



MEMORANDUM

TO: Naples Planning Board
Allison Desrochers, Assistant to Code Enforcement Officer

CC: Colin Sexton, Project Development Director

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

RE: BlueWave BWC Brandy Pond, LLC
Planning Board meeting – December 6, 2022

Date: November 29, 2022

Overview

The applicant is requesting a one-year extension of the Planning Board's approval from December 7, 2021 for the development of a solar array located at Harrison Road. The Findings of Fact below are from the Planning Board memo dated November 19, 2021. The approval from December 7, 2021 was good for one-year. The extension request is valid from December 7, 2021-December 7, 2022. The applicant has received all required local, state, and federal permits as well as a Building Permit. The project has been delayed as a result of the Central Maine Power (CMP) interconnection study.

Applicant: BWC Brandy Pond, LLC

Owner: Deborah A. Martin

Location: 281 Harrison Road

Zoning: Rural

Tax Map Number: Map U52 Lot 96

Existing Land Use: undeveloped, mixed forest, wood lot

Proposed Land Use: ground mounted solar array

Acreage: approximately 19 acres of 155-acre property

Waivers: The applicant will not be requesting any waivers.

Site Walk: A site walk for this project occurred on September 7, 2021.

Public Hearing: A public hearing for this project occurred on September 7, 2021.

Suggested Motion: To **[approve/deny]** the request for a one-year extension from the Planning Board's approval through December 7, 2022 of BWC Brandy Pond Solar, LLC.

Site Plan Review - Findings of Fact:

1. Preservation of Landscape
 - The site will involve roughly 17 acres of developed area.
 - The site contains two vernal pools, one which has been identified as significant.
 - A deer wintering area has been identified on the eastern side of the property. No development is proposed for this portion of the site.
 - Proposed wetland impacts are limited as much as possible for road construction, filling, and tree clearing. Impacts have been

avoided on wetlands of significant value and significant vernal pools.

2. Relation of Proposed Building to the Environment

- The proposed solar facility is located on land with less than 50% slope. The project was sited west to avoid steeper slopes.
- Minimal grading will occur surrounding the northwestern edge of the solar panels facing north, the access road, and the grass soil filters, all in areas with 25% slopes or greater.
- A stabilized construction entrance will be located at every point where construction traffic enters or leaves a construction site.

3. Vehicular Access

- Vehicular access to the site will be through an 18-foot gravel access road off of the public Harrison Road (see Site Plan C-3).
- The site is anticipated to produce minimal vehicular traffic other than for construction and maintenance purposes.
- The northern proposed solar array will be located approximately 350 feet from Pierce Drive with a 250-foot wooded buffer between the road and the proposed solar array.
- The proposed solar array will be located approximately 490 feet from Franklin Court with a 445-foot wooded buffer between the road and the proposed solar array.

4. Parking and Circulation

- There will be no formal parking at the site other than the two 2,300 square foot laydown areas abutting the access road and the two hammerhead turnaround areas.
- Traffic to the site will be limited to occasional maintenance and operations work.

5. Surface Water Drainage

- Drainage generally flows in a west and southwest direction to wetlands that provide drainage for the site (see Site Plan C-3).
- Proposed drainage features on site include two vegetated drainage swales and four grass soil filters (see Site Plan C-3).
- The site will be maintained as a meadow for stormwater treatment purposes and not be mowed more than twice per year.
- Temporary erosion control measures will consist of erosion control blankets and straw bales

6. Utilities

- All utilities are anticipated to meet the needs of the project and all aboveground utilities will be properly screened from abutting properties where feasible.
- The proposed project does not include any wastewater disposal system.

7. Advertising Features

- No advertising features in the form of exterior signs and outdoor structures will be included in the site.

8. Special Features

- Existing vegetation will be retained within the setbacks from the project to the property line.
- The project will include an approximately 100-foot-wide evergreen vegetated buffer around the northern most solar array to screen from abutting properties.

9. Exterior Lighting

- No exterior lighting will be included in this project.

10. Emergency Vehicle Access

- An email providing details of the project location and design was sent to Fire Chief Justin Cox on June 9, 2021. A response was received on June 20, 2021.

- The site will accommodate emergency vehicle access, but winter access for apparatus will need to be maintained.

11. Landscaping

- There are no parking areas that require screening or definition.
- The meadow buffer and line of evergreen trees will serve as landscaping for the project. The type of trees selected will be based on availability.
- The meadow buffer will consist of a combination of grasses, shrubs, and trees.

12. Environmental Considerations

- No toxic matter, odors, or noise to be considered a public nuisance or hazard will result from this project.

13. Signs

- The project includes installation of one sign on the property to identify the owner and provide a 24-hour emergency contact phone number.
- The sign will be posted on the perimeter fence and be 12 by 18 inches.

14. Municipal Services

- No unreasonable adverse impact on the municipal services will result from this development.

15. Air Pollution

- No undue air pollution will result from the development.

16. Noise Levels

- Noise levels were calculated based on estimated dBA from the inverters on abutting properties. The western inverter was 41.81 dBA, eastern inverter was 38.62 dBA, and inverter closest to

residence was 38.33 dBA. Based on these estimates, the solar project will not create any significant adverse noise impacts on abutting properties.

- Electrical and mechanical equipment will be located at the project's interior.

Conclusions of Law:

1. The landscape **will** be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal, retaining existing vegetation when and where desirable, and keep any grade changes in character with the general appearance of neighboring areas.
2. The proposed structures **will** be related harmoniously to the terrain and to existing buildings in the vicinity.
3. The proposed layout of access points **will** be designed so as to avoid adverse impact on existing vehicular and pedestrian traffic patterns.
4. The layout and design of all means of vehicular and pedestrian circulation **will** be safe and convenient.
5. Adequate provisions **will** be made for surface drainage so that removal of surface waters **will not** adversely affect neighboring properties, downstream conditions, or the public storm drainage system.
6. The site plan **will** show provisions to water supply and wastewater disposal.
7. Advertising features **will not** detract from the design of the proposed buildings and structures.
8. All buffers and screening **will** be maintained indefinitely by the property owner.

9. All exterior lighting **will** be designed to minimize adverse impact on neighboring properties and public ways.
10. Provisions **will** be made for providing and maintaining convenient and safe emergency vehicle access.
11. Landscaping **will** be designed and installed to define, soften or screen the appearance of off-street parking areas and abutting properties.
12. Adequate provisions **will** be made to control noise, vibrations, smoke, heat, glare, fumes, dust, toxic matter, odors and electromagnetic interference.
13. The proposed development **will** adhere to the sign standards outlined in the Ordinance.
14. The development **will not** have an unreasonable adverse impact of municipal services.
15. The development **will not** result in undue air pollution.
16. The development **will not** violate any noise control provisions in the Town of Naples or the State.

Conditions of Approval

1. This approval is limited to development only as described and shown on the plans and documents presented.
2. The project must comply at all times with all applicable federal, state, and local approvals to which it is subject.
3. Copies of all required State permits and/or letters of approval (DOT, Fire

Marshall, DEP, etc.) shall be submitted to the Naples Code Enforcement Officer prior to completion of project.

4. Any required stormwater and phosphorus controls shown on the site plan must be inspected by a licensed engineer or other certified individual and a signed statement that the controls were installed as presented in the plans is to be provided to the Naples CEO prior to the building being placed in service.
5. For amendment to previously approved site plan, all previous conditions of approval, if any, shall remain in force unless explicitly changed by the Planning Board.
6. Prior to issuance of a building permit, the applicant shall provide the Town with a removal guarantee to be used by the Town for the removal of the solar farm structures and underground facilities and to stabilize the site in the event the system ceases producing electricity for 12 months in a row. The amount and form of this guarantee must be acceptable to the Town Manager, but could take the form of a cash escrow or letter of credit.
7. If the solar panels associated with the solar farm project later become visible from Long Lake resulting from changes either on the solar farm property or on property owned by others, the operator must take action to mitigate the visibility in a reasonable time frame, in a manner acceptable to the Code Enforcement Officer. This could involve removing or lowering some of the panels, plantings on the subject parcel, or creating a landscaped berm.