

Town of Turner, Maine
Planning Board Minutes
March 1, 2023

1 **CALL TO ORDER**

Called to order at 6:02 pm by Mr. Bill Bullard, Chairman. Those Members present were, Mr. Bill Bullard, Eben Shaw, Shirley Twitchell, Scott Abbotts, Mr. Edward Morris, Kelvin Youland. Those Absent, Donny Hinkley. Also Present, Mr. Ben Smith, Town Planner.

2. **PUBLIC HEARING:**

Solar Ordinance

This has been posted on the Town Website and the Sun Journal. Mr. Kurt Youland questioned the difference between the large and small guidelines in resource protection. He is curious on what the State allows where the drafted Ordinance states that it is not allowed in the resource protection zone but he feels that the Town may want to be able to mirror the State has. He isn't saying it should be allowed but it should be looked at. He is also questioning on where it is allowed in agriculture zone and if that in the wooded or field agriculture zone. Mr. Bullard stated that they had some feed back from the Town manager and the Decoster farms area where there maybe changes there as time goes on. Mr. Bullard stated that the Ordinance was drafted with a set amount to where the grid won't be able to house all these farms and that it would help prevent a large amount of small farms being built.

Mr. Smith stated that the Ordinance does require a photo simulation and have a buffer around the panels to be able to mitigate the view and it also has a requirement for the decommissioning to have the land returned the original state.

Mr. Bullard stated that the Board investigated the lot sizes and had setbacks that would be able to house the same without concerns.

Mr. Arnold Roy questioned on how the Board decided on the 5-10 farms allowed. The Board based this on the previously approved farms with a few that maybe able to be added in depending on the site.

Mr. David, representative from Barrel Solar stated that the Ordinance if written as a build permit stand point vs an approve statement. Mr. Smith stated that it written as such. Mr. Youland stated that the Ordinance should clearly define the same. There could be companies that could come in and do a site plan but didn't have a permit and could sneak in.

Mr. Youland questioned if there really needs to be a limit where it would settle itself out. He doesn't think the lines are going to allow it.

Mr. Bullard stated that the way they looked at it the sites needed to be near an old apple house or would need to be near the route 4 corridor.

The Final amendments will be posted on the Town website and will either up or down at Town meeting. There will be a Public meeting on the 15th of March that will be for the Moratorium if the Solar Ordinance fails. This a place holder in case the Ordinance fails.

Mr. Schaub questioned if the Standards would be retroactive to December 22, 2022. This date was picked because there was nothing in the que at the time.

5. **New Business**

Solar Ordinance

The Board discussed the requested changes from the Public Comment regarding the resource protection aspect. The Board discussed if there should be a set number or not where they do have setback requirements. Mr. Smith stated that the Board has had lengthy discussions on this topic. Mr. Abbotts stated that it doesn't hurt keeping it in the Ordinance where they don't think there will be a lot of project proposed anywhere. Mr. Bullard stated that his only concern is if someone have a lot of land that it would be a good place to have a project and there are already projects ahead of them it wouldn't be as fair for those areas.

Mr. Kurt Youland stated that he was looking to make it less complicated. The Board could always put a moratorium in place if they need to. Mr. Schaub stated that the key is to get a clear definition on it. Thye Board will need to clarify if it should be approval or building permit in order to keep things less complicated and in Order.

Mr. Schaub stated that as far as setting a number the Board there are always some unknowns but with Solar the easiest way to manage it and to set a limit on the approvals.

Mr. Shaw stated that he is more comfortable with the limits and having it tied into the site plan limit. The only way he sees of having some control over farmland is to be able to have limits. This was the concern of the Public.

Mr. Bullard stated that he sees solar farms as a better investment than having a lot of house lots and he doesn't feel that it should be limited. It would be a better use of farm land and there would be farmland instead of vacant houses or houses that will be torn down.

Ms. Twitchell doesn't care if there is a number but they should look into how that number is decided.

Mr. Youland questioned on what land is for a solar farm. If he has property on both side of a road and the same company questioned how many farms it would be counted.

Mr. Youland questioned if there is one builder and 2 property owners would that be one farm or a 2 farms. He just wants to make sure that these issues are looked into before a limit is set.

Mr. Smith stated that as far as a number goes it would be up to the Board to decided. He stated that it would be easier to have a limit and it is easier to increase a limit vs having no limit and having more than the Town would want and it they would not be able to take those applications back.

Mr. Morris stated that if they wanted to increase the number of solar farms the developer would need to wait an entire year to be able to decide.

Mr. Bullard stated that he sees this as restricting the rights of property owners. Mr. Bullard questioned on how the Board came up with 10 being the amount allowed.

The Board will make changes to decided that the amount would be for site plan approval vs building permits. This would clarify the guidelines.

Mr. Kurt Youland questioned if a building permit there would be another 2 years to build the same. He stated that could open a lawsuit with the Town on completion percentages.

Mr. Schaub reviewed and read the guidelines set in the Town Ordinance.

Mr. Kurt Youland just wants the Board to look at the whole picture and make it black and white and while he doesn't feel it would be an issue he doesn't want the Town to have issues moving forward.

Mr. Kelvin Youland stated that the Board looked at the maps to decide where the possible land if any that could even house these farms.

Mr. Abbotts stated that he thinks the Ordinance is fine as is and the Board has already had feedback from the Town and that 10 is a good number and it would be better to make the cap now vs wishing they had later.

Mr. Morris stated that he would like to see zoning on where it could be vs a cap.

Mr. Bullard stated that he would hate to take land owners rights away. There are a lot of projects on approved on land that has no neighbors and no one would know they existed because there is a cap.

Mr. Kurt Youland is not concerned on the limit he just wants to make sure that it is clear on how the building permit will be handled to ensure that there are no issues in the future.

Mr. Bullard questioned on how those next 3 projects would be determined? Is it first come, first served or a lottery?

Mr. Morris stated that his take away from the Public concerns was that people didn't want them in their backyard or have a visual impact.

Mr. Morris stated that he would be for getting rid of the cap and would have less confusion.

A Motion to put a cap on the number failed. (2 ayes and 4 against) motion failed.

Mr. Abbotts questioned if the Board should address the concerns from Mr. Maloney and his thoughts and suggestions on the Ordinance.

Mr. Shaw stated that a lot of the input is stylistic but there are some changes that should be included.

The Board discussed the requirement for a solar glare and that it should be a case by case basis. Mr. Abbotts stated that while he was in Arizona there were a large amount of Solar farms on the interstate and he did not even notice a glare.

Mr. David stated that there are a few areas like near airports that it needs to be considered but Solar Panels rarely have glares where they are designed to absorb the sun.

Mr. Shaw questioned on if the Board should consider some of the changes presented by Mr. Maloney regarding the Decommission Bond and to include those changes.

The Board discussed changing the guidelines to state no top soil to be removed from the site or minimal disturbance on the land. Mr. Smith will look into those issue for the next meeting. Mr. Bullard stated that he would like to see minimal disturbance on the site.

The Board will include some changes as proposed by Mr. John Maloney into their plan and Mr. Smith will look into resource protection issues.

The final draft will be reviewed at the next meeting for approval for Town Meeting.

Barrel Solar, LLC, Extension of previously approved plan

Mr. Smith reviewed the project with the Board. This project is coming up on its 2 years expiration date. The request was received on February 17. This project was approved in 2021 and it would extend the approval to April 2025.

This project has not been able to be built yet because of the interconnect study that is being done. This project keeps being pushed back by the State. This project is just over 12 acres. This project is in a wooded area.

Mr. Shaw made a motion to approve the extension and it was seconded by Mr. Abbotts (6 ayes)

Round Pond Solar, LLC, Extension of previously approved plan

Mr. Smith reviewed the project with the Board. This project is coming up on its 2 years expiration date. The request was received on February 17. This project was approved in 2021 and it would extend the approval to April 2025.

This project has not been able to be built yet because of the interconnect study that is being done. This project keeps being pushed back by the State. This project is just over 17 acres. This project is in a wooded area.

Ms. Twitchell made a motion to approve the extension and it was seconded by Mr. Abbotts (6 ayes)

6. Old Business

None

7. Other Business

None

8. REPORTS

None

9. **PUBLIC COMMENTS**

None

10. **ADJOURNMENT**

Mr. Abbotts made a motion for adjournment and it was seconded by Mr. Shaw the Board unanimously accepted. The meeting adjourned at 7:43 pm.

Respectfully submitted by, Megan L. Ricker, Secretary.