



Town of Hampden

Planning Board

Wednesday October 12, 2016, 7:00 pm

Municipal Building Council Chambers

## Minutes

### In Attendance:

#### Planning Board

Peter Weatherbee, Chairman  
Kelley Wiltbank  
James Davitt  
Michael Avery  
Eugene Weldon  
Joan Reilly  
Andrew Scott, Alternate

#### Staff & Others

Karen Cullen, AICP, Town Planner  
  
Tim Brochu (for Southbranch LLC)  
Lee Cliff (of Southbranch LLC)  
Jim Kiser (for Emera Maine)  
Kevin Peterson (of Emera Maine)

Chairman Weatherbee called the meeting to order at 7:00 pm.

1. Administrative – minutes of September 14, 2016 meeting: One typo noted, “rage” should be “range” on page 2 under the Bog Road sketch plan. Approved as corrected upon motion by Member Davitt with second by Member Scott; 4/0/3 (Members Avery, Reilly, and Weldon not present at that meeting).
2. Old Business: none.
3. a. Public Hearing: Bog Road Final Subdivision Plan; Southbranch LLC proposes to subdivide 121.8 acres in the Rural District on Bog Road into 7 lots. The site is located on the north side of Bog Road and the west side of Souadabscook Stream and consists of three parcels: Tax Map 11, Lots 9, 10, and 3-A. No new roads or other infrastructure will be built; each new lot will have frontage on Bog Road.

Chairman Weatherbee read the hearing notice into the record and confirmed with Planner Cullen that the proper notice for the hearing had been given. He then opened the public hearing at 7:01 pm.

Tim Brochu of CES, representative for owner Lee Cliff (Southbranch LLC) stated he had presented the sketch plan last month and then described the application: subdividing three existing parcels into seven lots, one has about 100 acres and the remaining six range in size from about 2.5 to 3.5 acres. All the lots meet the minimum standards and have land area suitable for installation of a well and a septic system. There will be no new roads or other infrastructure, all lots have frontage on Bog Road and each will have a well and septic system. Tim said he

had received comments from Planning and has addressed those in revised plans submitted tonight.

There being no other speakers on the application, Chairman Weatherbee closed the hearing at 7:03 pm.

Member Avery asked what the changes to the plan were; Planner Cullen stated they were adding the abutters to the property across Bog Road, correcting the notation of the shoreland zoning district (from “general development” to “limited residential”) and submitting the Secretary of State’s registration information for Southbranch LLC. The Board reviewed the plan submitted tonight. Karen Cullen noted the plan is in compliance with the requirements and is ready for action by the Board.

**Motion** by Member Weldon to determine that the application is complete and to approve the Bog Road Subdivision as submitted and as detailed in the Planning Board Order; seconded by Member Scott. Motion carried 7/0/0.

Chairman Weatherbee noted that the Board will sign the plan and order at the conclusion of the meeting tonight.

b. Public Hearing: Site Plan Review – Emera Maine proposes a solar array for electric generation on a 3.7 acre area of their site located at 28 Penobscot Meadows Drive, Tax Map 10, Lot 40A. This parcel is in the Industrial Park district.

Chairman Weatherbee opened the hearing at 7:07 pm, read the hearing notice into the record, and confirmed with Planner Cullen that the official notice had been given.

Kevin Peterson of Emera Maine described the proposal: a solar array to provide up to 640kW AC to provide power to the operations center. There will be battery storage to extend the use of the power generated beyond daylight hours, and it is designed to allow the power to be switched on or off the grid at any time. The arrays are located in open areas of the site, and will be mounted on poles, some will be fixed and some will be tracking to follow the sun across the sky to maximize power generation.

There being no other speakers, Chairman Weatherbee closed the hearing at 7:09 pm.

The Board then discussed the application; the following issues were addressed:

- Due to the location of the array and existing tree lines, the public won't see the array.
- About 80 percent of the power needed to run the operations center will be generated by the arrays.
- The arrays will be roughly 10 feet high; the heights will vary depending on the terrain and whether they are fixed or tracking. As such, none will extend above the tree line.
- Glare to abutters across the railroad tracks or to train drivers should not occur based on the existing trees, the height of the arrays, and the angle of the arrays. It was noted that in the event glare ever does become an issue, some sort of screening may be needed to mitigate the glare.
- Jim Kiser, representing Emera Maine, noted that they are also asking the Board to eliminate the staggered line of pine trees that were shown along the boundary line with the railroad on the site plan for the previous phase that was approved by the Planning Board in 2015. This request is being made to prevent future shading of the arrays. He noted the original subdivision plan required a 50 foot buffer in this area, which is not impacted by this proposal.
- While not a requirement since the site is not within the FAA's jurisdictional area for the Bangor airport, Jim Kiser noted that they had the FAA review the plan to ensure there would not be an issue with glare to pilots; the FAA had no problem with the plan.
- Impervious area is based on the impervious elements on the ground surface and not on the area of the arrays, since the ground under the arrays will be grassed and will allow infiltration of precipitation. Jim Kiser noted this is how Maine DEP handles this, and nothing in local ordinances requires otherwise.
- Discussion regarding whether these are structures subject to setbacks or not, some members of the Board felt they are while the Code Enforcement Officer had determined they are not. At issue is the area of the arrays on the northeast boundary with the adjacent parcel, which is also owned by Emera Maine. After extensive discussion a compromise was made, the applicant will add notations to the plan indicating that the area in question (50 feet into the abutting parcel along the line of the arrays) is to be considered a buffer, and in the event the parcel is developed in the future it will be converted to a setback.

**Motion** by Member Weldon to approve the Emera Maine Solar Array site plan as submitted and as detailed in the Planning Board Order, with the following conditions:

1. That the staggered row of pine trees shown on the previously approved site plan along the boundary with the railroad line be eliminated to prevent future shading of the solar arrays. In the event that glare becomes an issue in the future, the Planning Board reserves the right to request that the owner of the solar array add screening to mitigate the glare.
2. That the area along the northeast boundary where the arrays extend into the setback (said area being roughly 280 feet along the boundary with parcel 10-0-042-F starting 50 feet from the southernmost corner of that parcel and extending 50 feet into that parcel) be noted on the plan with shading and a note stating that it is considered to be a buffer and that in the event the solar panels or their support system are deemed to be structures, then this area will become a setback and the boundary between the two parcels will be modified accordingly to include this area within the operations center parcel (10-0-040-A).

The motion was seconded by Member Scott. Motion carried 7/0/0.

- c. MRC/Fiberight Project Update:  
Planner Karen Cullen reported that nothing has been received by the project proponent regarding potential modifications to the Planning Board Order for this project. The memo submitted in the packet for tonight speaks for itself and is all we have at this point. If the proponent submits a request for modification it will be brought to the Planning Board at the next available meeting.
4. Planning Board Comments:  
Chairman Weatherbee noted that the reports on the two applications heard tonight are an official part of the record.

The meeting was adjourned at 8:28 pm by motion of Member Weldon with second by Member Avery; motion carried 7/0/0.

*Respectfully submitted by Karen Cullen, Town Planner*

Materials reviewed at the meeting:

- Application, Report from Planner Cullen, draft Planning Board Order, and revised subdivision plan for Bog Road final subdivision
- Application, Report from Planner Cullen, and draft Planning Board Order for Emera Maine site plan
- Memorandum from Planner Cullen – Project Update on MRC/Fiberight (including Oct. 3, 2016 letter from CES to Town Manager Jennings)