



Town of China

571 Lakeview Drive; China, Maine 04358
(207) 445-2014 info@chinamaine.org

Approved by Planning Board by a vote of 5-0 on December 12, 2023

Planning Board Meeting

Meeting held in Meeting Room at China Town Office and via ZOOM

November 14, 2023

Begin 6:30 PM

Board members in attendance: Toni Wall, Natale Tripodi, Elaine Mather, James Wilkens

Board members not in attendance: Michael Brown

Attendees: Brent Chesley, Cathy Chesley, Mary Grow, Ralph Addonizio, Scott Tempel, Melissa Laliberty, Jennifer Whitney, Carley Edgar and Barbara Tobey.

Code Enforcement Officer Zak Gosselin - Present

Board meeting opened by Chair Wilkens

Pledge of Allegiance to the American Flag

Chair Wilkens brought Board Member Tripodi into voting capacity.

Review/Approve Minutes October 24, 2023 Meeting

- Board Member Tripodi motioned to approve minutes as written.
- Board Member Mather seconded motion.
All in favor. No further discussion.

Election of Chair and Co-Chair

- Chair Wilkens congratulated Board Member Mather on her election to the Planning Board. Chair Wilkens explained the need to elect a new Chair and Co-Chair. Board Member Tripodi nominated Chair Toni Wall and Chair James Wilkens for the positions of Co-Chairs. Board Member Mather seconded nomination. Unanimously approved.

Public Hearing – Novel Energy Systems

- Chair Wilkens outlined the public hearing procedures to the public in attendance. He advised all questions will be directed to the Planning Board chairs and not to the representatives from the company. He further advised that all the evidence will be heard tonight and members of the public can ask questions and voice their concerns.
- Chair Wilkens opened the public hearing at 6:33pm. Chair Wilkens asked Mr. Tempel and Mr. Addonizio to give a brief overview of the project? Ms. Whitney explained she is not sure what they should be asking. Chair Wilkens explained it is a chance for the public to ask questions through the Planning Board Chairs about the project. He further explained that is opportunity for the public to provide their input and voice their concerns of the project. Chair Wilken explained that it is the opportunity of the public to say what they would like to see happen if the project is approve or why they feel it should not be approved. Ms. Whitney asked why the project needs to



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be 10ft from her property line? She continued that the plan she has seen shows the project 10 feet from the property line and explained that this will depreciate her property especially with having solar panels on the north and power lines running through her property. Chair Wilkens advised town ordinance requires a minimum of 10 feet from the location of the solar panels to the property line. Ms. Whitney advised she would like to have project farther than 10 feet from her property line. Chair Wall pointed out Ms. Whitney's property on map from the application packet for Mr. Temple and Mr. Addonizio. Chair Wall advised that the packet was at the town office for public viewing. Chair Wilkens questioned what is the setback beyond the 10 ft and is the map to scale? Mr. Tempel confirmed map is to scale. Board Member Mather stated that the map shows a scale of 80 feet per 1/2 inch. There was discussion on the setback of the fence and the panels from the property line. Chair Wilkens explained the fence will be roughly 80-90 feet from the property line with the panels being roughly 100 feet from property line. Mr. Addonizio explained they don't build on property lines and explained they use existing buffers such as trees. Mr. Tempel advised per the notes it is 50 feet from the 10-foot set back to the fence. Ms. Whitney inquired how far the panels are from the fence? Mr. Tempel advised it varies but will be at least 10 feet from the fence. Chair Wilkens advised it is roughly 70 feet from the property line.

- Ms. Whitney questioned if there is possibility of battery storage? Mr. Tempel advised there is battery storage on some projects but there is no proposal for one in this application. Ms. Whitney questioned if one could happen later? Chair Wilkens explained they would need to come back to the Planning Board for approval of a new permit.
- Ms. Whitney questioned if there will be any soil testing done prior to construction and on the neighboring properties? Mr. Tempel explained they use geotechnical testing prior to creation of final plans but has not been done yet. He explained the process where there will be borings done to make sure the soil meets the engineering specifications. He continued that they do not do the geotechnical testing until they know they have a project since can be very expensive. It was advised that an analysis via desk top has been done. Ms. Laliberty explained that she lives across street from the project and questioned why it needs to be so close to properties? She also questioned the impact on livestock and pets during construction. She advised that she feels she did not get an answer at the last meeting regarding soil testing. Ms. Laliberty voiced her concern regarding soil testing from 10 years down the road. Ms. Laliberty advised that in her research she has found that the aluminum frame can impact the soil and well water. She continued to advise that she moved to area so she would not need to worry about contamination of her well and modern technology near her home. Ms. Laliberty questioned where are the studies regarding soil and water contamination 10 years or 20 years later? Ms. Laliberty states she is concerned with what happens after the project is removed and the land is returned? She advised she is worried about the environment and is trying to leave as small a footprint as possible. She stressed her concerns with the solar panels being so close and that this might not be best choice. Chair Wilkens explained that core samples will be taken before project so there will be a baseline. Mr. Tempel explained he has been doing this for 30-40 years and has never heard of leaking or seeping from the near radius. He explained the piles are pounded into the soil depending on the depth and the structure of the soil per the geotechnical analysis. Mr. Tempel explained that once they are done with the project, and outlined in the state approved decommissioning plan, they remove the posts out. He continued to advise that the soil has been regenerating for over 25 years



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and will be in better condition than when they installed the project. Chair Wilkens inquired if there is soil testing required as part of the decommissioning plan? Mr. Tempel advised he was not sure. Chair Wilkens explained the Planning Board could ask for a soil test at decommissioning. Ms. Laliberty stated that her concern is metal seeping into the ground and effecting her well water. She continued that she understands that they test at the beginning and had her well tested when moved in, but is concerned with effects 5, 10 or 15 years from now. What will be effect be over the years? She advised she would like a guarantee that there is no seepage. Ms. Laliberty states she has seen tests stating the aluminum seeps into the ground. Mr. Tempel explained the frames are a steel mixture and the frames do not touch the ground. Mr. Addonizio states he has not seen any study like that and gave the example of aluminum siding. He further stated that he has not seen any cases or studies because of damage to the soil and water supply from aluminum siding. Mr. Addonizio explained that during decommissioning, the panels are 95% recyclable and explained under State law, they must review the decommissioning plan at 15 years to make sure nothing has changed. He continued that they also need to review the bond at the time as well. Ms. Laliberty explained she has researched solar gardens that have had instances of runoff and explained that 15 years is too late, the damage has already been done. Are they guaranteeing that the aluminum will not impact the soil? Mr. Tempel explained he has worked on lots of projects and reclamation sites and has never heard of aluminum contamination. He continued that aluminum is landfilled regularly and he has never had any warnings from federal or state governments regarding aluminum or steel leeching. He stated there are other chemicals involved that they need to be careful of and clean up, but has not seen any studies. Mr. Tempel advised they are open to periodic soil testing as conditional of approval. Chair Wilkens explained they are here to get answers to questions.

- Ms. Laliberty explained that she has a pacemaker and is concerned about the magnetic field impact. She continued that she needs to go back to the doctor with amount of magnetic energy and the distance her home is from the project. Chair Wall advised that all the information was at the Town Office for people to read. Mr. Tempel explained that there have been a few studies and is similar to the energy of a microwave. He further explained that a person would need to be inside the fence were they would have more exposure. Mr. Tempel advised there are also a transformer on the pole. Chair Wilkens advised of the new power line coming in. Ms. Laliberty stated she is taking into consideration both projects. CEO Gosselin explained the information is in hard copy in the office and is posted online on the website and will verify the tab on the website it is posted under.
- Ms. Whitney questioned why this particular spot when there are other locations on the property? Chair Wilkens explained that is a question for Mr. Haskell who is not in attendance. Ms. Whitney inquired if there would be an opportunity to address Mr. Haskell? Chair Wilkens explained the Planning Board can send the question to him. Mr. Tempel explained that they lease where Mr. Haskell allows them to and is also based on the length of the connecting road. He further explained the further way from the powerlines, the more expensive it becomes. Mr. Tempel advised another question that comes up is, are they going to expand? Substation? Mr. Tempel explained that they have to have a very specific criteria before they go into a project including compacity of the substation and access to 3-phase distribution line. He continued that even if they wanted to do another array, they would need to come to the Planning Board and would need to



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determine if there is compacity on the system for it. Mr. Tempel explained they are on the distribution line and not the transmission lines and explained that power plants are bigger and can be contracted out of state. Chair Wilkens advised CEO will send the question to Mr. Haskell regarding location of project.

- Ms. Whitney inquired who is liable if people start getting sick or the soil test come up poorly? Land owner or Novel? Chair Wilkens explained it would need to go through the court system. It was advised that it would go through the EPA. Mr. Chesley questioned if the soil test is to test for just soil types or contamination? Mr. Tempel explained is for the geotechnical analysis of the soil composition and is not testing for contaminates. Chair Wilkens advised the Planning Board can ask for testing to contaminates.
- Ms. Tobey explained she previously sent in letter advising her concern is erosion. She questioned if the panels will be just in the field or will they be clearing trees from the side hill? Mr. Tempel advised they will not be doing any additional clearing and they do have erosion control plan with all the best management practice to be used during construction. He further explained that they re-vegetate the site with native grasses and pollinators and once are established, there is no risk of run-off. Chair Wall advised they also have a storm water management plan. Ms. Tobey inquired how close to narrow gauge railroad and if they are coming down hill? Chair Wall explained there is a road called Horseback Road on the backside of the project. Chair Wall showed Ms. Tobey, on the map, where the solar farm will be. Mr. Addonizio explained they will just be in the field and will not be coming down over the hill. Ms. Laliberty inquired if there will be any herbicides? Mr. Addonizio explained they do not use chemicals and only go in to mow. Chair Wilkens explained it would be part of the maintenance plan. Mr. Addonizio advised they want the soil to be able to regenerate. Mr. Tempel added that they do not want to kill any plants or bees and they will use a local contractor to maintain the property. Ms. Tobey inquired if the water goes into China Lake? Chair Wall explained it does go into the lake and explained how the water would travel. Chair Wilkens explained there are a number of filtrations before would enter the lake. There was additional discussion on distance between solar panels and fence.
- Ms. Tobey inquired into the value of land and if value depreciates, do they get a break on property taxes? Mr. Addonizio states it will not depreciate. He continued that they are farming energy instead of crops. Mr. Tempel explained he provided at least one study on property values and there is no noticeable impact. Ms. Whitney stated she has seen where there is a 1.5 decrease in property value. Chair Wall explained the study she saw refenced the proximity of the home to the solar garden. Ms. Whitney states she knows several people who cannot sell because of solar garden. Chair Wilkens states the Planning Board will look at things that have been questioned. Ms. Laliberty stated she needs more facts but has only received generalized information. Chair Wilkens explained one of the reasons for a public hearing, is to allow the applicant and the Planning Board to hear the concerns and questions from the public. Board Member Mather questioned if Mr. Tempel and Mr. Addonizio are familiar with University of Rhode Island Study of Property Value Impact of Commercial Scale Solar Energy in Massachusetts and Rhode Island? She advised in review of the study, a few of the statements and conclusions seem to support the depreciation of properties that are close to solar panels. She continued that people don't want to



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look out at the panels and is a perceived property value depreciation in the public's eye. Board Member Mather explained that the findings suggest a large negative impact of homes within 1/10 of a mile from solar and properties built on sites surrounding solar built on farm and forest in non-rural areas. Board Member Mather explained on one hand, the study was done on Massachusetts and Rhode Island properties, which are in New England, but on the other hand, were done on properties in non-rural areas which Town of China is in a rural area. Chair Wilkens explained rural is more densely populated. Ms. Laliberty explained if she had the choice, she would choose a home away from solar and chose to build her home where she did for a reason. She continued that she feels that now someone else is choosing what is near her property. Mr. Tempel explained they can put up screening to mitigate the visual impact. Ms. Laliberty stressed that she is worried about 25-year impact and is viewing as most cautionary. Chair Wilkens explained when they go through the permitting process, the Planning Board can add conditions to the permit based on public input. He continued that they want to make sure there is no harm to the town or people in the town. Chair Wilkens states the applicant has been very forth coming with answers. Ms. Tobey asked about who is responsible for decommissioning after 25 years? Chair Wilkens advised the applicant is responsible and there will have a decommissioning plan. He further advised that the decommissioning plan is also reviewed by the State of Maine and is mandated by the State. Chair Wilkens states the Planning Board has always asked for a decommissioning plan. Ms. Laliberty questioned if the company goes out of business? Chair Wilkens explained that is why there needs to be bond. Chair Wall advised that DEP requires a surety bond.

- Chair Wilkens closed public hearing at 7:18pm and thanked public for input. Chair Wilkens advised he will make sure to get answers to the questioned asks and will have at the Town Office. CEO Gosselin explained there is a hard copy to look at the Town Office and is posted the website. Ms. Whitney states she would like to have a paper copy. CEO Gosselin advised he will put together packets within a few days. Ms. Tobey asked what is the next step? Chair Wilkens explained they will go over the application to review if complete or not and public is welcome at Planning Board meetings. Chair Wilkens advised meetings are on the calendar on the website and under Planning Board page.
- Chair Wilkens opened discussion of the application and permit. Chair Wall advised she went thought the application and there are some discrepancies with the acreages that need to be updated on the application. Chair Wall explained that responses to the criteria need to be filled in completely and gave the example of one incomplete answer of "see attached site plan". Chair Wall questioned if there is lighting? She advised the criteria answer read "n/a" but when she read the plan, it mentioned a small light. Chair Wall inquired if light will be motion-sensor or on all night? Mr. Tempel explained there is only a light on the project information sign on the fence for emergencies. Chair Wall explained she asked because the location is a viewing place for meteor showers, auroras and other events. Chair Wilkens explained they cannot accept the answer of "n/a" or "attached", need to have descriptors. Chair Wall states she has read through and did not see a maintenance plan not included. Board Member Mather advised she only saw "maintenance notes". Chair Wilkens advised they will need a stand-alone document. He also advised they will need to put a narrative on #14 to provider some understanding. Chair Wall inquired if the length



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of construction will be 5 weeks or 9 months? Mr. Tempel explained it usually takes roughly 4 to 6 weeks if everything goes well with grading, piles, panels and then wiring. He explained could take longer if have issues with delivery of supplies. Chair Wilkens explained permit is a one year start and if is not started within one year, would need to come back to Planning Board. Chair Wall inquired if stormwater management plan and erosion control plan will be submitted? Mr. Tempel advised erosion plan is part of application and stormwater plan should also be included. Mr. Addonizio states they make sure to submit as much information as possible. Chair Wilkens explained it is the Planning Board responsibility to make sure the town people questions are answered. Mr. Tempel explained the preliminary stormwater plans are included and one final engineering is done, they can complete the final plan. Chair Wall questioned if decommissioning plan has been approved by DEP? Mr. Tempel advised he is not sure if the plan has been approved yet. Mr. Addonizio advised they use the same plan for ever project and as soon as they get the approval, they will forward. Chair Wall asked about wildlife permeable fencing. Mr. Addonizio confirmed will be 7 feet tall and explained is to protect the natural species. Chair Wilkens questioned the height from the ground? Mr. Addonizio advised it is enough for small animals like rabbit to get under but a child. Chair Wall stated she appreciates the review of the wildlife and endangered species and asked if there is any plan to plant milkweed for monarch butterflies? Mr. Tempel advised he is not sure if milkweed is in pollinator mix. Chair Wilkens explained they will review the application at the next meeting. Ms. Laliberty inquiring into process if approved? Chair Wilkens explained there is a 30-day appeal period to Appeals Board and further explained that nothing would be started until the Appeals Board has finished. Chair Wilkens thanked applicants and towns people.

Planning Board Ordinance

- Chair Wall opened discussion on Planning Board Ordinance. She explained the she as added changes from last meeting. Chair Wall explained there was discussion on the compensation and advised removed “appointment by the Select Board”. Chair Wall advised that under 2.2, changed appointment to election and stated language comes from current ordinance. She also advised that she changed to 3-year term and changed wording form “upon appointment” to “once elected”. Chair Wall explained they added back in “for cause” and added #5 of conviction of crime more than misdemeanor. Chair Wall explained if a Planning Board member was to be removed, it would need to be initiated by the people since are elected. Chair Wall asked to add back in removal for cause listed in current ordinance. Chair Wilkens explained he would like to see Alternate-at-Large be offered the position of vacancy before Select Board appoints. He advised that there is a lot to learn and Alternate-at-Large is already on the Board and has already been able to vote. Board Member Mather agreed that the Alternate should be offered first and if the Alternate declines, then the Select Board would appoint. Chair Wall advised she did add unfinished business on page 7 and updated language regarding agenda posting. Chair Wall advised she updated language on page 11 per recommendation for language change by Board Member Mather.
- Chair Wilkens asked for motion for revised Planning Board Ordinance, revised by the Planning Board to be sent to Select Board for review of changes. Board Member Tripodi accepted motion. Board Member Mather seconded motion. Unanimously approved.



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Chairperson Communications

- Chair Wall confirmed Board Member Brown did get re-elected to the Planning Board. Chair Wilkens explained they currently have a vacancy in District 4 and congratulated Board Member Mather on being elected.

CEO Report

- CEO Gosselin nothing to report at this time.

Future Schedule and Adjourn

Next Planning Board Meeting: November 28, 2023

Motion to adjourn meeting made by Board Member Mather

Motion seconded by Board Member Tripodi

There was no further discussion and the motion to adjourn was unanimously approved.

Respectfully Submitted,
Dawn Kilgore
Planning Board Secretary