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April 20, 2022

Via Electronic Mail and U.S. Mail

Naples Planning Board
Town of Naples
15 Village Green Lane
PO Box 1757
Naples, ME 04055

Re: ISM Solar/River Road Solar Project
30 River Road
Map R12, Lot 41

Dear Members of the Board:

On behalf of ISM Solar, the following is a request for a second one-year extension of the Planning Board's June 16, 2020, Major Site Plan Review approval ("Site Plan Approval") for the proposed solar project at 30 River Road. I have also enclosed a copy of ISM's original application to the Planning Board, the Town's formal application form, and a filing fee.

As you recall, the Planning Board, on March 15, 2022, granted an after-the-fact extension of the Site Plan Approval, now effective until June 16, 2022. For the following reasons, the circumstances leading to ISM's prior request, and the Planning Board's recent extension, persist, and ISM respectfully requests an additional extension to give ISM time to address these issues.

Ordinance Provision

Section 909 of the Ordinance provides that:

...if no substantial start is made in construction or in the use of the property within one year of the date of the [Site Plan Approval], the Authority granted in the [Site Plan Approval] shall lapse and become void. One-year extensions may be granted by the Planning Board, in its sole discretion, only upon written application by the owner of the property.

It is important to note that Section 909 provides that one-year "extensions" may be granted by the Planning Board, thus clarifying that the Board may grant more than one extension

to any Site Plan Approval. For the following reasons, ISM respectfully suggests an additional extension is reasonable, appropriate, and in the Town's best interests.

30 River Road Project

The project site is one of the handful of parcels in Town to be included in the original Solar Farm Overlay District due to the fact that it has already been subject to industrial use as a gravel quarry. Unlike most solar projects, therefore, this project will allow for a new and beneficial use of the site. The project is not located within the shoreland zone, and will not impact any wetlands or vernal pools. ISM Solar agreed to re-route an existing snowmobile trail, and the project will have no visibility from any great pond, other navigable water, or public road and, as noted by the Planning Board during its review, the project meets all Site Plan review standards. In fact, when developing the existing solar ordinance, the Planning Board noted that this project is exemplary of exactly what the Town wants in a solar project.

Given the quality of siting, potential for re-use of an existing commercial site, and the minimal impacts of the proposed development, the Planning Board voted unanimously to approve the project at its June 16, 2020, meeting, and also voted unanimously to extend the permit until June of this year.

Compliance with Ordinance Provisions, Existing and Proposed

As noted previously, the primary reason for the one-year permit term is to ensure that developers do not seek Planning Board approval years before they intend to proceed, thus depriving the Town with the right to modify applicable ordinance provisions governing certain forms of development. Although the Town is considering enactment of a moratorium on solar development, neither the moratorium nor a new ordinance has yet been enacted. To date, there has been no substantive change in the Ordinance governing solar developments, and so an after-the-fact extension of the Site Plan Approval will not have the effect of avoiding compliance with newly-enacted standards.

Further, the project was designed and permitted while the Town was contemplating changes to its regulation of solar projects. As such, our understanding is that the project approved by the Planning Board is likely to comply with the requirements of any newly enacted solar ordinance.

Timing of Request

There are several factors, all outside of ISM's control, that continue to delay construction of the Project. The chief reason we have not started construction is the ongoing Covid pandemic and its effects on the supply chain and the labor force. The cost and availability of panels and technicians dramatically interfered with initial construction planning and logistics, making it unrealistic for us to commence construction within one year of our approval.

Second, ISM Solar, along with other solar developers, have been delayed due to the lengthy process of obtaining authorization from Central Maine Power to connect to the

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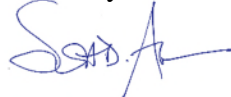
distribution grid. Following an initial analysis from CMP, it then has engaged in several rounds of modifications to its cost estimates, as well as the terms and conditions of connecting this project to the grid. These industry wide delays have been well documented, are the subject of formal investigations by the Public Utility Commission, and are entirely outside of the control of ISM Solar. In fact, after over two years, CMP has still not issued a final plan, cost, or timeframe to connect the River Road project.

Third, the Maine Department of Environmental Protection (“DEP”) has indicated that it will require more than the statutory timeframe for reviewing site location of development law applications for solar projects. We applied for our DEP permit in early December 2021 and, although it was accepted by the DEP as complete for processing on December 12th, our understanding is that the DEP is sending out 30 day (or longer) extension requests to applicants, which will likely result in the DEP not acting on our application until this Fall.

Accordingly, as these conditions persist, and as ISM is diligently continuing to address them, we respectfully request that the Board grant a one-year extension of the June 16, 2020, Site Plan Approval up and until June 16, 2023.

Thank you for your consideration of our request.

Sincerely,



Scott D. Anderson

SDA/mtt

Enclosures

cc: Greg Lucini, ISM Solar
Jean Friend, ISM Solar