

**TOWN OF GREENVILLE MAINE PLANNING BOARD**  
**7 Minden Street, PO Box 1109**  
**Greenville, ME 04441**

**DECISION IN THE MATTER OF**  
**THE GREENVILLE CSG LLC SOLAR PROJECT**

3/5/2021

**Applicant and Landowner info:**

**Applicant:**           **Dimension Renewable Energy**  
**3280 Peachtree Rd. NE, 7<sup>th</sup> Floor**  
**Atlanta, GA 30305**

**Property Owner:**   **Muzzy Family Corporation**  
**PO Box 1181**  
**Greenville, ME 04441**

**Consultant:**       **Boyle Associates**  
**254 Commercial Street**  
**Merrill's Wharf, Suite 101**  
**Portland, ME 04101**

**Title, Right and Interest:** **Reference deed and lease agreement, Application Binder (hereinafter Binder) Appendix K and Addendum Document dated 1/19/2021 (hereinafter Addendum Document 2)**

**Address:** **170 Moosehead Lake Rd., Map 4, Lot 27 (hereinafter Site)**

**Acres:** **Parcel is 103 acres; Development is 19.74 acres; tree clearing of 9.68 acres**

**Zoning District:** **Village Commercial District**

**Project Description:**

Dimension Renewable Energy (hereinafter Applicant) is proposing the development of the Greenville CSG LLC Solar Project (hereinafter Project), a distributed solar energy generation facility to be owned and operated by Greenville CSG LLC (hereinafter Owner) in the Town of Greenville, Maine (hereinafter Town). Boyle Associates (hereinafter Consultant) is the lead consultant to support the Project. The Project is located at 170 Moosehead Lake Road, south of the former Century 21 building, on the eastern side of Moosehead Lake Road, and will occupy approximately 19.74 acres. During construction, approximately 9.68 acres of tree clearing will be required to construct and operate the Project. The Project will provide 4.25 megawatts (MW) of renewable energy to the local power grid that will be used to supply customers connected to Central Maine Power (hereinafter CMP). The Project will utilize an existing access road along which it will interconnect to the grid on the existing lines along Moosehead Lake Road. The solar array panel racking system will consist of steel piles driven or drilled into the ground to support the mounted panels and will not permanently impact or alter the land. When the useful life of the Project ends, it will be decommissioned, and the land will be returned to a natural state. The Site would then be suitable for other uses and will not have any permanent impact or alteration from the Project.

The limit of disturbance includes the extent of tree clearing, gravel access road, the solar panels, equipment pads, and overhead equipment associated with interconnection to the utility infrastructure. The Project will not rely on any municipal services, such as water, sewage, stormwater drainage, or solid waste disposal (Binder, Appendix A).

The Project proposes the installation of 13,572 JA solar panels (JAM72D10 400-420/MB). The Project will also utilize 36 decentralized string inverters (125 kW CPS SCH 125KTL-DO/US600). Two pad mounted transformers will also be installed (2500 kVA, FR-3 cooled). Spec sheet of each piece of equipment can be found in Addendum Document dated 12/15/2020 (hereinafter Addendum Document 1), Appendix C.

The Project does not propose the construction of any new streets, highways, easements, buildings, parks, recreation areas, open space areas, pedestrian walkways, parking/loading areas, or outdoor lighting. The location and width of the existing access road is displayed in Binder, Appendix C, Site Plan (hereinafter Site Plan).

**Construction Schedule:** April 2021 to September 2021. (Binder, Appendix H)

#### **Summary of Submissions:**

- a] 11/17/2020: Conditional Use Application (hereinafter Application) received from Consultant.
- b] 12/2/2020: Received revised Decommissioning Plan and Narrative from Consultant. Replaces Narrative in Binder, Appendix A and Decommissioning Plan in Binder, Appendix G (hereinafter Decommissioning Plan). Also received Natural Resources Report on Muzzy Family Corporation property.
- c] 12/9/2020: Received Maine Department of Environmental Protection (hereinafter MDEP) Permit by Rule from Consultant.
- d] 12/15/2020: Addendum Document 1 received from Consultant regarding Code Enforcement Officer [hereinafter CEO) information request dated 12/7/2020.
- e] 12/17/2020: Financial Capacity letter received from Consultant.
- f] 12/17/2020: Received updated Site Plan showing 50' setbacks from Consultant.
- g] 12/29/2020: Received Greenhouse Gas Assessment document from Consultant.
- h] 1/19/21: Addendum Document 2 received from Consultant to answer questions from Town Planning Board (hereinafter Planning Board) on document sent 1/8/21.
- i] 1/20/21: Documents received from Eaton-Peabody [hereinafter Town Legal Counsel] and Gwen Hilton (hereinafter Town Consultant) regarding their opinions on Addendum Document 2.
- j] 2/1/21: Received document from Consultant via Maine Historical Preservation Commission (hereinafter MHPC) regarding any significant sites on the property for proposed development.
- k] 2/2/21: Received Maine Department of Transportation (hereinafter MDOT) driveway permit from Consultant.

#### **Process:**

- a] 6/23/2020: Consultant meets with Town Manager Mike Roy and Planning Board Chair, Roxanne Lizotte, to discuss their proposal to develop a Solar Energy System (hereinafter SES).
- b] 7/13/2020: Consultant meets with Planning Board to discuss their desire to develop a SES.
- c] 7/21/2020: Consultant and Planning Board conduct a site walk at proposed Site.
- d] 9/23/2020: A Public Informational Forum was held with Consultant at the Town Hall.
- e] 11/17/2020: Received Application and Binder from Consultant for proposed SES.
- f] 11/23/2020: Consultant attends Planning Board meeting to discuss Application; Planning Board requires more information.
- g] 12/28/2020: Consultant attends Planning Board meeting to review application and review information provided; Planning Board requires more information.

- h] 1/11/21: Consultant attends Planning Board meeting via Zoom; responds to Planning Board questions; agrees to provide written responses.
- i] 1/25/21: Consultant attends Planning Board meeting to review written responses per Planning Board request. Town Legal Counsel and Town Consultant indicate the written responses are satisfactory. Planning Board deems the Application complete and schedules a Public Hearing for February 8, 2021 at 6PM in Town Hall.
- k] 1/27/21: Public Hearing notice sent to Moosehead Matters and Moosehead Cable. Notices are displayed in 8 locations around Town. Certified letters regarding the Application and Public Hearing sent to abutters. Received signed receipts from all abutters.
- l] 2/8/21: Public Hearing held at Town Hall and on Zoom. Consultant and two others attend. No concerns were raised. The Planning Board agreed to vote on the Application at their meeting on 2/22/21.

**Public Comments:** Public Hearing held at Town Hall on February 8, 2021. One abutting property owner attended in person. There were a total of 2 townspeople at the Public Hearing, the other on Zoom. The abutting property owner asked two questions and the Planning Board had a few questions. Hearing no concerns raised about the Project, the Public Hearing was closed.

## FINDINGS AND CONCLUSIONS

### LAND USE ORDINANCE STANDARDS

#### ARTICLE V. LAND USE DISTRICTS AND REQUIREMENTS

*Findings:*

Table V-1 Land Use: Solar energy facilities are a conditional use in the Village Commercial District.

Table V-2 Space and Dimensional Requirements: The lot is 103 acres, and the solar installation is set back at least 50' from property lines. (Note: The Solar Energy Systems Ordinance requires structures be set back at least 50' from side and rear lot lines and a maximum of lot coverage of 50%; the developed area of the solar installation covers about 20% of the lot.) (Binder, Appendix B for Project maps including the updated zoning map, tax map, aerial imagery, location map, public water supply location map, topographic location map, and boundary survey map.)

*Conclusion:* By a vote of 5-0, the Planning Board concludes the Project will satisfy the requirements of Article V Tables V-1 and V-2.

#### (ARTICLE V) SECTION 13. VILLAGE DISTRICT, VILLAGE COMMERCIAL DISTRICT, AND RESIDENTIAL DISTRICT STANDARDS

*Findings and Conclusion:* By a vote of 5-0, the Planning Board concludes Section 13 is not applicable to the Project because Section 13 only applies to large buildings with floor space.

## **ARTICLE VI. ALL AREAS: PERFORMANCE AND DESIGN STANDARDS**

### **SECTION 1. LAND NOT TO BE INCLUDED IN THE CALCULATION OF LOT AREA.**

*Findings:* The parcel is 103, acres well above the minimum lot area. Roads and wetlands occupy extremely limited areas of the parcel. (Binder, Application)

*Conclusion:* By a vote of 5-0, the Planning Board concludes the Project will satisfy the requirements of Article VI Section 1.

### **SECTION 2. WATER SUPPLY AND QUALITY.**

*Findings:* Given the character of the Project, it will not impact water quality, pollute water supplies, utilize private or public water supply, or pollute existing private or public water supplies. The Project is located approximately 2 miles from the Town's public water supply. (Binder, Appendices A and B)

*Conclusion:* By a vote of 5-0, the Planning Board concludes the Project will satisfy the requirements of Article VI Section 2.

### **SECTION 3. SEWAGE DISPOSAL.**

*Findings and Conclusion:* By a vote of 5-0, the Planning Board concludes the Project will not require sewage disposal, and therefore Article VI Section 3 is not applicable. (Binder, Appendix A)

### **SECTION 4. STORMWATER RUNOFF.**

*Findings:* The Project will not change stormwater drainage in a way that will adversely affect neighboring properties. The MDEP does not consider solar panels to be an impervious surface. Solar panel racking is raised off the ground at least 36" and meadow conditions surrounding the array will serve as a vegetated storm water buffer. The meadow conditions will allow for sufficient stormwater infiltration and there will not be a substantive difference from the stormwater handling capacity when compared to the existing condition of the Site. To meet meadow buffer treatment requirements, the Site will not be mowed more than two times per year. MDEP stormwater permit has been approved and provided. (Binder, Appendices C and F)

*Conclusion:* By a vote of 5-0, the Planning Board concludes the Project will satisfy the requirements of Article VI Section 4.

### **SECTION 5. EROSION AND SEDIMENTATION CONTROL.**

*Findings:* The Applicant has provided an Erosion and Sediment Control Inspection and Maintenance Plan for the Project that identifies temporary and long-term Best Management Practices, and complies with MDEP Rule 06-096, Chapter 500: Stormwater Management. (Binder, Appendices C and F)

*Conclusion:* By a vote of 5-0, the Planning Board concludes the Project will satisfy the requirements of Article VI Section 5.

## **SECTION 6. SOLID WASTE DISPOSAL.**

*Findings:* Solid waste produced during construction will be disposed of in accordance with State of Maine law. Once complete, the Project will not produce any significant solid or hazardous waste while in operation. The Decommissioning Plan will address disposal when the Project is terminated. (Binder, Appendices A and G)

*Conclusion:* By a vote of 5-0, the Board concludes the Project will satisfy the requirements of Article VI Section 6.

## **SECTION 7. TRAFFIC ACCESS, CIRCULATION AND PARKING.**

*Findings:* The Project will utilize an existing access road off Moosehead Lake Road. The MDOT has approved the driveway entrance. During the operation of the Project, vehicle access will be minimal. The Site will be visited by a technician approximately four times per year to monitor the Project and perform routine maintenance. Mowing will take place no more than twice per year. The Project will not significantly increase the traffic volume along Moosehead Lake Road. Stormwater runoff will be minimal and is addressed in the Stormwater Management Plan. (Binder, Appendices A and F.)

*Conclusion:* By a vote of 5-0, the Planning Board concludes the Project will satisfy the requirements of Article VI Section 7.

## **SECTION 8. BUFFER AREAS.**

*Findings:* The Project takes advantage of the existing terrain and vegetation to screen it from Moosehead Lake Road. An additional buffer is provided in locations where needed (Binder, Appendix C). The Project has significant setbacks and adjacent land uses should not be negatively impacted. Fencing and Visual Impacts are also addressed in Solar Energy Systems Ordinance Section 8d. (Binder, Appendices A and J)

*Conclusion:* By a vote of 5-0, the Planning Board concludes the Project will satisfy the requirements of Article VI Section 8.

## **SECTION 9. RECREATIONAL FACILITIES, PARKS AND RECREATION, CAMPGROUNDS, INDIVIDUAL PRIVATE CAMPSITES, AND USE OF RECREATIONAL TRAILERS.**

*Findings and Conclusion:* By a vote of 5-0, the Planning Board concludes Article VI Section 9 is not applicable.

## **SECTION 10. HOME OCCUPATIONS.**

*Findings and Conclusion:* By a vote of 5-0, the Planning Board concludes Article VI Section 10 is not applicable.

## **SECTION 11. SIGNS.**

*Findings:* No signage is anticipated at the entrance of the facility. (Binder Appendix A and C) (Note: Signage for safety purposes is addressed in the Solar Energy Systems Ordinance Section 8h)

*Conclusion:* By a vote of 5-0, the Planning Board concludes the Project will satisfy Article VI Section 11.

**SECTION 12. HISTORIC AND ARCHAEOLOGICAL SITES.**

*Findings:* No historic or archaeological resources were identified by the Applicant or the MHPC (see letter dated 1/25/2021).

*Conclusion:* By a vote of 5-0, the Planning Board concludes the Project will satisfy the requirements of Article VI Section 12.

**SECTION 13. CONFORMANCE WITH OTHER LAWS, REGULATIONS.**

*Findings:* The Project will be in conformance with all other laws and regulations with the condition that pending approvals are received by the CEO, prior to the start of construction.

*Conclusion:* By a vote of 5-0, the Planning Board concludes the Project will satisfy the requirements of Article VI Section 13, with the condition that all required permit approvals, including but not limited to a state electrical permit, are obtained prior to construction.

**SECTION 14. CLUSTER DEVELOPMENT: RESIDENTIAL AND NON-RESIDENTIAL.**

*Findings and Conclusion:* By a vote of 5-0, the Planning Board concludes Article VI Section 14 is not applicable.

**SECTION 15. RESERVATION, DEDICATION, AND MAINTENANCE OF COMMON OPEN SPACE AND FACILITIES.**

*Findings and Conclusion:* By a vote of 5-0, the Planning Board concludes Article VI Section 15 is not applicable.

**SECTION 16. MANUFACTURED HOUSING.**

*Findings and Conclusion:* By a vote of 5-0, the Planning Board concludes Article VI Section 16 is not applicable.

**SECTION 17. OUTDOOR LIGHTING.**

*Findings:* No outdoor lighting is proposed. (Binder, Appendix A)

*Conclusion:* By a vote of 5-0, the Planning Board concludes the Project will satisfy the requirements of Article VI Section 17.

**SECTION 18. ADULT BUSINESS ESTABLISHMENTS.**

*Findings and Conclusion:* By a vote of 5-0, the Planning Board concludes Article VI Section 18 is not applicable.

**ARTICLE VII. SHORELAND OVERLAY DISTRICT AND RESOURCE PROTECTION DISTRICT STANDARDS.**

*Findings and Conclusion:* By a vote of 5-0, the Planning Board concludes Article VII is not applicable because the Project will not be in a shoreland overlay or resource protection district.

**ARTICLE VIII. SUBDIVISIONS: PERFORMANCE STANDARDS AND REQUIREMENTS.**

*Findings and Conclusion:* By a vote of 5-0, the Planning Board concludes Article VIII is not applicable because the Project is not a subdivision.

**SOLAR ENERGY SYSTEMS ORDINANCE**

**SECTION 8. STANDARDS FOR APPROVAL**

**Section 8a. Legal Responsibilities:**

*Findings:* The Applicant has provided proof of authorization to construct, use, and maintain the property and any access drive for the life of the SES, and will be responsible for decommissioning the Project at the end of its useful life, or when it is otherwise determined to be abandoned. (Binder, Appendices G and K, and Addendum Document 2)

*Conclusion:* By a vote of 5-0, the Planning Board concludes the Project will satisfy the requirements of Section 8a, with the condition that a finalized Decommissioning Plan and financial assurance, acceptable to Town Legal Counsel and the Town's Select Board (hereinafter Select Board), is received prior to construction.

**Section 8b. Safety:**

*Findings:* The Project will not present any unreasonable safety risks, including but not limited to the following: 1) weight load; 2) wind resistance; 3) ingress or egress in the event of fire or other emergency; or 4) proximity of a ground-mounted system relative to buildings. Evidence is in the Site Plan design and engineered design of structures. (Binder, Appendices C and D and Addendum Document 1)

*Conclusion:* By a vote of 5-0, the Planning Board concludes the Project will satisfy the requirements of Section 8b.

**Section 8c. Lot Size and Lot Coverage:**

*Findings:* The Project meets the minimum lot size and maximum lot coverage requirements of the Village Commercial District, excepting that those areas of the Project that are vegetated shall not be included in the calculation of lot coverage. (Binder, Appendices A, B, and C)

*Conclusion:* By a 5-0 vote, the Planning Board concludes the Project will satisfy the requirements of Section 8c.

**Section 8d. Setbacks:**

*Findings:* Structures within the SES shall be setback a minimum of 50’ from the side and rear property lines and meet the front setback requirements for structures within the Village Commercial District. (Binder, Appendix C)

*Conclusion:* By a 5-0 vote, the Planning Board concludes the Project will satisfy the requirements of Section 8d.

**Section 8e. Prohibited Locations:**

*Findings:* There are no existing easements, covenants, or deed restrictions on the parcel and the Project does not propose any new easements, covenants, or deed restrictions. The solar energy components will not be placed within any stormwater conveyance system, or in any other manner that would alter or impede stormwater runoff from collecting in a constructed stormwater conveyance system. (Binder, Appendix A)

*Conclusion:* By a 5-0 vote, the Planning Board concludes the Project will satisfy the requirements of Section 8e.

**Section 8f. Utility Notification:**

*Findings:* The Applicant has submitted a signed Level 4 Interconnection Agreement (hereinafter IA) between Owner and CMP, and a schematic showing the technical details of the installation (Addendum Document 1, Appendix B). The Applicant also submitted a copy of the executed Net Energy Billing Agreement (hereinafter NEBA) between Owner and CMP, which demonstrates that the Project has 1) permission to interconnect to the CMP grid, and 2) the agreement that CMP will remotely credit the energy generated from this solar Project to the residential subscribers of the Project. (Addendum Document 2, Attachment C)

*Conclusion:* By a vote of 5-0, the Planning Board concludes the Project will satisfy the requirements of Section 8f.

**Section 8g. Fencing and Visual Impacts:**

*Findings:* The solar installation setbacks and topography of the Site limit visibility of the installation from Moosehead Lake Road. An 8’ agricultural style fence mounted on wooden posts designed to fit in with the rural character will be installed around the perimeter of the solar racking and equipment pads. The fence will meet National Electric Code requirements for enclosing a solar energy facility. Vegetative screening will be provided (approximately 10’x150’ area) in the northwest portion of the open field to the west of the Project area. This screening will merge with the existing vegetation running parallel to Moosehead Lake Road. Scrub-shrub type species will be selected to match the existing vegetation and will not grow to more than 10’ tall. The screening shall remain in place during the term of the lease unless further development or activities on the Site, outside of the lease area, obscure visibility of the Project. (Binder, Appendices A, C, and J)

Glare. The proposed photovoltaic-type solar panels are designed to absorb sunlight and transfer that sunlight into power. Solar panels will only reflect 2% of the sunlight that hits the surface of the glass. This Project has obtained a “Determination of No Hazard to Air Navigation” from the FAA. (Binder, Appendix F) (Also see Section 8i regarding utility lines and visual impacts)



The major visual concern is the utility poles and lines connecting to the solar installation which will obstruct views of the mountain landscape. This has long been a concern in the Indian Hill area. The Applicant has indicated that CMP cannot bury these lines.

*Conclusion:* By a vote of 5-0, the Planning Board concludes the Project will satisfy the requirements of Section 8g, with the condition that reasonable efforts shall be made to place all utility connections from the solar installation underground, depending on appropriate soil conditions, property shape, topography of the Site, and any requirements of the utility provider. Electrical transformers for utility interconnections may be above ground if required by the utility provider, but the Applicant/Owner/operator, including any future assigns, shall seek any viable opportunities to place utility connections underground or to otherwise prevent or mitigate the visual blight caused by the utility lines and poles.

#### **Section 8h. Signage:**

*Findings:* Signage shall identify the owner of the solar installation and provide a 24-hour emergency contact phone number. Signage shall not be used for advertising except for reasonable identification of the manufacturer or operator of the solar installation. A clearly visible warning sign shall be placed at the base of all pad-mounted transformers and substations and on the fence surrounding the solar installation, informing individuals of potential voltage hazards.

*Conclusion:* By a vote of 5-0, the Board concludes the Project will satisfy the requirements of Section 8h, with the condition that the above requirements will be confirmed by the CEO at the time of construction, and if possible, the signs shall be reflective.

#### **Section 8i. Utility Connections:**

*Findings:* Equipment pads containing transformers and protective switch gear are located near the hammerhead within the fence. Overhead conductors on standard power poles will connect the Project to the existing 3-phase distributed electrical power lines on Moosehead Lake Road. CMP will install its own protective equipment within the Site on a series of poles near the point of interconnection based on the approved interconnection design. See Section 8g for visual impacts. (Binder, Appendix C)

*Conclusion:* By a 5-0 vote, the Planning Board concludes the Project will satisfy Section 8i, with the condition as stated in Section 8g above.

#### **Section 8j. Emergency Services:**

*Findings:* An Emergency Management Plan (hereinafter EMP) is included in Addendum Document 1, Appendix D. The EMP provides information on potential emergencies and how they would be addressed, including coordination with local officials. A placard listing emergency contact information will be mounted on the gate providing 24/7 access information. The Site Plan includes the location of a KNOX-BOX to allow emergency service access. (Site Plan updated 12/16/2020)

*Conclusion:* By a 5-0 vote, the Planning Board concludes the Project will satisfy the requirements of Section 8j, on the condition that the Applicant provide an "As Built Project Plan", Project summary, electrical schematic, and Site plan to the CEO, and that the EMP has been implemented to the satisfaction of Town's Fire Chief, and in accordance with Section 8j of the Town's Solar Energy Systems Ordinance.

**Section 8k. Maintenance Conditions:**

*Findings:* An Operations and Maintenance Plan to maintain the solar installation in good condition throughout the life of the Project has been submitted. The Owner/operator shall be responsible for the cost of maintaining the Project and any access road(s). The Site may be visited by a qualified technician approximately four times per year to monitor the Project and perform routine maintenance. In the event of a monitoring system alert, a technician may be sent to the Site to ensure the equipment is operating correctly. (Binder, Appendices A and D)

*Conclusion:* By a 5-0 vote, the Planning Board concludes the Project will satisfy Section 8k.

**Section 8l. Modifications:**

*Findings:* As a condition of approval, any material modifications to the Project made after issuance of the required Town permit(s), shall require approval by the CEO and/or the Planning Board.

*Conclusion:* By a vote of 5-0, the Planning Board concludes the Project will satisfy Section 8l, with the condition that the Applicant will obtain CEO or Planning Board approval, as applicable, for any modifications after permit issuance.

**Section 8m. Satisfaction with All Aspects of Capacity and Plans Submitted:**

*Findings:* Dimension Renewable Energy is the Applicant and developer at this time, but its intent is that Nexamp Capital LLC (hereinafter Nexamp) will build, own, and operate the Project. Nexamp's intention to purchase the Project is demonstrated through a copy of the Membership Interests Purchase Agreement (Addendum Document 2, Attachment B). Nexamp has the experience and credentials to build, own, and operate this Project and to comply with any permit conditions. A statement of Nexamp's technical capabilities is included in Binder, Appendix A. Nexamp works with MUFGBank, and a letter outlining the financial viability of Nexamp and such solar projects as well as proof of access to capital to construct and operate the Project, is included in Addendum Document 1, Appendix E. Additionally, an IA and NEBA as described in Section 8f above demonstrate that there is a buyer for the power. Lastly, the Application includes a Decommissioning Plan that describes the trigger, work involved, and costs associated with decommissioning, and includes a draft financial assurance to cover the cost of decommissioning. (Binder, Appendices A and G) The Applicant has demonstrated that there is technical and financial capability to build, own, operate, and decommission the Project.

*Conclusion:* By a 5-0 vote, the Planning Board concludes the Project will satisfy requirements of Section 8m, with the condition that a finalized Decommissioning Plan and financial assurance acceptable to Town Legal Counsel and Select Board, is received prior to construction.

**Section 8n. Removal:**

*Findings:* The Application includes a Decommissioning Plan that describes the work involved in removing all structures and returning the Site to its natural conditions. (Binder, Appendix G)

*Conclusion:* By a 5-0 vote, the Planning Board concludes the Project will satisfy requirements of Section 8n, with the condition that decommissioning any portion or part of the SES shall involve removal of any structures, followed by grading and seeding to return the Site to its natural conditions. (Also see Section 8m, above)

## LAND USE ORDINANCE

### ARTICLE III. SECTION 10. PLANNING BOARD REVIEW OF CONDITIONAL USES

#### C. REVIEW CRITERIA CONCLUSIONS

*Conclusion:* By a vote of 5-0, the Planning Board concludes the Project will comply with the Town's Land Use Ordinance Articles V, VI and VII, and with the Town's Solar Energy Systems Ordinance, with the following **conditions of approval**:

- 1] The Applicant/Owner/operator of the Project shall provide evidence that all conditions of permit approval have been met to the satisfaction of the CEO prior to construction.
- 2] The Applicant/Owner/operator of the Project shall construct, operate, maintain, and decommission the Project in accordance with this permit decision and the Application submissions.
- 3] The Applicant/Owner/operator of the Project shall obtain CEO approval for any modifications to the Project, including but not limited to emergency lighting, signage, and reconfiguration of the SES. (Note: Any emergency services lighting should be motion sensitive and included in the "Emergency Response Plan" as required in Sec 8j of the Solar Energy Systems Ordinance.)
- 4] The Applicant/Owner/operator of the Project shall provide evidence of all required permit approvals, including but not limited to a state electrical permit prior to construction.
- 5] The Applicant/Owner/operator of the Project shall identify a responsible person for Town and public inquiries throughout the life of the installation.
- 6] The Applicant/Owner/operator of the Project will cooperate with the CEO and a qualified engineer, selected by the CEO, in conducting Site inspections to evaluate storm water management, erosion and sediment control, and Project construction, at the beginning, middle, and end of Project construction.
- 7] The Applicant/Owner/operator shall provide the CEO with "As-Built Project Plans" immediately following the completion of the Project.
- 8] The Applicant/Owner/operator shall finalize the Emergency Management Plan to the satisfaction of the CEO and the Town's Fire Chief. This shall include, but not be limited to, providing a Project summary, electrical schematic, and final Site Plan, installation of a "3200 Series KNOX-BOX", and emergency and hazard signage.
- 9] Signage shall not be used for advertising except for reasonable identification of the manufacturer or operator of the solar installation and warning signs. All signs shall be reflective, if possible.
- 10] The Applicant/Owner/operator of the Project shall notify the CEO whenever the approved permit is transferred to a new Owner or lessee of the Project. The new Owner or lessee shall provide written evidence that they will conform to all construction, Site development, uses, permit requirements, and conditions as specified in the permit approval.
- 11] The Applicant/Owner/operator will make reasonable efforts to place all utility connections from the solar installation underground, depending on appropriate soil conditions, property shape, topography of the Site, and any requirements of the utility provider. Electrical transformers for utility interconnections may be above ground if required by CMP, but the Applicant/Owner/operator and any future assigns, shall seek viable opportunities to place utility connections underground or to otherwise prevent or mitigate the visual blight caused by the utility lines, poles, and other installations.
- 12] The Applicant/Owner/operator shall provide a Decommissioning Plan and financial assurance acceptable to Town Legal Counsel and Select Board prior to construction.

- 13] The Applicant/Owner/operator shall ensure that all buffering vegetation will survive for at least two [2] growing seasons. If not, Applicant/Owner/operator will have to replace affected vegetation.

### **C. REVIEW CRITERIA CONCLUSIONS (continued from prior page)**

1. **Pollution.** The proposed activity shall not result in undue water or air pollution. In making this determination the Board shall consider:
- a. the elevation of the land above sea level and its relation to the floodplains;
  - b. the nature of soils and sub-soils and their ability to adequately support waste disposal;
  - c. the slope of the land and its effect on effluents;
  - d. the availability of streams for disposal of effluents; and
  - e. the applicable state and local health and water resources rules and regulations.

**By a vote of 5-0, the Planning Board concludes the Project will meet Criterion 1.**

2. **Sufficient Water.** The proposed activity shall have sufficient water available for the reasonably foreseeable needs of the proposed development.

**By a vote of 5-0, the Planning Board concludes the Project will meet Criterion 2.**

3. **Municipal Water Supply.** The proposed activity shall not cause an unreasonable burden on an existing public water supply, if one is to be used.

**By a vote of 5-0, the Planning Board concludes the Project will meet Criterion 3.**

4. **Erosion.** The proposed activity shall not cause unreasonable soil erosion, erosion or sedimentation to surface waters, or a reduction in the land's capacity to hold water so that dangerous or unhealthy situation results. The best management practices set forth in the "Maine Erosion and Sedimentation Control Handbook for Construction Practices" (Cumberland County Soil and Water Conservation District, Department of Environmental Protection, March 1991, or as revised) shall be used as a guide for compliance with this requirement.

**By a vote of 5-0, the Planning Board concludes the Project will meet Criterion 4.**

5. **Transportation.** The proposed activity shall not cause unreasonable highway or public road congestion, or unsafe conditions with respect to the use of highways, public roads, sidewalks, parking areas, or loading and unloading areas, existing or proposed. The proposed activity shall not cause unsafe conditions for motor vehicles, bicycles and pedestrians within a development.

**By a vote of 5-0, the Planning Board concludes the Project will meet Criterion 5.**

6. **Sewage Disposal.** The proposed activity shall provide for adequate sewage waste disposal and shall not cause an unreasonable burden on public services if they are to be utilized.

**By a vote of 5-0, the Planning Board concludes the Project will meet Criterion 6.**

7. **Municipal Solid Waste Disposal.** The proposed activity shall not cause an unreasonable burden on the town's ability to dispose of solid waste, if town services are to be utilized.

**By a vote of 5-0, the Planning Board concludes the Project will meet Criterion 7.**

8. **Aesthetic, Cultural and Natural Values.** The proposed activity to the maximum extent possible shall not have an undue adverse effect on the scenic or natural beauty of the area; aesthetics; archaeological and historic sites; spawning grounds, fish, aquatic life, bird or other wildlife habitat; significant wildlife habitat identified by the Maine Department of Inland Fisheries and Wildlife or the Town; rare and irreplaceable natural areas; or any public rights for physical or visual access to the shoreline. The proposed activity, to the maximum extent possible, shall conserve shore cover. *(See Binder, Appendices D & E - Boyle Associates Natural Resources report and Binder, Appendix E, MDIF and MNAP letters)*

**By a vote of 5-0, the Planning Board concludes the Project will meet Criterion 8.**

9. **Ordinances and Plans.** The proposed activity shall conform with all applicable ordinances, and the Comprehensive Plan. In making this determination, the Planning Board may interpret these ordinances and plans.

**By a vote of 5-0, the Planning Board concludes the Project will meet Criterion 9.**

10. **Financial and Technical Capacity.** The applicant shall have adequate financial resources and technical capacity to meet the standards and criteria of this Ordinance.

**By a vote of 5-0, the Planning Board concludes the Project will meet Criterion 10.**

11. **Groundwater.** The proposed activity shall not alone, or in conjunction with existing activities, affect the quality or quantity of ground water.

**By a vote of 5-0, the Planning Board concludes the Project will meet Criterion 11.**

12. **Flood Areas.** The proposed activity shall not adversely affect floodplain areas as depicted on the Federal Emergency Management Agency Flood Boundary and Floodway Maps and Flood Insurance Rate Maps, and the proposal shall conform to the applicable requirements of the Town of Greenville Floodplain Management Ordinance.

**By a vote of 5-0, the Planning Board concludes the Project will meet Criterion 12.**

13. **Freshwater Wetlands.** The proposed activity shall not have an undue adverse impact on freshwater wetlands.

**By a vote of 5-0, the Planning Board concludes the Project will meet Criterion 13.**

14. **Water Bodies.** The proposed activity shall not have an undue adverse impact on any water body such as a lake, pond, river, or stream.

**By a vote of 5-0, the Planning Board concludes the Project will meet Criterion 14.**

15. **Stormwater.** The proposed activity shall provide for adequate stormwater management. The best management practices set forth in the "Stormwater Management for Maine" (Department of Environmental Protection, State of Maine, January 2006, or as revised) shall be used as a guide for compliance with this requirement.

**By a vote of 5-0, the Planning Board concludes the Project will meet Criterion 15.**

- 16. Adjacent Land Uses.** The proposed activity shall not have a significant detrimental effect on adjacent land uses or properties that might be affected by waste, noise, glare, fumes, smoke, dust, odors, or other effects.

**By a vote of 5-0, the Planning Board concludes the Project will meet Criterion 16.**

- 17. Financial Burden on Town.** The proposed activity shall not cause an unreasonable financial burden on the Town for provisions of public services and facilities.

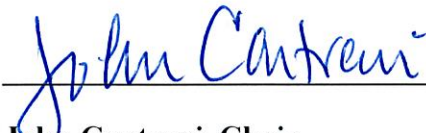
**By a vote of 5-0, the Planning Board concludes the Project will meet Criterion 17.**

- 18. Harmonious Fit.** Development site designs shall relate harmoniously to Greenville's traditional land uses and landscape to ensure there will be no undue adverse effect on existing uses, scenic character, and the natural and historic resources likely to be affected by the proposal. The community's unique characteristics shall not be compromised by standardized or franchise designs, or overpowered by very large structures.

**By a vote of 5-0, the Planning Board concludes the Project will meet Criterion 18.**

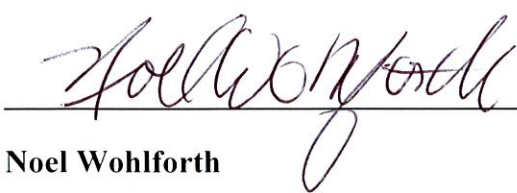
**FINAL VOTE**

**By a vote of 5-0, the Greenville Planning Board concludes that based on the findings of fact, conclusions, and conditions of approval set forth above, Dimension Renewable Energy's application has demonstrated that the Greenville CSG LLC Solar Project will conform with the requirements of the Land Use Ordinance for the Town of Greenville and the Town of Greenville Solar Energy Systems Ordinance.**

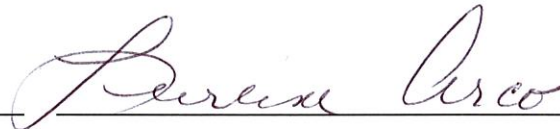


**John Contreni, Chair**

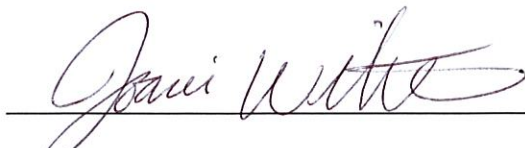
**Jonathan Boynton, Secretary**



**Noel Wohlforth**



**Lurline Arco**



**Joanie Withee**

**Jenny Ward, Alternate**