not affect scenic views or locations identified in Waterford's Comprehensive Plan. This standard is met.
23. **Noise:** This standard was met by the applicant and was addressed in the plans. There will be no noise post-implementation.
24. **Protection of Wildlife Habitat:** Met. No significant habitat was identified at the site by the Maine IF&W.
25. **Archeological Sites:** Met. There are no archeological sites on the property that are listed with the National Register of Historic Places.
26. **Endangered and Threatened Plants:** Met. No endangered or threatened plants were identified on the site.
27. **Conformance with Comprehensive Plan:** The project is in conformance with Waterford's Comprehensive Plan.
28. **Financial and Technical Capacity:** The applicants demonstrated financial capacity through correspondence from their bank and technical capacity was addressed through the site plan review process.

**Section 5. B. Special Regulations**

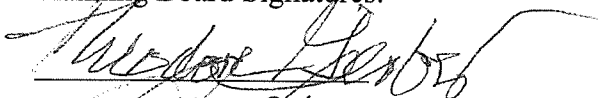


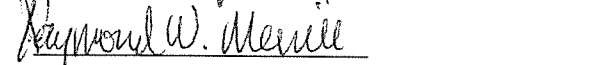
1. **Institution:** This project is not an institution. This standard is not applicable.
2. **Residential Institution:** This standard is not applicable.
3. **Performance Bond:** This standard is met. The approved bond for decommissioning is \$250,000 incremented by the CPI every five years (see letter in application)
4. **Institution Population:** This standard is not applicable.
5. **Child Care:** This standard is not applicable.
6. **Public Nuisance:** Not applicable.
7. **Outdoor Storage:** The Project Plan identified storage. This standard is met.
8. **Dimensional Requirement:** This standard is met
9. **Home Occupation:** This standard is not applicable.
10. **Campgrounds:** This standard is not applicable.

**APPROVAL:**

Therefore, the Board approves the final Site Plan review for the Waterford Solar 1, LLC (dba Borrego Solar Systems Inc.) solar farm project.

Planning Board Signatures:

Date:

	<u>1/22/21</u>
	<u>1/25/21</u>
	<u>1/28/21</u>
	<u>2/3/21</u>
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Approved 12/16/2020