



CITY OF BIDDEFORD

Planning and Development Department

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Planning Board & Conservation Commission Workshop Meeting Minutes

Date: January 29, 2025
Time: 5:00 PM
Location: Council Chambers

1. In attendance:

Planning Board: Susan Deschambault, Larry Patoine, Roch Angers
Conservation Commission: Peter Robbins, Richard Rhames, Patrick Conlan
Staff Present: David Galbraith, Brad Favreau, & Nan Whitten

2. Discussion on the development of Solar Ordinance

- Favreau brought the meeting to order at 5:00 PM
- Favreau discussed how the ordinance is structured
- Anything redlined is an adjustment from the December workshop
- Ground Mounted systems are governed by CUP & Site Plan Review
- Angers, has anyone else been involved; Ad hoc Sustainability Committee which has been disbanded and replaced with a Sustainability Committee by Ordinance. Other towns and Cities' ordinances were reviewed and studied.
- Angers has anyone else reviewed this? This will go to the Planning Board, then to the Policy Committee then to the Council.
- Rhames has the Sustainability Committee looked at the changes? Yes but no changes, little discussion.
- Favreau went to the Policy Committee Monday to update the committee on the ordinance.
- Favreau a lot of the changes were on environmental impact and sighting.
- Galbraith-Page 3, item 3 B, something is missing in the sentence, changes were made
- Galbraith-Page 5, section 5, item B, wants to make sure the consultant is reporting to the City, changes made
- Galbraith-Page 5, Section 5, item C, statement following if no farmland of statewide importance, we need the soil scientist confirming such.
- Rhames-the state has their own soil scientist
- Galbraith Page 7, item J-New instances of invasive species, changes made
- Rhames-shared some of the items he received in the mail as advertisements and Maine won't wait but the state hasn't made a policy. The purpose of encouraging development was changed to allow but he thinks it is still pushing the solar

panels. Is the goal of the Planning Board to push development or to weigh and decide? He feels the ordinance tilts the scales in favor of development.

- Galbraith what is the issue?
- Rhames-this is a thumb on the scale, the Planning Board is supposed to be weighing and considering. He feels there are other parts of the city increasing fossil fuel.
- Favreau explained there is some regulations in there and the fact that the City has agreed to reduce fossil fuel by a certain amount
- Rhames feels this ordinance is more of a placebo
- He would like to see the City get a little more serious about it.
- Galbraith asked if he had suggestions for change such as in the purpose statement
- Rhames said that would be a start. He's leery about the thumb on the scale thing.
- Favreau talked about the goals of the ordinance, it's all about reducing carbon emissions.
- Galbraith suggested allow and regulate.....
- Rhames wants to remove the part about promoting it. The Planning Board needs to come at this from a more neutral position.
- Patoine-Page 5, J/K what does the Planning Board do in these sessions? Committee members agreed that something needs to be added. Galbraith will come up with adequate verbiage. "Shall not be allowed"
- Galbraith first step is an environmental assessment review then work around that land
- Rhames the fences they put around these farms will have an impact on wildlife, the larger habitat will not be able to get through
- Favreau allow solar development with all the appropriate regulations
- Rhames-regulate it in the public interest in the most economic way and this is not the most economical way.
- Patoine-can the state put pressure on the city to change this
- Deschambault no not unless there is a lawsuit
- Robbins LD2003 is an example, they can make us change anything they want
- Patoine-is the Conservation Commission comfortable on this document
- Rhames yes the BCC has been pleased that some of their concerns have been addressed.
- Robbins-He thought the ordinance would be more finished. He finds it difficult to read because it documents other parts of the ordinance. He doesn't think we should reference other ordinances we should put those ordinances in this ordinance.
- Galbraith, we site the ordinance link to keep up with the changes
- Favreau they are necessary and typical ordinance writing
- Robbins wants the link to be that when you hover over the link it tells what it is.
- Favreau that can be done.
- Rhames, Page 4, H, proposed decommissioning plan, written statement is weak, he feels there should be a performance bond.
- Favreau bonding for the construction of it. The state usually holds the bond on it.

- Patoine, major concern if one of the entities goes bankrupt, he does not want the citizens of Biddeford to pay.
- Galbraith, on leased property the owner is ultimately responsible.
- Favreau have Attorney Center review bonding language
- Rhames suggests they create a fund available to take care of this property in the end. This comes under private contracts so that the legislature does not have to be involved but it will impact on the citizens of the city.
- Revegetation plan be submitted and approved by the Planning Board.
- Rhames wants to know if there is a fund for remediation in place by the state already
- Patoine apart from the state, Biddeford has to look out for itself.
- Rhames the issue is how to get the industrial waste off the site.
- Galbraith what else are we missing
- Robbins- Page 7, J, during operations and maintenance there is nothing for contamination testing while it is in operation.
- Galbraith we talk about periodic soil testing.
- Patoine, can we put a time instead of periodic
- Robbins what is meant by soil testing
- Rhames explained agricultural soil testing, the question is what are we going to be testing for
- Deschambault previously we had soil and water testing, water is missing. She wondered why it is no longer included.
- Rhames there would be no water on the site
- Patoine-what happens with these tests? They would be sent to Planning for Review
- Rhames Page 8B, setbacks used so that others cannot see the panels other towns have 450' this is much less than 450'
- Favreau, these are industry standards this has buffering and fencing
- Robbins 75' is not much and he has battled fenced and buffered it doesn't really buffer much
- Patoine, Page 7, I, how to handle complaints, who is the judge of "completely conceal"
- Galbraith the buffers can be made larger, we could change them, Planning Board, Policy Committee and/or Council can change it.
- Patoine, is frontline 150' too much? Angers agrees
- Galbraith, Favreau 125/125/150
- Deschambault Page 5 third line from the bottom "shall be encouraged" encouraged by whom? Can we remove that? Who are we encouraging, that's why we have a vote?
- Conlan-we are encouraging these panels to go on previously disturbed land
- Rhames talked about how they put panels on the median of the autobahn. There are 30 acres of flat roof in the City that would be perfect for the panels.
- Galbraith they have talked about putting them on the former landfill

- Conlan priorities, if you encouraged them to go along the highway they don't have to go to the trouble of buffering or recreating the land, priority #3 do we even want that as a priority, maybe there should only be 2 priorities and then the rest is prohibited.
- Robbins-is there something in the ordinance discouraging using wooded areas for the panels.
- Favreau it is in saving the habitat, wildlife is important to us.
- Priority 3 leave prohibited areas
- Angers who will determine the prohibited areas
- Galbraith we have that information on the GIS sites.
- Galbraith, there are a few areas that need to be revised. We make the changes and go to the Planning Board
- The changed ordinance will be sent to both committees once it has been completed. Any comments will be sent to Favreau changes will be changed and sent to the Planning Board.
- Schedule is to get it to the Planning Board on February 19th then onto Policy Committee in March then onto City Council
- "Shall be encouraged" will be removed.
- Rhames can we not call it a solar farm or garden; it is an industrial site.

3. Adjourn 6:45 PM

Planning Board Chair/Vice Chair

Date

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