

April 26, 2021

Peter Joseph  
Town Manager  
Town of Freeport  
30 Main Road  
Freeport, ME 04032



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Yarmouth, Maine 04096  
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**Re: Contract Zoning Memorandum  
Proposed Solar Facility  
0 US Route 1 (Lots 23-49 & 23-64)  
Freeport, ME 04032**

Dear Mr. Joseph,

On behalf of NBD Solar Maine, LLC, Hoyle, Tanner & Associates, Inc. is pleased to present this application for Contract Zoning pursuant to Section 204 of the Town of Freeport Zoning Ordinance. While there are understandable reasons for the Town limiting the size of solar arrays in this area, the subject property is uniquely able to avoid the type of impacts usually associated with larger solar development. It is particularly well-suited, both in terms of general location and immediate surroundings, to a solar development. The land in question has low conservation value due to its proximity to Route 1, and low commercial value due to its lack of frontage on Route 1. The development will be generously buffered to prevent views from surrounding properties and roadways. It will create almost no traffic impact to Route 1. In short, this proposal will allow residents of Freeport and surrounding communities to derive the benefit of solar energy without creating any significant impacts.

### **I. Subject Property**

The proposed development will occur on lots depicted on the Town's tax maps at Lots 23-49 and 23-64. The portion of the property to be developed is located within the Commercial 1 (C-1) and Rural Residence 1 (RR-1) zones. Access to the project will be via US Route 1, with secondary access from Stagecoach Road off an existing gravel access road. This property is located behind a number of commercial and light industrial uses, with substantial existing forested buffer between those uses and the subject property. The few neighboring residential properties are set far off from the proposed array and will be fully protected from impacts of the development through existing forested buffers which will be maintained.

### **II. The Project**

NBD Solar Maine, LLC seeks to construct an approximately 5.126 MWdc (4.990 MWac) solar array on the property. The solar array development area will cover 0.71 acres within the RR-1 zone, and 9.29 acres within the C-1 zone for a total of 10.0 acres.

### **III. Compliance with Zoning Ordinance**

#### **A. Purpose of Contract Zoning**

Section 204.1 authorizes contract zoning where, for reasons such as the unusual nature of the unique location of a proposed development, the Town Council finds it appropriate, in accordance with the Comprehensive Plan, and in the best interest of the town to rezone the property by agreement.

While the Town of Freeport has chosen to limit solar arrays to two acres in the C-1 zone, the location and buffering of this property are such that the impacts of this array will be minimized. The property is set a significant distance from residential uses, in an area that has been targeted in the Town's planning goals for light industrial development. It will be located behind a row of commercial and light industrial uses along Route 1. The existing treed buffer behind those uses and additionally proposed tree plantings will limit the sight of the array from Route 1. This site is ideal to allow for solar development to be concentrated in one compatible area of town, allowing for an overall reduction in the number of smaller ground-mounted and rooftop arrays that might otherwise be located throughout the town.

#### **B. Compatibility with Comprehensive Plan**

The Comprehensive Plan describes the Route One South corridor as containing "hospitality uses and a variety of light manufacturing and specialty businesses." (Comp. Plan at 33). The Plan puts emphasis on the visual character of the Route One corridor, suggesting that "buildings that aren't visible could be plainer buildings." The Plan's "Implementation Ideas" for the commercial area suggest, "developing more flexible regulations for commercial buildings provided that architectural and environmental standards are met and that access to the collector road is limited." The setback and screening of this project from Route 1 will meet the goals of the Comprehensive Plan. While there will be access from Route 1, vehicle trips needed for ongoing maintenance of a solar array are minimal. Further, the secondary access point from Stagecoach Road to access the project's inverters and other equipment will further minimize any impact on Route 1. It will not be visible from Route 1, avoiding any impact on visual character.

#### **C. Other Approval Factors**

##### **1. Sensitivity to the Environment**

Correspondence with the Maine Department of Inland Fisheries and Wildlife has determined the project will have no known adverse impacts to Maine-listed endangered or threatened species or habitats. It has little conservation value given its proximity to Route 1, lack of current recreational use, and lack of protected natural qualities.

## 2. Compatibility with Surrounding Properties

The closest abutting uses to the project are commercial and industrial in nature. The project will not detract from these uses in any way, nor deter customers from visiting those businesses. The array will only be minimally visible from these Route 1 businesses and will not be visible from Route 1. Spruce trees will surround the entire entrance area, save for the roadway itself, and existing forested buffer will be maintained along all other property boundaries.

## 3. Traffic Impact

Solar arrays in general do not create any significant traffic impact. This project is anticipated to create no more than 2 vehicle trips per month, and those trips will be spread between the two access points from Route 1 and Stagecoach Road. Once constructed, the facility will essentially be self-operational, and the facility will be remotely monitored on a continuous basis for any damage to equipment. Any damage to panels or electrical equipment will be repaired in a timely manner. Construction will occur over a relatively brief period of six months and will be primarily conducted via access from Route 1.

## 4. Appropriate Development Location

The development location is wooded, with no notable habitats or natural areas. Because of its location close to Route 1 it has minimal if any value as conservation land and is not presently used for outdoor recreation of any sort.

### **D. Proposed Contract Conditions and Restrictions**

In keeping with the above, and to ensure compatibility with the terms of the Ordinance and the Comprehensive Plan, we propose the following conditions and restrictions:

1. The property shall be used solely for a solar array of no more than 4.990 MWac and associated electrical equipment. The total area of development shall not exceed the area depicted on the development plan submitted with this proposal.
2. The solar array shall be fully fenced. Buffering shall be provided to include either existing forest located within the property boundaries, or newly planted trees of at least 7 feet in height. Buffering shall encompass at least 15 feet of buffer on all property lines. Additional buffer shall be provided as depicted on the development plan submitted with this proposal.
3. Access to the array shall be gated and locked. The access way from Route 1 shall be screened from view from Route 1 to the greatest extent practical, as depicted on the development plan submitted with this proposal.

4. The project shall be used as a community solar project, allowing residential and commercial power users within the Central Maine Power service area to make use of renewable energy through Maine's net metering program.

5. The project shall comply with all other provisions of the Town of Freeport Zoning Ordinance as well as other Town Ordinances.

**E. Other submissions**

The following additional materials are enclosed, in accordance with Section 204.5 and 203.A(4):

1. Plans showing current conditions and proposed development.
2. Statement of financial capacity

We trust the documents provided in this submission thoroughly detail the project and look forward to working with the Town of Thomaston further on this project. Please do not hesitate to contact us with any additional questions or comments regarding this project.

Sincerely,

**HOYLE, TANNER & ASSOCIATES, INC.**



Shawn M. Tobey, P.E.  
Project Manager

cc: Christian Loranger – NBD Solar Maine, LLC  
Jason Howe – Preti Flahert