

Town of Lincolnville  
Planning Board Meeting Minutes  
August 12, 2020  
7:00 PM

1. Call to order: The meeting of the Planning Board convened at 7:00 pm. These minutes are a summary of the Board's discussions. This is a zoom meeting with board & new members present, CEO Therio, applicants and N. Weser, scribe.

Members: ◇ Jay Foster, alternate  
          ◇ Janis Kay  
          ◇ Sandy Delano

Others: Jennifer Corning, Tim Forrester,  
Atlantic Environmental LLC, staff, Lisa  
Vickers, Joe Marden, Kevin Corbett

New members: Elizabeth Eudy  
                  Dick Vermuelen

Jay Foster opened the meeting by requesting a motion to allow him to vote as an alternate and facilitate the meeting. S. Delano made a motion that Jay Foster will vote and facilitate the meeting seconded by J. Kay, Motion passed by a vote of 3.

2. Agenda item 1. Jennifer Corning would like a decision to have the waiver of submission requirements for a full Site Plan Review for a Commercial Site. Nine articles in Section 18 for Commercial Site Plan Review Ordinance and under 2.1.1, J. Corning would like to request the Board waive the need for a full Site Plan Review.

J. Corning's proposed plan is to rent an existing cottage on the property belonging to Susan & Jack Silverio at 105 Proctor Rd. J. Corning is an early childhood teacher with a teaching certificate at Waldorf with six years of experience working in a classroom setting. J. Corning would like the opportunity to continue the use of the cottage as an educational space. She is in the process of obtaining a license from the State of Maine for small care facility. The license will be for a group of children from 18 months to 5 yrs. Plan for the first year 6 children total. Facilitator Foster reviewed for J. Corning section 2.1.1 and explained why 2.1.1 was approved and entered into the LUO. Facilitator Foster referred to the letter the Town Attorney Sally Daggett wrote on January 25, 2018. She wrote in response the circumstances under which it is appropriate for the Planning Board to utilize Section 2.1.1. Quoting from the letter, " Section 2.1.1 of the Commercial Site Plan Review Ordinance authorizes the Planning Board, either at a landowner's request or upon the Board's own initiative, to make a formal determination as to (a) whether a proposed use of land use activity requires a full site plan review under Sections 11,12,& 13 of the Commercial Site Plan Review Ordinance and/or (b) whether the waiver of any submission requirements pursuant to Section 10.1 of the Commercial site Plan Review Ordinance is appropriate. The ordinance then lists nine factors the Board must consider in making such a formal determination." Facilitator Foster continued by sharing the fact that he was one who created the origin of this 2.1.1. It condenses and simplifies the process under certain circumstances. Facilitator Foster suggested that J. Corning fill out an application for Commercial Site Plan Review, come to the next meeting the Board will then go through the nine factors and make a determination about the waiver.

3. Agenda item: Finding of Facts for Seasmont Road Lincolnville Solar, LLC  
Map 36 Lot 86

Tim Forrester, owner of Atlantic Environmental LLC, wrote a letter on August 4, 2020 providing the Board with more information and that the applicant will provide the required copy of the accepted DEP Stormwater Permit by Rule prior to the August 12, 2020. This is additional to the packet that was provided at July 29 meeting. This included information related to the nearest fire pond from the project site and revising the plan sheets number to delete duplicate plan sheet numbers.

Facilitator Foster stated that the Board will go thru Section 11, 12 & 13. There will be a roll call vote to each one and a motion to approve the project as a complete project. Facilitator Foster will go thru the Standards to see if the Applicant/application complies with the Criteria of each standard.

11.1 Utilization of the Site:

- a. The plan for the development must reflect the natural capabilities of the site to support development.
- b. Environmentally sensitive areas, including but not limited to wetlands, steep slopes, floodplain-plains,

Criteria for compliance is located in Section 6 and appendix A.

Roll call to approve the Standard. S. Delano- yes, Janis Kay- J. Foster-yes.

11.2 Traffic Access and Parking:

- a. Vehicular access to the site must be on the roads, which have adequate capacity to accommodate the additional traffic, generated by the development.
- b. Vehicular access to and from the development must be safe and convenient.

Criteria for compliance is located in Section 6, DOT permit and appendix A or B.

No turning lanes or sidewalks.

Roll call to approve the Standard. S. Delano-yes, Janis Kay-yes, J. Foster-yes.

11.2 C. Access way Location and Spacing:

C 2. Private access ways in & out of a development must be separated by a minimum of seventy-five (75) feet where possible.

C. 3 There shall be no more than two access ways per lot.

Criteria for compliance was stated by Tim Forrester and Joe Marden, engineer.

Access way will be off of 173, approved by DOT.

Roll call to approve the Standard. S. Delano-yes, Janis Kay –yes, J. Forster-yes.

11.2 D. Internal Vehicular Circulation Frontage (feet)

The layout of the site must provide for safe movement of passenger, service & emergency vehicles through the site.

Site plan development within the equipment pads and access around for emergency vehicles and service vehicles.

11.2 E. Parking Layout and Design.

Off-street parking must conform to the following;

Site plan development has no parking areas or parking lots.

11.2 F. Pedestrian Access.

The site plan must provide for a system of pedestrian ways within the development

appropriate to the type and scale of the development.  
No sidewalks are in the site plan.

Sandy Delano made a motion that 11.2 Standard relative to the application has met the criteria of the standard, seconded by Janis Kay. Motion passed by a roll call vote of 3. S. Delano-yes, J. Kay-yes and J. Foster-yes.

#### 11.3. Storm water Management:

1. thru 7. The Board had to determine does the plan meets the Standard.

T. Forrester, meadowed areas will only be mowed a couple of times. High grasses will hold moisture, stumps are stabilized.

Copy of permit from DEP.

S. Delano made a motion that 11.3 meets the criteria of the Standard, seconded by J. Kay.

Motion passed by a roll call vote of 3. S. Delano-yes, J. Kay-yes, J. Foster-yes.

#### 11. 4 Erosion Control:

Soil erosion and sedimentation of watercourses and water bodies must be minimized by an active program meeting the requirements of current Maine Erosion and Sediment Control handbook for Construction: Best Management Practices.

Applicant and Application information the development compliances with the criteria of the Standard. J. Kay made a motion that the applicant will comply with the requirements of the Standard, seconded by S. Delano. Motion passed by roll call vote of 3. S. Delano-yes, Janis Kay-yes & J. Foster-yes.

#### 11.5 Water Supply Provisions:

The proposed development shall be served by an adequate supply of water for domestic and fire protection purposes. The means of providing this service may be public, private or a combination of the two.

Information in the letter of August 4, states there is a fire pond near the property.

S. Delano made a motion that is has been determined provision in the plan have been made for emergency uses and the criteria of the standard has been met, seconded by J. Kay. Motion passed by a roll call vote of 3. S. Delano-yes, J. Kay-yes & J. Foster-yes.

#### 11.6 Sewage/ Waste water Disposal:

The development shall provide a method of disposing of sewage/waste water that is in compliance with the State Plumbing Code.

There is no requirements for permits in the development plan.

S. Delano made a motion that information from the applicant and no plan for sewage/waste water disposal the criteria meets the standard, seconded by J. Kay. Motion passed by roll call of 3. S. Delano-yes, J. Kay-yes & J. Foster-yes.

#### 11.7 Utilities:

The development shall be provided with electrical, telephone and telecommunication service adequate to meet the anticipated use of the project.

Section 6 of the informational packet states the power will be underground.

S. Delano made a motion that the application stated the power will be underground and the criteria of this standard has been met, seconded by J. Kay. Motion passed by a roll call vote of 3. S. Delano-yes, J. Kay-yes & J. Foster-yes.

#### 11.8 Natural Features:

The landscape must be preserved in its natural state insofar as practical by minimizing tree removal, disturbance and compaction of soil and by retaining existing vegetation insofar as practical during construction.

The application indicated limited soil will be disturbed.

S. Delano made a motion that how much disturbance plan was submitted in the application and the criteria meets this Standard, seconded by J. Kay. Motion passed by a roll call vote of 3. S. Delano-yes, J. Kay-yes & J. Foster-yes.

#### 11.9 Groundwater Protection:

The proposed site development and use must not adversely impact either the quality or quantity of groundwater available to abutting properties or to public water systems.

S. Delano made a motion that the criteria is in compliance with the State of Maine standards, this meets the Standard, seconded by J. Kay. Motion passed by a roll call of 3. S. Delano-yes, J. Kay-yes & J. Foster-yes.

#### 11.10 Hazardous, Special and Radioactive Materials:

The on-site transportation, handling, storage and use of materials regulated or identified as hazardous by OSHA, EPA, Maine DEP or Office of the State Fire Marshall shall be done in accordance with rules and regulations of those agencies.

Appendix C which was submitted in the application along with T. Forrester went thru the permits that are required and K. Corbett stated the components of the development electrical and only the oil fluid in greasing the components, technical hazardous safety data sheets were provided.

S. Delano made a motion the criteria is in compliance to the Standard, seconded by J. Kay. Motion passed by a roll call of 3. S. Delano-yes, J. Kay-yes & J. Foster-yes.

#### 11.11 Shoreland Relationship:

J. Foster made a motion that 11.11 is non-applicable, seconded by S. Delano. Motion passed by a roll call vote of 3. J. Foster-yes, J. Kay-yes & S. Delano-yes.

#### 11.12 Solid Waste Management:

Solid Waste is addressed in Section 6 of the application packet. S. Delano made a motion that the facts in the application meets the compliance of the Standard, seconded by J. Kay. Motion passed by a roll call vote of 3. S. Delano-yes, J. Kay-yes & J. Foster-yes.

#### 11.13 Historic and Archaeological Resources:

Appendix A stated there are no historic resources with this development area.

J. Kay made a motion 11.13 is in compliance with the Standard, seconded by S. Delano. Motion passed by a roll call vote of 3. S. Delano-yes, J. Kay-yes & J. Foster-yes.

#### 11.14 Floodplain Management:

The development isn't in a flood plain. Totally non-applicable.

#### 11.15 General Fire Protection Provisions:

K. Corbett stated they will meet with the Fire Chief and department, provide adequate protective equipment, a key to the lock box, and provide an response plan. Area will be available to ingress and egress the with fire trucks.

S. Delano made a motion that all the requirements are covered in the 11.15 and are in compliance with the Standard, seconded by J. Kay. Motion passed by roll call vote of 3. S. Delano-yes, J. Kay-yes & J. Foster-yes.

#### Section 12: Good Neighbor Standards:

In all instances, the burden of proof shall be on the applicant who must produce evidence sufficient to warrant a finding that all applicable criteria have been met.

##### 12.1 Exterior Lighting:

Down sheathed lighting when maintenance is required on equipment, no lighting the array field, motion lighting only near the inverters.

J. Kay made a motion that the criteria meets the compliance of the standard, seconded by S. Delano. Motion passed by a roll call vote of 3. S. Delano-yes, J. Kay-yes & J. Foster-yes.

##### 12.2 Buffering:

C 3 in the packet clarifies the areas that are buffered with wooden areas and high fields fencing and setback of at least 15 feet. J. Kay made a motion that from the exhibits in the packet the criteria of compliance for this standard has been met, seconded by S. Delano. Motion passed by a roll call vote of 3. S. Delano-yes, J. Kay-yes & J. Foster-yes.

##### 12.3 Noise:

No construction noise on Sundays, once completed no noise will be a nuisance to abutters. Power inverters are central located in the array. J. Kay made a motion that from the diagram Plan on the maps and the statements from T. Forrester & engineer, J. Marden the criteria is in compliance for this standard, seconded by S. Delano. S. Delano-yes, J. Kay-yes & J. Foster-yes.

##### 12.4 Storage of Materials:

A fence is being provided and no storage of materials are required. J. Kay made a motion that 12.4 is in compliance with the criteria for the Standard seconded by S. Delano. Motion passed by roll call vote of 3. S. Delano-yes, J. Kay-yes & J. Foster.

#### Section 13: Design Standards:

##### 13.1 Landscaping:

No landscaping design in plan other than the fencing, natural vegetation and wooded buffer areas.

##### 13.2 An electrical fence sign which is required by code to the CEO.

J. Kay made a motion that 13.1 & 13.2 are in compliance with the criteria of the Standards, seconded by S. Delano. Motion passed by vote of 3. S. Delano-yes, J. Kay –yes & J. Foster.

##### 13.3 Roadside and Parking Lot Buffers:

C-3 site plan diagram of the solar array, not totally buffered, area of the array from the road will be seen. Setback from the road in the upper field.

J. Kay made a motion that from C-3 exhibit the criteria of the standard is in compliance, seconded by S. Delano. Motion passed by vote of 3. J. Kay-yes, S. Delano-yes & J. Foster-yes.

#### 13.4 Site Considerations:

- a. In compliance with the Town of Lincolnville Comp plan
- b. No buildings/ no growth areas.
- c. No
- d. Public will not access the array, no pedestrians, area around the inverter for emergency & maintenance trucks.

#### 13.5 Canopies and Drive-Through Facilities

Doesn't exist in the site plan. J. Kay made a motion that 13.4 & 13.5 are in compliance with the Standards, seconded by S. Delano. Motion passed by vote of 3. S. Delano –yes, J. Kay – yes & J. Foster-yes.

#### 13.6 View Protection:

No encroachment, not in the view shed of the Town. Site Plan has a high 8 feet fence. Solar Panels are non-reflective, no mirrored reflection from the road.

J. Kay made a motion that 13.6 is in compliance with the criteria of the Standard, seconded by S. Delano. Motion passed by a roll call vote of 3. S. Delano-yes, J. Foster-yes & J. Kay-yes.

#### 13.7 Ridgeline:

The solar array doesn't project higher than 8 feet high.

J. Kay made a motion that the ridgeline will not be affected and the 13.7 is in compliance with the criteria of the Standard, seconded by S. Delano. Motion passed by a roll call vote of 3. S. Delano-yes, J. Kay-yes & J. Foster-yes.

#### 13.8 Hillside Development:

No changes for the array site everything is the same to lessen the visual impact of the development.

J. Kay made a motion that 13.8 meets the criteria of the Standard, seconded by S. Delano. Motion passed by a vote of 3. S. Delano-yes, J. Kay –yes & J. Foster-yes.

#### 13.9 Shoreland Development:

Not visual from an ocean, river, lake or stream.  
Non-applicable.

Janis Kay made a motion that Atlantic Environmental has complied with the Standards and has met the criteria of each Standard and the Board votes to approve the Commercial Site Plan Application and Finding of Facts, seconded by S. Delano. Roll call vote. Janis Kay-yes, S. Delano-yes and Jay Foster-yes.

J. Kay made a motion to adjourn the meeting at 9:00pm.

Respectfully submitted,  
Nancy Weser, Scribe

S. Delano made a motion to approve the minutes of August 12, 2020 as read at the August 26, 2020 meeting, seconded by Janis Kay. Motion passed by vote of 5.

