



Planning Board Report
Major Site Plan and Special Exception for Smith Street Solar Project
Yarmouth Solar 1, LLC, Applicant
0 Lafayette Street, Map 5 Lot 15
Medium Density Residential (MDR), Low Density Residential (LDR), and Shoreland Overlay District (SOD)
Zoning Districts
Prepared by Erin Zwirko, Director of Planning and Development
Report Date: February 20, 2025; Planning Board Date: February 26, 2025

I. Project Description

New Leaf Energy, Inc., acting as Yarmouth Solar 1, LLC, has submitted a Major Site Plan and Special Exception Request for a commercial solar project located on property owned by the Roman Catholic Diocese. The proposed solar project is located on a portion of the property that is Holy Cross Cemetery with access from Smith Street. While the Diocese's property is approximately 47.59 acres, the cemetery use occupies only a small portion of the property (about 5 acres). New Leaf Energy has a lease agreement with the Diocese to develop a commercial solar project on approximately 12 acres with access from Whitcomb's Way as shown below.



Aerial photo with project location starred

The Applicant has provided this additional information regarding the project:

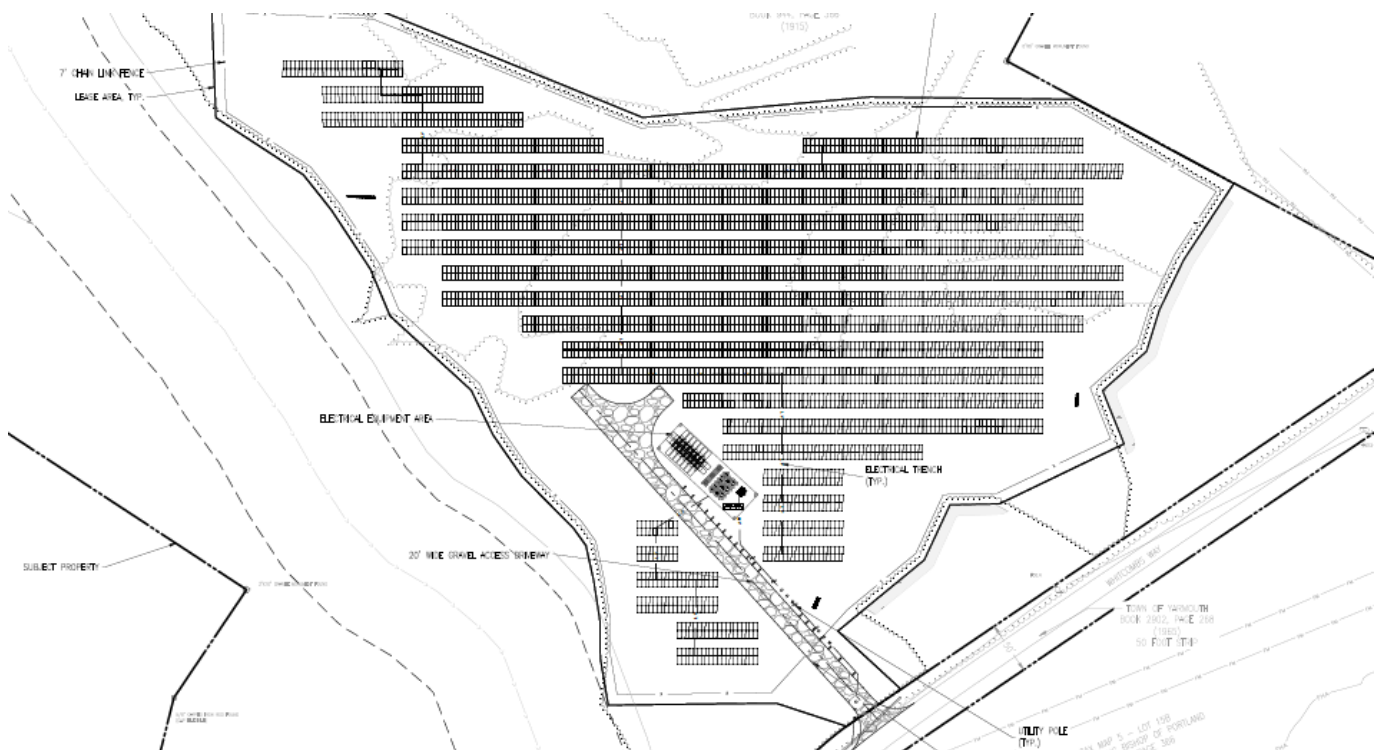
The project will be participating in the State of Maine's Net Energy Billing (NEB) program, as well as the ISO-NE Forward Capacity Market (FCM). The NEB program is to sell the power produced by the project to

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homeowners in CMP territory at a discounted rate to their existing electricity bills. It is estimated that the project can power over 400 Maine homes. The energy storage component of the project allows the project to store power produced during the day and discharge the power at night. It also makes the project viable through participation in the ISO-NE Forward Capacity Market (FCM). The FCM is a New England-level market (administered by ISO-NE) that is meant to ensure that the region will have the generating resources needed for reliability. The energy storage component of the project increases the amount of capacity the project can provide by enhancing the dispatchability and flexibility of the project.

While commercial solar projects are not a specific allowed use in the Zoning Ordinance, upon review that the project would participate in the Net Energy Billing program regulated by the Maine Public Utilities Commission, the use may be considered “Public Utilities”, which is a Special Exception Use identified in the Medium Density Residential (MDR) and the Low Density Residential (LDR) districts. The proposed project also requires review under Chapter 702, Site Plan Review, as a Major Site Plan. Chapter 701, Article VII.b.2.b.(1)(c.) states in part “...Any proposed special exception use that requires site plan review and approval by the Planning Board will not require General Board of Appeals review.” Therefore, the Planning Board has jurisdiction over the project to review the site plan and the special exception.

The proposed site plan is provided below:



II. Planning Board Review, Public Notice, and Comment

The Planning Board will complete a preliminary review of the Major Site Plan and Special Exception at the February 26, 2025, public hearing. No vote will be taken.

The Planning Board’s agenda was posted in Town Hall and on the Town’s website on February 12, 2025, and a notice appeared in the *Northern Forecaster* on February 20, 2025.

Notices of this public hearing were sent to 27 property owners in the vicinity (within 500 feet as required by Chapter 702) of the proposed project on February 5, 2025. As of the writing of this staff report, many comments have been received on this project, nearly all in opposition to the project. To briefly summarize the proposed comments, individuals have raised concerns related to tree and vegetation removal, the Royal River

and the adjacent salt hay marsh of Whitcomb's Creek, wildlife displacement, glare and noise pollution, compatibility with the adjacent cemetery uses and residential uses, and decommissioning. Comments from the public and from boards and committees are referenced throughout this report.

III. Completeness

The Department of Planning & Development found that the application was complete for preliminary review on January 30, 2025. There are many items that will need to be addressed prior to considering the application complete for a vote as outlined in this report.

IV. Uses in Vicinity

Surrounding Holy Cross Cemetery is the Riverside Cemetery, operated by a Board of Trustees, both located off of Smith Street, and the Yarmouth Wastewater Treatment Plant, located off of Whitcomb's Way. Immediately beyond the cemetery uses are residential neighbors located on Smith Street, Lafayette Street, Princes Point Road, and Whitcomb's Way. The Royal River and Whitcomb's Creek are also immediately adjacent to the property.

V. Site Plan Review Standards

Where the applicant has provided a response to the standards, it is reprinted below.

1. Conformance with Comprehensive Plan: The proposed development is located and designed in such a way as to be in conformance with the Town's Comprehensive Plan.

Staff Comments: In assessing the Comprehensive Plan and the Climate Action Plan for this project, it could be said that the project meets and does not meet the goals of these important long-range plans. In particular, the location is within the Growth Area of the Comprehensive Plan, a location where infrastructure and investment should be focused, but the intensity of the land clearing along the Royal River and Whitcomb's Creek, important ecological resources, is inconsistent with the desire to preserve and protect open spaces and critical natural resources. Similarly, the Climate Action Plan strives to transition away from fossil fuels but must be balanced with the other critical priorities such as ensuring that there is a thriving natural community.

Certainly, many of the public comments have pointed to the inconsistencies of the project with these two plans. Without performance standards for this use, Planning staff point to the comments summarized in this report as a way to benchmark important considerations that would aid in the Planning Board's determination of consistency.

2. Traffic: The proposed development will not cause unreasonable highway or public road congestion or unsafe conditions with respect to use of the highways, public road or pedestrian walkways existing or proposed. The Planning Board may require mitigation when the proposed development is anticipated to result in a decline in service, below level of service "c", of nearby roadways of intersections. Levels of service are defined by the 1985 Highway Capacity manual published by the Highway Research Board.

Applicant Comments: Post construction, this will be an unmanned operation that will be visited quarterly for maintenance activities; therefore, the proposed development will not negatively impact surrounding roads or traffic.

Staff Comments: Given the scope of the project, a traffic analysis may not be needed, and the Planning Board could consider a waiver of the submission of a traffic analysis. During construction, however, heavy vehicles are likely to access the property via Whitcomb's Way, including equipment transport trailers, logging equipment and trucks, concrete trucks, and other heavy vehicular loads. Whitcomb's Way is posted during the spring thaw conditions and loads in excess of 23,000 pounds are to be restricted on Whitcomb's

Way, which is a private road owned by the Town. A construction logistics plan may be necessary to ensure that there are no delays or disruptions to the residential neighbors and the Wastewater Treatment Plant.

Being that Whitcomb's Way is a private road owned by the Town, the applicant will need to determine whether they need to be granted rights to utilize the road. Further, the Town Engineer notes that the condition of Whitcomb's Way, with the exception of a portion that was reconstructed due to a culvert replacement, is poor with areas of settlement, alligator cracking, and pavement raveling. The Town plans to repaving the road from the intersection with Princes Point Road to the Wastewater Treatment Plant entrance. In lieu of requiring a sidewalk on Whitcomb's Way, the Town Engineer recommends, in consideration of the additional impact from heavy vehicles, that the applicant equally share in the cost of repaving. That amount is estimated at \$25,000 and would be recommended as a condition of approval at the appropriate time.

- 3. Parking and Vehicle Circulation: The proposed plan provides for adequate parking and vehicle circulation. The amount of dedicated parking provided on-site or within a reasonable walking distance from the site meets the requirements of ARTICLE II.H of the Zoning Ordinance (Off Street Parking and Loading), the size of the parking spaces, vehicle aisle dimensions and access points are in conformance with the Technical Standards of Section J of this document.**

Staff Comments: As noted above, the facility would be unmanned, although quarterly site visits would occur for maintenance activities. The facility would be accessed by a 20-foot gravel driveway that is approximately 400 feet long with a 10 percent grade over a portion of it. There is a turnaround proposed at the end of the access driveway. Presumably vehicles driven by maintenance staff would be able to park along the driveway. No sidewalks or bicycle parking is proposed and is likely inappropriate for the use.

- 4. Sanitary Sewerage: The proposed development will not cause an unreasonable adverse effect to the Municipal sewerage treatment facilities and will not aggravate and existing unhealthy situation such as the bypassing of untreated sewerage into Casco Bay, the Royal River, or its tributaries. If a subsurface wastewater disposal system is to be used, the system conforms to the requirements of the State Plumbing Code.**

Applicant Comments: The proposed development is a solar field and will therefore not generate wastewater. The development will not have an impact on the municipal sewerage treatment facility.

Staff Comments: Town Staff agree with this assessment.

- 5. Water: The proposed development will not cause the depletion of local water resources or be inconsistent with the service plan of the Yarmouth Water District.**

Applicant Comments: The proposed development is a solar field and does not require a water supply; therefore, this section is not applicable.

Staff Comments: Town Staff agree with this assessment.

- 6. Fire Safety: The proposed development is located and designed in such a way as to provide adequate access and response time for emergency vehicles or mitigates inadequate access or response time by providing adequate fire safety features such as but not limited to fire lanes, smoke and fire alarms and sprinkler systems, as part of the proposed development.**

Applicant Comments: The solar farm has been designed with a 20' access road to provide emergency vehicles with access to the site in the event of an emergency. The proposed access gate will include a Knox-Box to ensure the fire department can assess the site, as necessary.

Staff Comments: The Fire Chief and Police Chief have not provided feedback on the application to date. While the Knox Box is typically required by the Fire Chief, the access road is steeply graded (approximately 10% slope), and the Fire Chief may want to weigh in on the whether the grading is appropriate for emergency vehicles. Site Plan Review allows driveways of up to 10% grade over the entire length.

- 7. Buffering: The proposal provides for adequate on-site buffering in the vicinity of property boundaries, when required by this subsection. On-site buffering is required wherever commercial, industrial or mixed use developments are proposed adjacent to or across a street from residential districts or agricultural uses, where multi-family buildings are to be located adjacent to single family uses or districts, and when required by ARTICLE IV.S.3 of the Yarmouth Zoning Ordinance (Mobile Home Park Performance Standards). Buffer areas shall consist of an area ranging from a minimum of five feet to a maximum of twenty-five feet in width, adjacent to the property boundary, in which no paving, parking or structures may be located. The Planning Board may allow a buffer area of less width when site conditions, such a natural features, vegetation, topography, or site improvements, such as additional landscaping, beaming, fencing or low walls, make a lesser area adequate to achieve the purposes of this Section. Landscaping and screening, such as plantings, fences or hedges, are to be located in buffer areas to minimize the adverse impacts on neighboring properties from parking and vehicle circulation areas, outdoor storage areas, exterior lighting and buildings.**

Applicant Comments: The site will only be cleared as necessary to facilitate the proposed development. The proposed security fence is set 5 feet off of the northeastern property line for approximately 165 feet. The section of the development will only maintain a 5-foot vegetated buffer. Otherwise, the entirety of the development will maintain at least a 20-foot vegetated buffer. Please refer to the Proposed Site Plan included later in this application which shows the proposed limits of clearing.

Staff Comments: In review of this criteria, the buffers required for natural areas are going to be more significant than the minimal buffer required by this standard, which is focused on buildings that are actively used versus the proposed project which would not be an active site following construction. Please see the discussion below under Natural Areas.

- 8. Natural Areas: The proposal does not cause significant adverse impacts to natural resources or areas such as wetlands, significant geographic features, significant wildlife and marine habitats and natural fisheries. The proposal is consistent with the recommendations of the Maine Department of Inland Fisheries and Wildlife as found in the document titled “The Identification and Management of Significant Fish and Wildlife Resources in Southern Coastal Maine,” February 1988.**

Applicant Comments: Please refer to Exhibit 17 for MNAP correspondence. No rare or natural features were identified in the project area.

Staff Comments: The Applicant completed a site conditions report provided at Exhibit 16 that found the following: *Natural resource surveys have been completed on the approximately 20-acre Site located at the end of Smith Street in Yarmouth, Maine. Haley Ward identified two wetlands on the Site. One stream is located adjacent to the southwestern Site boundary. The project area is within the range of two federally protected species; roseate tern (endangered) and Northern long-eared bat (endangered). The nearest State Significant Wildlife Habitat is exemplary natural communities: a salt-hay saltmarsh and a tidal wading bird and waterfowl habitat, located 0.05 miles south of the Site. While the report does not identify Wetlands of Special Significance (WOSS) on the project site, the salt-hay marsh associated with Whitcomb’s Creek is a WOSS.*

The Maine Department of Inland Fisheries and Wildlife (MDIFW) and the Maine Natural Areas Program were also consulted, and the agency correspondence is in Exhibit 17.

MDIFW recommends the following:

- The Applicant reach out to the US Fish and Wildlife Service to obtain guidance regarding endangered, threatened, and special concern bat species that may be present in the project area and incorporate into the project plans. The Applicant notes in Exhibit 16 that there is no habitat on the project site;
- The Applicant incorporate best practices related to Tidal Waterfowl Wading Bird Habitat that is associated with the Royal River adjacent to the project site. While the agency does not have a firm buffer identified, the Applicant should demonstrate that the project is minimized as much as possible to achieve project goals;
- The Applicant utilize wildlife permeable fencing and monitor for wildlife traps. The Applicant's detail for wildlife fencing shows a 6-inch gap which is less than the recommendation and the Operations and Maintenance Plan should be updated to include trapped wildlife monitoring and/or to incorporate the other best practices identified by MDIFW.

The Maine Natural Areas Program recommends an undisturbed and vegetated buffer of at least 250-feet is maintained around the Salt-hay Saltmarsh and the Royal River, that undisturbed and vegetated buffers of at least 75-feet are maintained around any streams on the site, and that Best Management Practices for erosion control are followed for any clearing at this site. MDIFW recommends a 100-foot buffer from streams. It appears that there is a location where the fence line meets the 75-foot buffer, but not the 100-foot buffer, and it is unclear whether the 250-foot buffer from the salt-hay saltmarsh is incorporated into the project plans. This should be confirmed, and the project plans be adjusted to meet these recommendations as needed.

While there are areas of wetland within the project, there are wetlands immediately outside of the project limits that require an undisturbed buffer of 25 feet per Chapter 701, Article II.AA. This requirement must be incorporated.

As noted by many commentors, addressing these agency comments, minimizing the disturbance, and taking all steps to reduce the impact on the adjacent natural areas must be incorporated into the project plans. In particular, to better assess the proposed project, the Applicant must better coordinate the areas of tree removal and disturbance, the steep slopes, and the required buffers as outlined by the Parks and Lands Committee because it appears that the disturbance is greater than the actual need to operate the proposed project.

9. Lighting: The proposal shall provide exterior lighting sufficient for the safety and welfare of the general public while not creating an unsafe situation or nuisance to neighboring properties or motorists traveling nearby roadways.

Applicant Comments: The solar farm will not include any exterior lighting; therefore, this section is not applicable.

Staff Comments: The Town staff agree with this assessment. However, many public comments have noted that glare is a concern and a potential nuisance. The Applicant notes that to minimize impacts from glare, tree clearing will only be what is necessary to minimize shading the panels. The Applicant does not expect that the project would produce significant glare. The discussion on glare is related to buffers as discussed elsewhere in this report.

10. Storm Water Management: The plan provides for adequate storm water management facilities so that the post development runoff rate will be no greater than the predevelopment rate or that there is no adverse downstream impact. Proposed storm water detention facilities shall provide for the control of two year and twenty-five year storm frequency rates. The design, construction and maintenance of private facilities are maintenance of private storm water management facilities.

Applicant Comments: The pre-development site is undeveloped woodland, with some existing logging trails. Soils on the site per the USDA web soil survey and a high intensity soils survey, are classified as hydrologic group C. The western half of the site drains to the west and discharges directly to Whitcomb's Creek. The eastern half of the site drains to the east to wetlands along Whitcomb's Way, which ultimately drains to Whitcomb's Creek. Based on results of the HydroCAD, it is expected that stormwater runoff from the site will be similar or lessened in post-development conditions as in pre-development conditions. Overall, it is expected that runoff from the site will be similar to post-development conditions and a similar stormwater runoff will be realized.

Staff Comments: Exhibit 14 of the application materials contains the Stormwater Management Plan. The proposed project is a 7.84 solar array and access driveway that will result in less than one acre of new impervious area and five acres of developed area. The area under the solar panel arrays will be restored as meadow buffer, which is consistent with Maine Department of Environmental Protection (MaineDEP) guidance. In addition to the town's local permitting process, the project will require review by Maine DEP pursuant to Stormwater Permit-By-Rule (PBR) and Basic (erosion) Standards. Stormwater PBR projects demonstrate intent to generally comply with the Maine Construction General Permit (MCGP).

The Town requested that Acorn Engineering provide peer review services to support the Planning Board's review of the stormwater management and erosion control materials. There are several technical comments in Acorn Engineering's memorandum that must be addressed with a future submission. Further, there are comments from the Parks and Lands Committee and the Sustainability Coordinator regarding the stormwater management plan that must be addressed.

11. Erosion and Sedimentation Control: The proposed development includes adequate measures to control erosion and sedimentation and will not contribute to the degradation of nearby streams, watercourses or coastal lowlands by virtue of soil erosion or sedimentation. The erosion control measures are to be in conformance with the most current edition of the "Environmental Quality handbook, Erosion and Sedimentation Control", prepared by the Maine Soil and Water Conservation Commission.

Applicant Comments: The proposed construction will require the implementation of temporary and permanent erosion control measures. These measures will be implemented in accordance with the Maine Erosion and Sediment Control Best Management Practices (BMPs) Manual, prior to removal of any on-site vegetation or disturbance of any on-site soil. The general erosion and sediment control specifications and details, as provided within this section, are intended to describe measures to be used by contractors working on the site to maintain compliance with the standards established in the BMPs. These standards include information on temporary and permanent erosion control measures, rates of seeding and applied mulch, slope and soil stabilization, effect of construction schedule, and other details.

Staff Comments: Exhibit 15 of the applicant materials contains the Erosion and Sedimentation Plan. The Town requested that Acorn Engineering provide peer review services to support the Planning Board's review of the stormwater management and erosion control materials. Acorn Engineering notes that the project will need to comply with the Maine Construction General Permit (MCGP) as a large construction activity. The applicant must prepare a statement demonstrating how the project will adhere to the MCGP standards, including the preparation of a Stormwater Pollution and Prevention Plan (SWPPP) and a maximum "open disturbed area" of 5 acres. In addition, the Operations and Maintenance Plan must include post-construction inspection and corrective maintenance information for all relevant stormwater and erosion control components. These comments must be addressed with a future submission.

As with all projects, prior to soil disturbance, the applicant shall install the appropriate erosion and sedimentation control (ESC) BMPs. It is also important that the BMPs be inspected before and after each rainstorm per MaineDEP standards. A log of the inspection activities shall be kept by the contractor per

standards. A recommended condition of approval is that all BMPs be installed prior to the disturbance of site soils and vegetation and no track out will be allowed.

- 12. Buildings: The bulk, location and height of proposed buildings or structures will not cause health or safety problems to existing uses in the neighborhood, including without limitation those resulting from any substantial reduction to light and air or any significant wind impact. To preserve the scale, character, and economy of the Town in accordance with the Comprehensive Plan no Individual Retail use with a Footprint greater than 55,000 square feet shall be permitted. Structures defined as Shopping Centers shall be limited to a Footprint of 75,000 square feet. When necessary to accommodate larger projects, several Individual Retail Structures with Footprints of not more than 55,000 square feet each may be placed on the same lot, provided that all other standards are met. No less than 40 feet shall be allowed as separation distance between buildings. Efforts to save and plant native trees between and among structures shall be encouraged.**

Applicant Comments: The proposed development does not include any buildings; therefore, this section is not applicable.

Staff Comments: Town Staff agree with this assessment.

- 13. Existing Landscape: The site plan minimizes to the extent feasible any disturbance or destruction of significant existing vegetation, including mature trees over four (4) inches in diameter and significant vegetation buffers.**

Applicant Comments: As mentioned, the proposed solar farm will be cleared, as necessary. No existing vegetation will remain within the limits of clearing shown on the Proposed Site Plan.

Staff Comments: In order to facilitate the development of the project, a significant amount of land will need to be cleared and will be reestablished with a meadow seed mix. As noted by the Tree Advisory Committee in their comments, *“Tree species currently on the site include pine, fir, oak, poplar, maple and locust, including potential maternity roost trees for bats and other endangered species. Losing 8 acres of forest canopy can significantly impact the environment by causing habitat loss for wildlife, disrupting local water cycles, increasing soil erosion, contributing to climate change through reduced carbon sequestration, and potentially altering local microclimates, potentially affecting nearby ecosystems and biodiversity.”* This is a significant concern of Town staff and the public comments offered on this project.

In order to support the Planning Board in considering this project in relation to this criterion, the applicant must:

- Demonstrate that the clearing of natural vegetation is limited to what is necessary for the construction, operation, and maintenance of the project, including the reasonable need to maximize solar capacity;
- Discussion of any off-site vegetation clearing necessary to support the project;
- Assessment of any prime agricultural soil or significant topsoil that will be required to be removed; and
- Development of a vegetation management plan that focuses on integrated pest management strategies as outlined by the Sustainability Coordinator in her comments and in the agency comments from the MDIFW.

- 14. Infrastructure: The proposed development is designed so as to be consistent with off premises infrastructure, such as but not limited to sanitary and storm sewers, waste water treatment facilities, roadways, sidewalks, trail systems and street lights, existing or planned by the Town.**

Applicant Comments: The proposed access roadway and utilities have been designed to be consistent with off-premises infrastructure. The proposed access roadway has been set at 2% for the first 25 feet to

provide a smooth transition onto Whitcomb's Way. The proposed electrical utilities will tie into the Overhead Electric that runs down Whitcomb's Way.

Staff Comments: See the comments under Utilities related to infrastructure and under Stormwater Management and Erosion and Sediment Control regarding drainage. Additionally, the applicant shall coordinate with the Fire Chief regarding the slope of the access road, which is estimated at 10%. Site Plan Review otherwise allows this grade for driveways.

Some public comments, supported by the Town staff and the Sustainability Coordinator, have noted that the Town has had long-standing plans to provide new pathway connections throughout Town as envisioned as far back as the 1988 Public Access and Recreation Plan. As envisioned in that Plan, the Town desired to create a pathway between Lafayette and Gilman Road in order to provide an alternative for bicyclists and pedestrians that do not want to use Princes Point Road. In recognition of that goal, the applicant will need to grant a 15- to 20-foot wide pathway easement to the Town and construct a pathway along the property line of the Wastewater Treatment Plant. The purpose of the easement would be the installation of a multi-use pathway that would connect Smith Street to Burbank Lane on the opposite side of Whitcomb's Creek tidal marsh. There are public access connections identified in the Burbank Farm Subdivision.

15. Advertising Features: The size, location, design, color, texture, material and lighting of all permanent signs and outdoor lighting fixtures are provided with a common design theme and will not detract from the design of proposed buildings or neighboring properties.

Applicant Comments: The solar farm will not include any advertising features; therefore, this section is not applicable.

Staff Comments: Town Staff agree with this assessment.

16. Design Relationship to Site and Surrounding Properties: The proposed development provides a reasonably unified response to the design constraints of the site and is sensitive to nearby developments by virtue of the location, size, design, and landscaping of buildings, driveways, parking areas, storm water management facilities, utilities storage areas and advertising features.

Staff Comments: See the comments under Buffering and Natural Areas regarding buffers.

17. Scenic Vistas and Areas: The proposed development will not result in the loss of scenic vistas or visual connection to scenic areas as identified in the Town's Comprehensive Plan.

Applicant Comments: The proposed development is not located around any scenic vistas as identified in Figure 8.1 of the Yarmouth Comprehensive Plan. Moreover, the development will not result in the loss of scenic vistas or connection to scenic areas.

Staff Comments: The Comprehensive Plan identifies that the woods and fields along Princes Point Road are considered a scenic area, as well as views along the Royal River. While the lease area does not go right up to Princes Point Road, the closest point of tree clearing would be approximately 950 feet away. Similarly, tree clearing is approximately 500 feet from the Royal River. Additional studies about how the tree clearing would impact these scenic views may be warranted.

18. Utilities: Utilities such as electric, telephone and cable TV services to proposed buildings are located underground except when extraordinary circumstances warrant overhead service. Propane or natural gas tanks are located in safe and accessible areas, which are properly screened.

Applicant Comments: Single phase, 240-volt overhead power runs along Whitcomb's Way. The proposed solar field will tie to the existing power line. Proposed electrical utilities need to be overhead in order to tie into the existing power line which runs down Whitcomb's Way. No other utilities are included as part of the proposed development.

Staff Comments: The Site Plan criteria requires that new utilities be located underground. The applicant shall provide for an underground connection to the existing power lines and make the requisite plan updates for a future submission. Alternatively, if the Planning Board finds that there are extraordinary circumstances, the Planning Board may allow overhead connections.

The Town Engineer notes that there is three-phase power on Whitcomb's Way, which supports the Wastewater Treatment Plant.

19. Technical Standards: The proposed development meets the requirements of ARTICLE I.J (Technical Standards) of this Ordinance, except as waived by the Planning Board.

Applicant Comments: The proposed site has been designed in accordance with the Town of Yarmouth's Technical Standards, as applicable.

Staff Comments: The applicant will need a waiver from the submittal of a traffic analysis, which is generally supported by Town staff. Other technical standards, such as buffering, are discussed elsewhere in this report.

20. Route One Corridor Design Guidelines: Notwithstanding the technical standards of this ordinance and the requirements of Article II, General provisions of the Zoning Ordinance, development and redevelopment within the "C", Commercial and "C-III", Commercial II districts shall be consistent with the Route One Corridor Design Guidelines, as approved August 19, 1999.

Applicant Comments: The proposed development is not located with the Route One Corridor; therefore, this section is not applicable.

Staff Comments: Town Staff agree with this assessment.

21. Right, Title and Interest: The applicant has sufficient right, title or interest in the site of the proposed use to be able to carry out the proposed use.

Staff Comments: The Applicant has submitted adequate evidence of right, title, and interest in the parcel.

22. Technical and Financial Capacity: The applicant has the technical and financial ability to meet the standards of this Section and to comply with any conditions imposed by the Board pursuant to ARTICLE I.I

Staff Comments: The Applicant has provided a narrative regarding the financial ability in Exhibit 8 and a narrative regarding technical capacity in Exhibit 9. The Climate Action Board identified additional information that may be necessary to support understanding the financial capacity of the project including:

- Interconnection Agreement with CMP;
- Requirement that a future owner provide a Statement of Financial Capacity and solar project track record (could be a future condition of approval);
- Construction waste recycling plan and equipment maintenance plan;
- Emergency response plan; and
- Decommissioning plan.

A project of this type would require a performance guarantee in the form of a letter of credit or cash if it is approved that is managed by the Town Engineer per Chapter 702, Article I.O.

23. Special Exception Standards:

- a. **The proposed use will not create unsanitary or unhealthful conditions by reason of emissions to the air, or other aspects of its design or operation.**
- b. **The proposed use will not create public safety problems which would be substantially different from those created by existing uses in the neighborhood or require a substantially greater degree of municipal police protection than existing uses in the neighborhood.**
- c. **The proposed use will be compatible with existing uses in the neighborhood, with respect to visual impact, intensity of use, proximity to other structures and density of development.**
- d. **If located in a Resource Protection District or Shoreland Overlay Zone, the proposed use (1) will conserve visual points or access to water as viewed from public facilities; (2) will conserve natural beauty; and (3) will comply with performance standards of Article II of Chapter 701, Zoning Ordinance.**

Staff Comments: As noted in the introduction, please see the discussion below regarding the Special Exception standards outlined in Chapter 701, Article VII.B.2.b.(1)(d.).

VI. Special Exception Standards

- 1. The proposed use will not create unsanitary or unhealthful conditions by reason of sewage disposal, emissions to the air or water, or other aspects of its design or operation.**

Staff Comments: The proposed project does not require sewage disposal and will not have any emissions to the air or water. The public comment on the project has identified concerns about glare and noise emissions. Exhibit 21 of the application materials indicate that the potential glare and noise will not have any adverse impacts.

Regarding noise, the noise emitted from the proposed project was compared to the Industrial Performance Standards for noise found in Chapter 701, Article IV.A.6. The standard states: *"Noise is required to be muffled so as not to be objectionable due to the intermittence, beat frequency, or shrillness. Noise may equal but not exceed, during any consecutive 8-hour period an average of 75 decibels at 600 cps measured at any boundary line. During the peak activity of 60 minutes in a 24-hour period a noise may not exceed 100 decibels at 600 cps when measured at the source."* In the absence of specific solar standards, the industrial performance standards could be appropriate. For reference 75 decibels is a dishwasher or a vacuum; 100 decibels is landscaping equipment or a night club. The Applicant states that the noise emitted at the property line will be approximately 36.5 decibels, which is about a suburban area at night.

- 2. The proposed use will not create unsafe vehicular or pedestrian traffic conditions when added to existing and foreseeable traffic in its vicinity.**

Staff Comments: See the comments above regarding Traffic and Parking and Vehicular Circulation.

- 3. The proposed use will not create public safety problems which would be substantially different from those created by existing uses in the neighborhood or require a substantially greater degree of Municipal fire or police protection than existing uses in the neighborhood.**

Staff Comments: Although the proposed project is unlike the other uses in the immediate area, it is not expected to create any significant public safety problems. However, the Applicant must submit an emergency response plan for the proposed project.

- 4. The proposed use will not result in unreasonable sedimentation or erosion, or have an adverse effect on water supplies.**

Staff Comments: See the comments above regarding stormwater management, erosion and sedimentation control, Existing Landscape, and Natural Area.

- 5. The proposed use will be compatible with existing uses in the neighborhood, with respect to physical size, visual impact, intensity of use, proximity to other Structures and density of development.**

Staff Comments: The proposed use is unlike any of the other uses in the immediate area. There are sensitive residential and cemetery uses in the immediate area that must be protected through ensuring that the operation of the facility will not cause any detrimental impacts. In addition, there is significant concern as described elsewhere in this report regarding the impact to the natural environment, especially the Royal River and Whitcomb's Creek, due to the substantial land clearing that will occur to support the proposed project.

The Applicant indicates that the size of the project has been minimized. Elsewhere in this staff report there are notes regarding incorporating appropriate buffers and ensuring that the Planning Board has the opportunity to review logistical information that would help inform a decision regarding this project. At this stage, there is not enough information to determine whether the use can be compatible with the existing uses.

- 6. If located in a Resource Protection District or Shoreland Zone, the proposed use (1) will not result in damage in spawning grounds, fish, aquatic life, bird and other wildlife habitat; (2) will conserve Shoreland Vegetation; (3) will conserve visual points or access to water as viewed actual points of access to waters; (5) will conserve natural beauty; (6) will avoid problems associated with flood plain development and use; and (7) will comply with the performance standards of Article II of this Ordinance.**

Staff Comments: The Shoreland Overlay District and the Resource Protection District limits must be shown on the plan. In particular, there is Shoreland Areas and Resource Protection associated with the Whitcomb's Creek that crosses Whitcomb's Way that will need to be assessed for permitting requirements. Currently, the Planning Staff cannot determine if the area of the access driveway is located in the Shoreland Overlay District. However, elsewhere in this report describes some of the concerns related to this standard, in particular wildlife and vegetation, natural beauty, and buffers.

- 7. The applicant has sufficient right, title or interest in the site of the proposed use to be able to carry out the proposed use.**

Staff Comments: See the comments above regarding Right, Title, and Interest.

- 8. The applicant has the technical and financial ability to meet the standards of this Section.**

Staff Comments: See the comments above regarding technical and financial capacity.

VII. Recommendation

There are many details that need to be addressed still that are outlined in this staff report including, but not limited to:

1. Provide a construction logistics plan;
2. Coordination with the Fire and Police Chiefs to prepare an Emergency Response Plan;

3. Updating plans to illustrate the various buffers required or recommended including the extent of the Resource Protection District and the Shoreland Overlay Zone;
4. Coordinate with US Fish and Wildlife regarding any best practices for the protection of bat species;
5. Update the wildlife fencing detail to be consistent with the MDIFW recommendations and include wildlife monitoring in the Operations and Maintenance Plan and/or incorporate shorter fence segments;
6. Demonstrate that the clearing of natural vegetation is limited to what is necessary for the construction, operation, and maintenance of the project, including the reasonable need to maximize solar capacity;
7. Respond to the technical comments from Acorn Engineering, Parks and Lands Committee, and the Sustainability Coordinator regarding stormwater management and soil erosion and sedimentation control;
8. Discussion of any off-site vegetation clearing necessary to support the project;
9. Assessment of any prime agricultural soil or significant topsoil that will be required to be removed; and
10. Development of a vegetation management plan that focuses on integrated pest management strategies as outlined by the Sustainability Coordinator in her comments and in the agency comments from MDIFW;
11. Address the request for a public access easement;
12. Prepare visual studies to document how tree clearing would impact the scenic vistas and areas;
13. Provide additional documentation support of technical and financial capacity; and
14. Addressing plan review comments.

There may be other items that come up during this initial review from Planning Board members or the public that also require consideration and response from the Applicant.

VIII. Attachments:

1. Steve Johnson, Town Engineer – Memo dated February 14, 2025
2. Erik Street, DPW Director – Memo dated February 13, 2025
3. Acorn Engineering, Peer Review – Memo dated February 14, 2025
4. Parks and Lands Committee – Email dated February 14, 2025
5. Tree Advisory Committee – Memo dated February 14, 2025
6. Meddy Smith, Sustainability Coordinator – Memo dated February 13, 2025
7. Public Comment – Ann Ball & Dennis Welsh, February 15, 2025
8. Public Comment – Adam Morin, February 17, 2025
9. Public Comment – Anne Turner, February 13, 2025
10. Public Comment – Barbara Pires, February 13, 2025
11. Public Comment – Bren Goode, February 19, 2025
12. Public Comment – Charlene Ferguson, February 15, 2025
13. Public Comment – Carol Hamalainen, February 18, 2025
14. Public Comment – Chris Stetson, February 18, 2025
15. Public Comment – Debbie & Barry Godowsky, February 18, 2025
16. Public Comment – Dayna Klein, February 14, 2025
17. Public Comment – Dan Ostrye, February 18, 2025
18. Public Comment – Denis Blanchette, February 12, 2025
19. Public Comment – Edward Ashley, February 18, 2025
20. Public Comment – Jill Fulton, February 18, 2025
21. Public Comment – Jason Prince, February 14, 2025
22. Public Comment – Kerry Stetson, February 13, 2025
23. Public Comment – Jeff & Lisa Hook, February 17, 2025
24. Public Comment – Matt Cardente, February 18, 2025

- 25. Public Comment – Stacey Chase, February 13, 2025
- 26. Public Comment – Sarah Norsworthy, February 16, 2025
- 27. Public Comment – Smith Street Petition, February 17, 2025
- 28. Public Comment – Tammy & Lucy DeRoche, February 17, 2025
- 29. Public Comment – William Pires – February 15, 2025



TOWN OF YARMOUTH
MEMORANDUM

TO: Erin Zwirko, AICP, Director of Planning
FROM: Steven Johnson, P.E., Town Engineer
DATE: February 14, 2025
RE: Major Site Plan Application for Solar Farm off Whitcomb's Way

Erin:

I have reviewed the subject application from Drew Olehowski, P.E. of Haley Ward submitted on behalf of Yarmouth Solar 1, LLC for a proposed new solar array adjacent to Whitcomb's Way dated January 21, 2025. I have the following technical comments:

1. General Description: The applicant proposes to develop a one-megawatt solar array on an undeveloped 7.38-acre portion of a 48-acre site owned by the Catholic Diocese that is currently being used as a cemetery. The parcel is Map 5 Lot 15.
 - a. General topography. Generally, the proposed development envelope is wooded with mature trees, undergrowth and areas of wetlands and steep slopes. The parcel borders Whitcomb's Way, the Town's wastewater plant parcel, the Royal River and Riverside Cemetery and slopes generally from the northwest to the southeast toward Whitcomb's Brook.
 - b. Location of Flood Plain The project is not located within the flood plain.
 - c. Location of zoning district boundaries. The project is located within the Medium Density Residential (MDR) zone and potentially within a portion of the Shoreland zone. The applicant shall confirm that the road entrance and proposed southerly solar arrays are located outside the Shoreland zone. If not, a Shoreland Zone application should be submitted.
2. Right, Title and Interest: The applicant has submitted adequate evidence of right, title, and interest to perform the project.
3. Solid Waste: The applicant has indicated that once construction is complete the project will not generate municipal solid waste. During construction all waste materials will be managed per regulation.
4. Water: Not applicable.

5. Traffic and Parking. The applicant has indicated that once construction is complete, there will likely be only quarterly visits by technical and maintenance staff and as such, will not impact the capacity of area road networks. I concur with this assessment and as such recommend that the Planning Board support a waiver to the requirement of a Traffic and Parking analysis. However, during construction, I anticipate many heavy construction vehicles will be utilizing Whitcomb's Way, including equipment transport trailers, logging equipment and trucks, concrete trucks, and other heavy vehicular loads. The applicant should note that no loads in excess of 23,000 pounds will be allowed on Whitcomb's Way during spring thaw conditions. These construction activities shall be scheduled around posting times.
6. Sewer Not applicable
7. Storm Drains: All storm drain infrastructure shall meet Town standards and a note to this effect should be placed on the drawings.
8. Drainage and Stormwater Management: The applicant has submitted a stormwater management analysis and Stormwater Operations and Maintenance Plan that has been peer reviewed by Acorn Engineering, Inc (Acorn). The project will disturb approximately 7.38 acres and create 0.32 acres of new impervious surface. The applicant shall address all comments outlined in Acorn's letter to me dated February 14, 2025 (attached) as part of the final submission. Addressing these comments adequately shall be a condition of approval.
9. Erosion and Sediment Control Management: The applicant has submitted an acceptable Erosion and Sedimentation Control Management Plan and has included ESC BMPs on the construction drawings. It should be noted that prior to the start of all site construction activities or the disturbance of existing vegetation all ESC BMP's must be in place.
10. Soils: The applicant has submitted a high intensity soil survey for the project site. The site soils consist of Windsor loamy sand (WmB) and appears to be conducive to the proposed project including both construction and stormwater management.
11. Site Plan Ordinance Requirements: I have no concerns regarding the Site Plan Ordinance Requirements. I will note that Whitcomb's Way maintains three phase power.
12. Lighting: The applicant has not proposed lighting for the project site. This is acceptable.
13. Waivers: The applicant is not requesting a waiver of the submission of a traffic analysis. However, I recommend that the Planning Board waive this requirement.
14. Off-site improvements: Whitcomb's Way is considered a private road, (owned by the Town), that serves the Town's wastewater plant. With the exception of a small segment of roadway reconstructed last year as the result of a culvert replacement project, the road is in poor condition with areas of settlement, alligator cracking and pavement raveling. The Town is planning to re-paving the road from the intersection at Princes Point Road to the plant entrance. In lieu of requiring the applicant to construct a sidewalk along the parcel frontage as has been past practice, I would recommend that the applicant share in the cost of this paving work. I estimated this cost share to be \$25,000 which is 50% of the paving cost from the Princes Point intersection to the proposed new entrance of

the solar farm. I recommend that this \$25,000 contribution be a condition of approval.

15. Drawing Comments:

- a. Sheet C-0.0, Civil Notes
 - i. General note 6 should be updated to refer to Whitcomb's Way rather than Route 1.
- b. Sheet C-1.0 Existing Conditions Plan
 - i. The two sewer force mains are shown installed far outside the Whitcomb's Way right of way. The mains should be drawn within the ROW;
 - ii. The drawings should be updated to include Wastewater Plant 4" diameter plastic water service as well as the Wastewater Plant SCADA direct burial cable that is located within the northwesterly shoulder of Whitcomb's Way. I would be happy to facilitate field marking the infrastructure such that the data can be field collected.
- c. Sheet C-3.0 Site Plan
 - i. See bi and bii above;
 - ii. The drawing appears to show the service connection to be overhead from the solar farm to the existing three phase, 480-volt overhead power on Whitcomb's Way. Per Yarmouth code, the service connection is required to be underground.
- d. Sheet C-4.0
 - i. See bi and bii above.
 - ii. The proposed new culvert at the site entrance shall have at least 4 feet of lateral separation from the existing SCADA data cable located in the road shoulder;
 - iii. All slopes greater than 2:1 shall be protected with Turf Reinforcement Mat (TRM) or approved similar BMP.

I would be happy to review any additional aspects of the project you or the Planning Board may require.



MEMORANDUM

To: Erin Zwirko -AICP, LEED AP - Director of Planning & Development

From: Erik S. Street, Director of Public Works 

CC: Steve Johnson, PE, Town Engineer, Wendy Simmons, Karen Stover

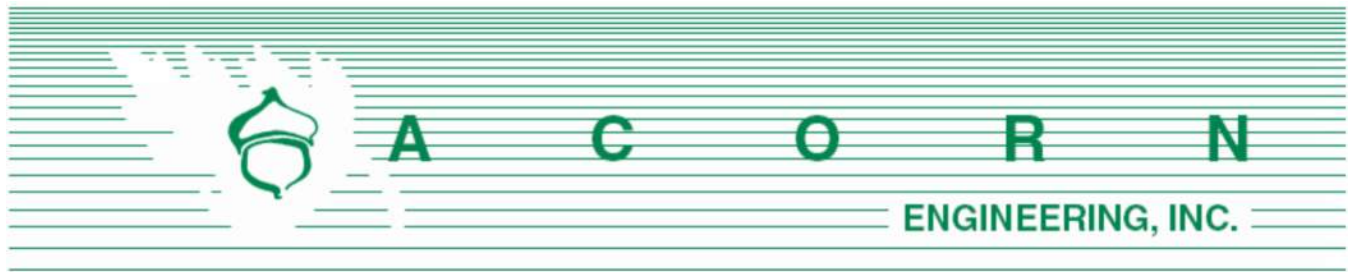
Date: 2/13/25

Re: Solar Farm -Map 5/Lot 15 -Major Site Plan Review

-
1. **General:** Applicant is proposing to construct a solar farm on Map 5/lot 15, a 47.59-acre site owned by the Roman Catholic Bishop of Portland. The project will include solar panels, access road, security fencing and stormwater features.
 2. **Rights, Title:** No Concerns.
 3. **Easements:** N/A
 4. **Homeowner Associations / Road Maintenance Agreements.** Do they need an agreement with the Town to use Whitcomb's Way, which is a private road by the Town? Cost share or maintenance agreement?
 5. **Financial Capacity:** No Concerns.
 6. **Technical Ability:** No Concerns.
 7. **Solid Waste:** The project will only produce construction waste, which will be handled by private contractors. Material generated from this project is not eligible to go to the Yarmouth Transfer Station.
 8. **Water:** N/A

9. **Traffic / Parking:** The project will produce some construction traffic, but once constructed, only a small amount of maintenance traffic will be required.
10. **Storm Drains:** No Concerns.
11. **Drainage, Stormwater Management:** No Concerns.
12. **Sewers:** N/A
13. **Erosion and Sediment Control:** A sufficient EOS plan has been provided. All BMP's must be in place prior to construction. Track out from site onto Whitcombs Way is not allowed.
14. **Soils:** No Concerns.
15. **Site Plan / Ordinance Requirements:** No Concerns.
16. **Lighting:** N/A
17. **Waivers:** None Requested.
18. **Off-Site Improvements:** None Proposed.
19. **Site Plan Drawing:** No Concerns.
20. **Ops & Maintenance:** An operations and maintenance plan has been provided.

If you have any questions, please let me know.



Town of Yarmouth
Steven Johnson, Town Engineer
300 Main Street
Yarmouth, Maine 04096

February 14, 2025

RE: Smith Street Commercial Solar Energy System
Civil Stormwater and Erosion Control Peer Review

Dear Mr. Johnson:

Acorn Engineering, Inc. has reviewed the Major Site Plan Application provided by Haley Ward, Inc. on behalf of Yarmouth Solar 1, LLC. The review included application materials dated January 16, 2025, including the Site Plan Application Form.

The following materials were reviewed:

- Exhibit 13: Drainage and Topography Description
- Exhibit 14: Stormwater Management Plan
- Exhibit 15: Erosion and Sediment Control Plan
- Exhibit 16: High Intensity Soil Report and Site Conditions
- Exhibit 17: State and Federal Approvals
- Exhibit 24: Site Plans: Sheets C-4.0 through C-7.1

The review focused on local and state requirements related to stormwater and erosion control, including:

- Chapter 701, Zoning Ordinance, amended 7/25/19;
- Chapter 702, Site Plan Review Ordinance, amended 6/15/17;
- Chapter 330, Post-Construction Stormwater Management Ordinance, adopted 5/21/2009;
- Maine Department of Environmental Protection (Maine DEP) Stormwater Management Permit by Rule standards, amended February 2022;
- Maine Erosion and Sediment Control BMPs, amended 2016;
- Maine Construction General Permit, amended January, amended January 14, 2025.

General Comments

1. The proposed project is a 7.84 solar array and access driveway that will result in less than one acre of new impervious area and five acres of developed area. The area under the solar panel arrays will be restored as meadow buffer, which is consistent with Maine DEP guidance. In addition to the town's local permitting process, the project will require review by Maine DEP pursuant to Stormwater Permit-By-Rule (PBR) and Basic (erosion) Standards.

Stormwater PBR projects demonstrate intent to generally comply with the Maine Construction General Permit (MCGP).

Review Criteria

It is understood that the Town plans to assess most of the review criteria as part of the Major Site Plan Development application, as indicated in the completed Site Plan Application Form. Acorn's review was focused on the stormwater and erosion control materials, with the figures below corresponding to those in the submitted Application Form. A further review will be required to determine if the comments provided below are addressed in the Applicant's future submission(s).

9. **Stormwater Management:** The Applicant submitted a stormwater management report under **Exhibit 14** of the application. Per the requirements of this standard, the applicant should provide a description of any problems of drainage or topography, or a representation that, in the opinion of the applicant, there are none.

Exhibit 14: The Stormwater Management Plan was reviewed, and the following were noted to be reevaluated:

- Predevelopment Plan – Flow paths show only a 50 feet Sheet Flow component turning into a Shallow Concentrated Flow. Both Sheet Flow and Shallow Concentrated Flow are along flat 0.005 (ft/ft) level ground conditions. The standard of care within the stormwater design community would be to have up to 150 feet of Sheet Flow. Having a smaller length for the sheet flow reduces the time of concentration and subsequently increases the peak flow rates. Acorn recommends that Sheet Flow path lengths be revised and a description added to the Stormwater Management Report clarifying the reason for the prescribed length.
- Within the “Existing Conditions” section of Exhibit 14, the Applicant should state the watershed(s) in which the project site is located.
- The applicant should confirm if the impervious area includes foundations.
- The culvert sizing information within the Applicant’s HydroCAD model should be reviewed. The culvert is currently sized to convey flow from a 10 year-24-hour storm, however, under Chapter 701 of Yarmouth’s Zoning Ordinance, page 162, culverts should be designed to accommodate a 25-year storm event.
- Within the HydroCAD model, it is recommended that the culvert be evaluated as a pond node, rather than a reach, so that inlet conditions are considered.
- The Applicant should confirm if the existing roadside swale at the outlet end of the culvert has the capacity to convey runoff toward Whitcombs Creek. Acorn recommends that Summation Point #3 be evaluated at this point before runoff discharges to Whitcombs Creek.
- It is recommended that the Stormwater Management Plan includes a graphic or plan to depict the sub-areas of the model used for sizing of the culvert and level spreaders.
- The turnaround is graded in a manner to direct runoff toward the ditch along the driveway. Subcatchment 3 area should be revised to include the full turnaround area and upstream areas with drainage redirected to the roadside ditch.



- The pre-development conditions in Subcatchment 3 show a slope of 0.15 (ft/ft), although post-development conditions show a slope of 0.07 – 0.08 (ft/ft) across the same general area. The applicant should review the post-development slopes used in the model and as depicted on Sheet C-7.1.
 - Review the slope downgradient of the ditch turnout level spreader near the driveway. The plans and model assume a slope of 0.02 (ft/ft) although contours suggest the slope to be closer to 0.03 (ft/ft) – 0.04 (ft/ft).
 - Update the stormwater model to remove sheet flow downgradient of the level spreader within the natural drainage channels.
 - Details:
 - Detail 9 on Sheet C-5.0 depicts a grass-lined swale with a 2-foot flat bottom. Grading on Sheet C-4.0 suggests a 12-inch deep v-bottom swale. The applicant shall confirm construction details of the ditch and capacity to convey runoff from a 25-year storm event.
10. **Erosion and Sedimentation Control:** The Applicant submitted an Erosion and Sedimentation Control Plan. The plan is required to meet Maine DEP Basis Standards and standards set forth in the Maine Construction General Permit. Erosion and sedimentation control best management practices (BMP's) must be installed prior to construction activities and must be maintained by the contractor until permanent stabilization.

Exhibit 15: Erosion and Sediment Control Plan was reviewed, and the following were noted to be reevaluated:

- Under the Stormwater PBR application, the project will need to comply with the standards of the revised Maine Construction General Permit (MCGP) approved on January 14th, 2025. With 7.48-acres of land disturbance, the project will be classified as a large construction activity. Acorn recommends that the applicant prepare a statement demonstrating how the project will adhere to the MCGP standards, including the preparation of a Stormwater Pollution and Prevention Plan (SWPPP) and a maximum “open disturbed area” of 5 acres.

Exhibit 22: Operation and Maintenance Plan

- The Applicant should include post-construction inspection and corrective maintenance information for all relevant stormwater and erosion control components specific to the project site, including swales and culverts.
11. **Soils:** A high-intensity soils classification report was submitted, including soil descriptions and engineering properties at the project site.

Exhibit 16: High Intensity Soil Report and Site Conditions

- The soil report provided classifies soil at the project site as Nicholville, Hydrologic Group C fine sandy loam. The HydroCAD model uses Hydrologic Group C soils which are consistent with the soil report.

12. **Site Plan Ordinance Requirements:** Given the scale and nature of the project, The Applicant must complete a Maine Stormwater Permit by Rule application that meets the requirements



of Maine DEP. If the application has been completed and submitted to Maine DEP, Acorn recommends that a copy be included as part of the Site Plan application materials for Town records

13. Site Plan Drawings, Maps: The Applicant submitted site plan drawings that include the site name, location information, and general plan notes.

Exhibit 24: Site Plan Sheets C-4.0 to C-7.1 were reviewed, and the following were noted to be reevaluated:

- It is recommended that silt fence along the northeastern and western sides of the site be extended to capture drainage for disturbed areas (Sheet C-4.0). Additionally, it is recommended that the Applicant include additional rows of silt fence to protect exposed areas in conformance with Maine Erosion and Sediment Control BMPs Manual. Refer to section B. Sediment Controls and review slope and area requirements. Ensure that silt fences on Sheet C-4.0 depict accurate separation.
- Review the locations of the two-level spreaders receiving water from the solar array area. Both level spreaders are designed in natural drainage swales. Sheet flow from level spreaders will be channelized immediately upon discharge from the level spreaders. It is recommended that the Applicant consider other erosion control BMPs such as stormwater and sediment basins, due to their current locations within natural drainages.
- In accordance with Maine Erosion and Sediment Control BMPs, level spreaders should be no smaller than 12-feet. The Applicant should review Sheet C-4.0 as it currently states the proposed level spreaders along the drainage ditch and eastern edge of property as 10-feet.
- It is recommended that the Stabilized Construction Exit be graphically shown on sheet C-4.0.
- The MCGP requires a 100-foot setback from natural resources. Acorn recommends that language in Exhibit 15 Erosion and Sedimentation Control Plan reference protection of a 100-buffer between the project and Whitcombs Creek.
- Per Maine DEP Basic Standards, update the erosion control notes on Sheet C-5.1 to include mulching rates, and a construction schedule with the proposed construction dates and timeframe for major earth moving and construction events. Given the nature of the site and the amount of disturbed area, Acorn recommends the applicant include construction inspection and monitoring notes that align the MCGP requirements.

We look forward to discussing this project further and would be happy to clarify any of our comments within our peer review.



William H. Savage, P.E.
Principal – Senior Project Manager
Acorn Engineering, Inc.



Craig A. Burgess, PE
Senior Project Manager
Acorn Engineering, Inc.



From: [Brian Caprari](#)
To: [Wendy Simmons](#)
Subject: Re: Request for Comment - RR Park & 0 Lafayette St - DUE 2/14
Date: Friday, February 14, 2025 1:57:05 PM
Attachments: [image001.png](#)
[image.png](#)
[20250213_0_Lafayette_Grading-Tree_Clearing_Overlay.pdf](#)

Hi Wendy,

Below please find the PLC comments for 0 Lafayette Street

Parks and Lands Committee Comments on 0 Lafayette Site Plan

The Parks and Lands committee has the opinion that the proposed solar farm SHOULD NOT be approved as currently proposed to the Yarmouth Planning Board.

First and foremost, Solar farms are not a permitted use within the MDR District; therefore, the applicant is requesting that the planning board approve the solar farm as a Conditional Use.

In addition, this property has also been identified as a high priority for both habitat protection as well as recreation in both the 2019 Open Space Plan as well as the 2024 Yarmouth Comprehensive plan (Page 1-39).

Please see the information, comments, and concerns that PLC used to come to the opinion that the proposed site plans SHOULD NOT be approved as written.

Background Information

The proposed project site is adjacent to two of the most significant preserved open spaces in Yarmouth: Fels-Grove Farm Preserve and Spear Farm Estuary Preserve. Both sites provide essential plant and wildlife habitat, and serve as buffer zones along two important instances of exemplary natural communities: salt hay salt marsh. As per Maine's Natural Areas Program, "Saltmarshes are important nesting habitat for Nelson's sharp-tailed sparrow, seaside sparrow, and the rare saltmarsh sharp-tailed sparrow. These wetlands also provide foraging habitat for a large number of wadingbirds and shorebirds, including rare species such as the laughing gull, black-crowned night-heron, and least tern."

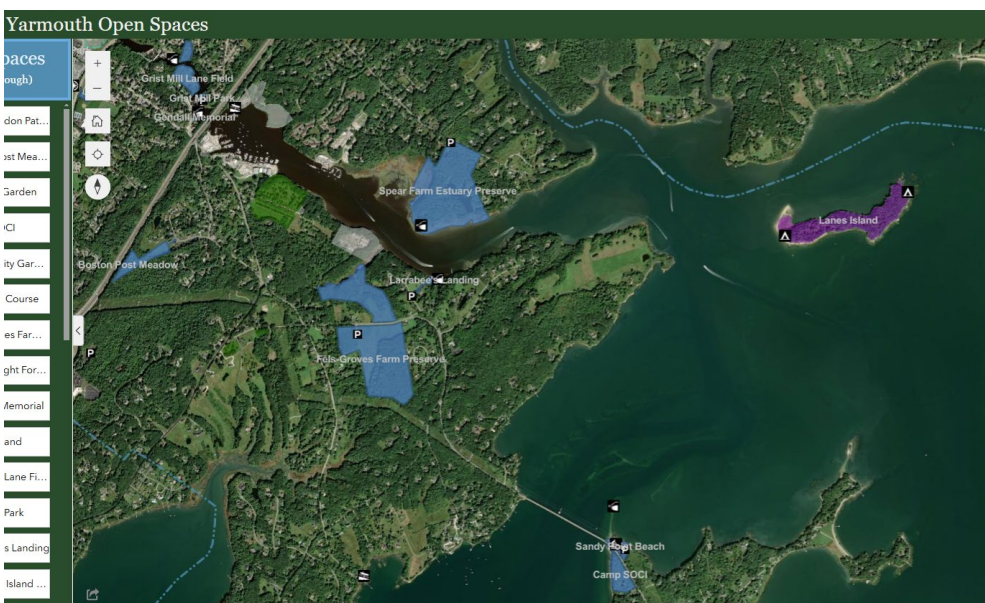
Information from the Yarmouth Open Spaces GIS viewer

Fels-Grove Farm Preserve (58 acres)

"The northern parcel (adjoining the privately owned historic brick farmhouse) has grassy pastures that slope gently to a series of steep ravines that drain north to Whitcomb's Creek, a brackish tidal tributary to the Royal River. The ravines are forested with hemlock, American beech, red oak, red maple and white ash."

Spear Farm Estuary Preserve (55 acres)

"The Spear Farm Estuary Preserve is a scenic 55-acre property with diverse habitats, ranging from stately oaks and pine forest to the open salt marshes of the Royal River estuary, and a small freshwater pond with a fringing marsh... There are birding sites in the oak and pine stands, along the bluffs, the salt marsh edge, on the earthen dam, and the north end of the freshwater pond."



Comprehensive Plan

The Comprehensive Plan has four primary goals:

Goal 4: Protect the natural environment in our community.

- Adopt a conservation goal that is consistent with the state goal to permanently conserve 30% of land area by 2050. (NR-4.1)
- ***Update the open space residential development section of the zoning ordinance to include more specific performance standards around density bonuses and open space protection and ownership.*** (FLU-6.1)
- ***Amend land use ordinances and/or establish incentives that serve to protect mature trees.*** (NR-4.7)

ZONING CODE

As stated in the opening of Article I of the Zoning Code Section 702, the Site Plan Review Ordinance, "***The Town Council finds that location and development of buildings, structures, and site improvements made by public and private land owners, affect the economic, social and environmental resources of the Town of Yarmouth and that many developments, because of their magnitude and character, may cause significant alterations to the natural and built environments of the Town; that authority is rightfully vested in our Municipal government to regulate the location, character and impact of developments which may substantially affect the quality of live in Yarmouth. Therefore, it is the intent of this Ordinance to adequately regulate development within the Town so that such developments will be designed and located in a manner that will have a minimal adverse impact on the natural environment and the Town Character and protect the health, safety and general welfare of the people.***"

Zoning Code Section 702. Article I.

H: Review Criteria: The Planning Board shall approve a site plan application whenever it finds that:

1. Conformance with Comprehensive Plan: The proposed development is located and designed in such a way as to be in conformance with the Town's Comprehensive Plan.

PLC would argue that this project is NOT in conformance with the Comprehensive Plan as noted below].

8. Natural Areas: *The proposal does not cause significant adverse impacts to natural resources or areas such as wetlands, significant geographic features, significant wildlife and marine habitats and natural fisheries.*

The proposal is consistent with the recommendations of the Maine Department of Inland Fisheries and Wildlife as found in the document titled "The Identification and Management of Significant Fish and Wildlife Resources in Southern Coastal Maine," February 1988. [This project site drains to a Wetland of Special Significance as identified by the State of Maine and is immediately adjacent to significant wildlife and marine habitat, including habitat for 2 endangered species.]

13. Existing Landscaping: *The site plan minimizes to the extent feasible any disturbance or destruction of significant existing vegetation, including mature trees over four (4) inches in diameter and significant vegetation buffers.* [This project calls for the systematic removal of ALL mature trees in the project area]

17. Scenic Vistas and Areas: *The proposed development will not result in the loss of scenic vistas or visual connection to scenic areas as identified in the Town's Comprehensive Plan.* [The close proximity to Fels-Grove and Spear Farm will result in the loss of scenic vistas or visual connection to scenic areas]

Additional Comments and Concerns from PLC

There is confusion on the scope of the project. The Haley Ward report refers to the project site as 20 acres. The application refers to the property as 47.59 acres, with a 12 acre leased site that will clear 8 acres of forest for the new solar panel array. The plan on page 267 shows 6.9 acres of tree clearing within the 12 acre site, as some of that area is currently unforested. Clarification within the paperwork is needed.

A PLC member combined the Overlay of Survey (page 265), Tree Clearing Plan (page 267), add Grading and Erosion Control (269) to show where the planned tree removals and solar array are in relation to the steep slopes, wetlands and stream as a visual aid. Please note the proximity to Wetlands of Special Significance (WOSS). See attached pdf with those notes.

The use of herbicides and pesticides have been mentioned within the documents, but there is no clarification on what pesticides and herbicides would be used. Due to the proximity to of multiple wetlands, as well as abutting next to Whitcomb Creek, a tributary to the Royal River and drains to a Wetland of Special Significance as identified by the State of Maine, a full and detailed list of potential pesticides and herbicides should be included in the plans.

PLC would also like to see the 250' coastal setback on the drawings within the project proposal. This is a major deficiency which must be remedied. There could be significant changes including, but not limited to, a very steep proposed gravel access road may be within 250' of the coastal wetland, but we can't know for sure until that information is added to their drawings.

Page 79 of the pdf: STORMWATER MANAGEMENT QUANTITY NARRATIVE

PLC would like to have clarification on how the volume of stormwater runoff would be lessened by the clearcutting of the woodlands and the installation of a solar farm. There is mention of erosion control methods, such as level spreaders, but it is unclear to PLC how this will decrease the amount of overall stormwater runoff.

page 171 of the pdf: Erosion Control

E. Limits of Disturbed Areas. Areas of disturbance will be limited to the proposed work shown on the enclosed plan. ***Disturbances will not take place within the wetland, or the 25-foot stream set back.*** Disturbed land cover around the development will be allowed to

revegetate following construction. [As noted later in this page of the report, they actually identified **two** wetlands on the site, not one. They have not definitively demonstrated that all areas of the wetlands are more than 250 feet from the adjacent coastal wetland. Also, disturbance is not allowed within a wetland or within a stream setback. They're simply stating the rules, not doing anything out of the ordinary here. The stream setback should be 75 feet as shown in the site survey, not 25 feet. Additionally, the preliminary letter from the state Inland Fisheries and Wildlife requests 100 foot stream buffers. Concerningly, they do not state that there will be a setback around the wetlands, and the site plans on pages 268-273 show new fencing installed within several feet of the wetland edge.]

page 191 Protected Species and Habitats

Based on a review of State databases, State Significant Wildlife Habitats are not located on the project Site. **The nearest State Significant Wildlife Habitat is an exemplary natural community: a salt-hay saltmarsh and a tidal wading bird and waterfowl habitat, located 0.05 miles south of the Site.** [By listing the distance in miles, they make it seem farther away than it really is. **This exemplary natural community with two endangered species is only 264 feet away from the project site! or less, if the 0.05 mile distance has been rounded.** The letter from Maine Dept. of Agriculture, Conservation and Forestry states that this Wetland of Special Significance (WOSS) is "Vulnerable – At moderate risk of extinction or elimination due to a fairly restricted range, relatively few populations or occurrences, recent and widespread declines, threats, or other factors."

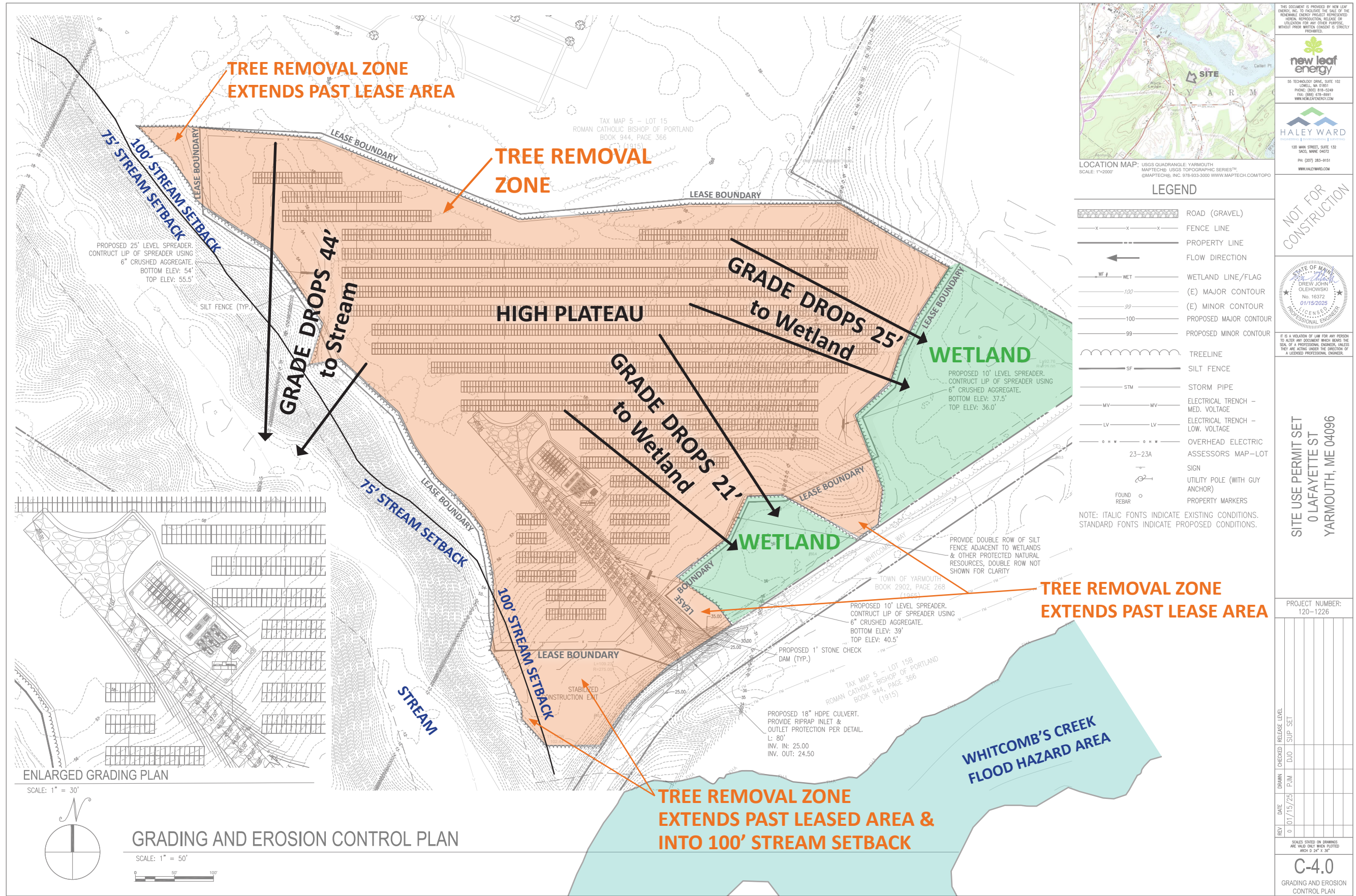
Page 191-192 SUMMARY AND RECOMMENDATIONS

Natural resource surveys have been completed on the approximately 20-acre Site located at the end of Smith Street in Yarmouth, Maine. Haley Ward identified two wetlands on the Site. One stream is located adjacent to the southwestern Site boundary. **The project area is within the range of two federally protected species; roseate tern (endangered) and Northern long-eared bat (endangered). The nearest State Significant Wildlife Habitat is exemplary natural communities: a salt-hay saltmarsh and a tidal wading bird and waterfowl habitat, located 0.05 miles south of the Site.** [This is a mere 264 feet or less from the project site. And they provide **no recommendations** for protecting any of these endangered species or exemplary natural communities,]

page 241 Scenic Vistas and Areas

The proposed development is not located around any scenic vistas as identified in Figure 8.1 of the Yarmouth Comprehensive Plan. Moreover, the development will not result in the loss of scenic vistas or connection to scenic areas. [The project site is directly in view of the Spear Farm scenic vista shown with a turquoise star on figure 8.1. Their second assertion is made with zero study, data or analysis to confirm or refute that assertion.]

On Thu, Jan 30, 2025 at 3:26 PM Wendy Simmons <WSimmons@yarmouth.me.us> wrote:



OVERLAY OF SURVEY (p. 265), TREE CLEARING PLAN (p. 267) & GRADING AND EROSION CONTROL PLAN (p. 269)

PARKS AND LANDS COMMITTEE NOTES
02.13.2025 NTS

Yarmouth Tree Advisory Committee

TO: Planning Board Members
Erin Zwirko, Planning Director

COPY: Karyn MacNeill, Scott Couture, David Craig

DATE: February 14, 2025

FROM: Michael Brandimarte (Chair), Susan Prescott, Lisa Small,
Steve Ryan, Lisa Wilson, Gro Flatebo

RE: Application for review, Royal River Park and 0 Lafayette Street

The Yarmouth Tree Advisory Committee has reviewed the applications for Royal River Park and 0 Lafayette Street and has the following comments.

Royal River Park

In general, we support this project, although we wish larger caliber trees could be purchased and that walkways would be of permeable material. YTAC was consulted on the choice of replacement tree species.

0 Lafayette Street

This application proposes leasing a 20-acre parcel of mature woodland to a solar company for the purpose of erecting a large solar farm on the property. We understand that the solar energy benefit will be used in Massachusetts. In addition, we are concerned that solar farms are not a permitted use in the MDR district.

The application contains inconsistencies and contradictions, but states that 8 acres will be cleared of all mature trees. Tree species currently on the site include pine, fir, oak, poplar, maple and locust, including potential maternity roost trees for bats and other endangered species. Losing 8 acres of forest canopy can significantly impact the environment by causing habitat loss for wildlife, disrupting local water cycles, increasing soil erosion,

contributing to climate change through reduced carbon sequestration, and potentially altering local microclimates, potentially affecting nearby ecosystems and biodiversity. Additional features of the site are Whitcomb's creek and two wetlands. These wetlands provide foraging habitat for a large number of wading birds and shorebirds. The parcel drains to a wetland of special significance and is immediately adjacent to waterfowl habitat. The applicant should restrict the use of pesticides and herbicides.

In summary, we believe this application is likely to cause significant adverse impacts to natural resources and is not in conformance with the Comprehensive Plan. Therefore the site is not suitable for the proposed use, and we do not support approval of the application.



Yarmouth Planning Board

200 Main Street
Yarmouth, ME 04096

RE: Comments on 0 Lafayette Street Site Plan

Dear Members of the Planning Board,

I am submitting comments on the site plan application for the solar project at 0 Lafayette Street to assess its alignment with Yarmouth's Climate Action Plan (CAP), adopted in March 2024. Below, I outline how the project proposal supports CAP goals and provide recommendations to enhance its sustainability impact and alignment with the five CAP areas of focus. As the Climate Action Board is still finalizing its process for reviewing and commenting on Planning Board proposals, these recommendations were developed by myself with consultation from professionals in various fields, including energy and conservation.

While some of the comments below relate to alignment with CAP goals and strategies, other comments are more procedural regarding information I believe should be presented for a complete consideration of this project. It is possible that some of the missing information identified is available but was not submitted due to the application's focus on residential and commercial development as required by Site Plan criteria. I strongly recommend that the Planning Board require the development team address these suggestions as a conditional approval at the appropriate time.

Additionally, the Climate Action Board is in the early stages of developing recommendations for the Town to consider integrating solar siting and performance standards for non-residential solar arrays, which would include projects similar in scope to this proposal. This application highlights the urgent need for the Town to develop, refine, and implement review criteria language to proactively address many of the information requests and recommendations outlined in this memo.

Assessment of Alignment with Focus Areas of the Yarmouth Climate Action Plan

Efficient Transportation and Land Use

- **Increased Traffic:** The proposal should address how increased traffic during construction will be managed, including deliveries of solar panels, racking systems, and construction equipment.

Meddy Smith (she/her) | Sustainability Coordinator
(207) 846-2401 | msmith@yarmouth.me.us | yarmouth.me.us
200 Main Street, Yarmouth, ME 04096

Healthy Buildings and Renewable Energy

To facilitate the Town's adopted goals to reduce community-wide greenhouse gas (GHG) emissions 80% by 2030 and be net-zero by 2050, the CAP calls for the Town to strive to meet 100% of electricity needs with renewable energy (Goal 4), foster development of reliable local renewable energy systems (Strategy 4.1), and reduce barriers to implementing renewable energy (Strategy 4.2).

Key Project Considerations and Missing Information: By nature of this development, the project supports CAP goals to transition away from fossil fuels, however, additional information from the Developer is needed to ensure the project is balanced with other critical priorities and considerations. I recommend that the development team submit the following information:

- No information is provided on who will purchase the power or the status of the Interconnection Agreement (IA) with CMP. The IA should be included in the application along with details of the Interconnection.
- (Exhibit 2) The project schedule lacks detail on key activities and milestones. The development team should provide a schedule that shows major activities, including earthwork, racking and panel installation and work offsite, and key milestones, including NTP and achieving commercial operation. The application does not mention the height of the array when all the panels are installed.
- Exhibit 10 does not list Northeast Archaeological Research Center as a consultant.
- A topographical map with labeled contours should be included to support the narrative so the 40-50 feet of elevation changes can be more easily identified.
- Noise impacts from transformers should be mentioned or considered.
- Plans should show vegetative buffers and all setbacks.

I also strongly recommend the Planning Board require the following items as conditions of project approval:

- The proposal indicates that the developer plans to sell the project before construction. The new owner should be required to submit a Statement of Financial Capacity and solar project track record as a pre-condition to commencing construction.
- All wiring should be underground except for necessary connections.
- The construction contractor is not mentioned in the application and the Town should require the developer or owner to post a Payment and Performance Bond prior to construction.

Circular Economy

The CAP calls for the Town to reduce waste generated in the community and to promote a circular economy (Goal 5). This proposal could incorporate circular economy and recycling principles throughout its lifecycle in regards to:

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- **Construction Waste:** Construction is a major contributor to waste, but is currently invisible in Town waste data. It would be valuable for developers to submit and adhere to a construction waste recycling plan and report waste and recycling data with the town as a model for future construction waste reduction possibilities.
- **Maintenance:** Equipment lifespan should be extended through upkeep and recycling damaged components.
- **Decommissioning:** The developer should submit a decommissioning plan, signed by all parties and filed with the Registry of Deeds, including a bond for estimated costs adjusted for inflation, an estimate of decommissioning the facility at the end of its useful life, and the ability for the Town to access the funds should the Owner abandon it. If possible, the plan should include how the on-site materials will be recycled, repurposed, or recovered.

Thriving Natural Environment

- **Stormwater and Erosion Control:** The steep slopes and adjacent wetlands require robust erosion control measures, particularly during winter freeze/thaw cycles.
 - The tree clearing period should be shown to recognize no clearing between May and July 15, as recommended by MDIFW. For example, it would be important to know if construction activities will occur in the winter, especially those involving ground disturbance. It is an advantage to work onsite while the ground is frozen, but we know that there are freeze/thaw periods in the winter and should there be a rain event, unexpected runoff to water resources could occur. The site has some significant slopes – > 40-50 ft elevation differences at the site. There is a steep slope adjacent to wetlands.
 - Exhibit 14 – An explanation would be helpful as to why the runoff would be similar or lessened and if any resource may be receiving more runoff than the current situation.
 - The Erosion Control Plan (Exhibit 15) lists Summer 2025 as the Project Completion Date, however the Construction Schedule (Exhibit 2) states Fall 2026 is the removal of erosion controls. This implies erosion control measures will need to be in place throughout the 2025-26 Winter. The Plan needs to clarify this and emphasize increased diligence for inspections and control methods during winter when the ground is disturbed and subject to freeze/thaw cycles. See Exhibit 2 comments above regarding schedule and milestones.
 - The stormwater management and maintenance plan indicates adherence to the current MDEP Chapter 500 regulations, which do not take into account expected higher and more frequent storm events. DEP is in the process of updating the Chapter 500 rules, and the new rules are likely to use data on expected storm intensities that take into account increased storm intensity. Given the steep grade down to the adjacent stream running into Whitcomb Creek, I suggest that the storm water management plan should be evaluated to determine how well it would handle the more intense storms and greater amounts of runoff that are predicted due to climate change.

- **Tree Canopy Protection:** The proposal involves clear-cutting at least 8 acres of forest. I recommend that the development team demonstrate that the clearing of natural vegetation is limited to what is necessary for the construction, operation, and maintenance of the project, including the reasonable need to maximize solar capacity. Furthermore, the application only describes onsite activities. The developer should be describing any off-site work, (e.g. distribution line upgrade by CMP which may require tree trimming).
- **Wetland Buffers:** There are two forested wetlands on the east side of the property, directly adjacent to the array fence. The Northeast Archaeology Research Center Inc. End of Field letter indicates that a trench will be dug along the perimeter for a conduit. Is this trenching outside of the fence? Is the trenching shown on the provided plans? If this is a component of the project and given that wetland soils are easily disturbed by heavy equipment and traffic, all on-site wetlands should have at least a 25-foot buffer around them to allow room for the conduit and construction/maintenance traffic. The construction laydown area and all project staging should be done away from wetlands. In addition, the proposed buffer along Whitcomb Creek should be at least 100 feet, as recommended by MDIFW. It appears that the southeast corner of the array currently is only 75 feet away from the creek.
- **Wildlife Protection:** I strongly recommend that the project demonstrate adherence to MDIFW recommendations for wildlife-permeable fencing, including in fencing elevation, installation on 'solid lock' exit gates and wooden escape pole. Relating to Exhibit 17, a resident in the Project Area mentioned there is an eagle's nest at the cemetery.
- **Prime Agricultural Soil:** Consistent with neighboring communities' solar ordinances, I recommend that all efforts be made to require that no prime agricultural soil or significant volume of topsoil shall be removed from the site for installation of the system, as applicable.
- **Vegetation Plan:** I commend the developer for following several of MDIFW's recommendations in the Vegetation Management Plan and specifying that native, pollinator- friendly seed mixtures will be used, and that fertilizer and pesticides will be prohibited within the array. However, the Plan also suggests that pesticides may be used outside of the gated area, if necessary, and appears to plan for regular targeted herbicide application within the array. The plan does not state what herbicides will be used nor the level of use and does not provide any assurance that these will not impact fish populations, aquatic organisms or water quality. Given the relatively high (for coastal Maine) hydraulic conductivity of some of the soils and the proximity of the site to aquatic ecosystems, I recommend that all chemical applications within and outside the array be prohibited in the proposed Vegetation Management Plan, as required for similar projects in some other communities. If this is not possible, New Leaf Energy should implement integrated pest management strategies to minimize the use of chemical herbicides and should favor the use of herbicides (when essential) with low potential for groundwater migration and reduced risk to aquatic ecosystems. All herbicide applications must be conducted by licensed pesticide applicators in accordance with Maine law. Even with best management practices, the use of herbicides may pose a risk to the environment. I also recommend the developer include stringent invasive species mitigation and management practices in the

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submitted plan. All recommendations from MDIFW related to timing of mowing, clearing, and construction should be followed and clearly described in the project schedule.

- **Agriovoltaics:** Dual-use projects of solar installations that allow for agricultural activities are a very interesting opportunity to leverage multiple community priorities. More description is needed to better understand this potential component of the project that is briefly mentioned in Exhibit 22.

Connected and Safe Community

- **Public Access & Recreation:** The project could explore opportunities for public trails and green space connections. For example, I encourage the Planning Board to explore opportunities this project may allow that enhance multiple community values, such as allowing conservation and public recreation opportunities on the larger parcel. If the landowner considers granting the Town a public path or conservation easement, a trail system could provide scenic views of the river and Spear Farm. The option of acquiring such an easement should be raised before the solar lease is finalized since the current lease agreement covers a much larger area than the array and prohibits the granting of rights-of-way, easements or leases to a third party.
- **Emergency Preparedness:** While the site is unmanned, an explanation is needed for remote monitoring, emergency response, and first responder access.

Conclusion

I encourage the Planning Board to integrate these recommendations into the project approval process as part of conditions of approval to ensure alignment with Yarmouth's climate and sustainability goals. Additionally, implementing these recommendations will help refine the process for developing solar farm performance standards language that can guide and simplify the process for similar projects in the future.

Thank you for considering this feedback.

Sincerely,

Meddy Smith
Yarmouth Sustainability Coordinator
Msmith@yarmouth.me.us

Meddy Smith (she/her) | Sustainability Coordinator
(207) 846-2401 | msmith@yarmouth.me.us | yarmouth.me.us
200 Main Street, Yarmouth, ME 04096

February 16, 2025

Dear Members of the Yarmouth Planning Board

We are residents of 119 Princes Point Road and are within 500 feet of the proposed Smith Street Solar project at 0 Lafayette Street. We have reviewed the 273-page application from Yarmouth Solar 1, LLC, Yarmouth's Climate Action Plan, Yarmouth Comprehensive Plan as well as a 2023 study put out by the Harvard Forest and Mass Audubon, *Growing Solar, Protecting Nature*. We have walked this land for many years from our house through the woods and along two trails that go from Whitcombs Way to the sewage treatment plant up to the cemetery for pleasure and for getting to town safely. From the site plan it appears both trails would be eliminated. We have seen the tidal waters come in during major storms, requiring new culverts to be built twice. We have seen owls, deer, bats, butterflies and wide variety of shore birds along the trail and in the woods. The application states that 2 endangered species are .05 and .1 miles outside of the development and one is within the development. We know this land very well and see it as a community and environmental asset to the Town of Yarmouth. We are writing to express our opposition to the project for several reasons.

The project is in opposition to the Yarmouth Climate Action Plan, March 2024 which was adopted by the Yarmouth Town Council. There are several priorities and action items that are not in alignment with the proposed solar project.

- Priority Action, page 11 "Conserving land and protecting natural systems will help Yarmouth adapts to a changing climate". On the map on page 11, the solar development is between or abutting 2 undeveloped blocks of habitat and conserved land. The plan states, conservation of land sequesters carbon, supports biodiversity and prioritizes habitat corridors."
- Priorities, page 19: "Conserving Land, Protecting Habitat, making walking and biking safe and convenient, Enhancing community connections and balancing development."
- Action Plan, page 23 strives to have a "thriving natural environment- protecting and stewardingto preserve essential ecosystems and absorb carbon dioxide from the atmosphere."
- Strategy 2.2 Increase tree canopy cover- establish zoning ordinances to protect mature trees and reduce lot clearing.
- Strategy 6.2.2, page 40, "partner with willing landowners to permanently conserve land that sustains or enhances carbon sequestration and improves climate resiliency." This is also in line with Yarmouth's Comprehensive Plan

A project of this scale which "entails clearance of approximately eight acres of a currently wooded section of the parcel" is a net loss for carbon sequestration. Both

nature conservation and solar energy are necessary strategies in response to the climate crisis.

“Urgency on climate action, however, does not justify the haphazard approach to solar deployment witnessed in the Commonwealth of Massachusetts over the past decade. The current trajectory of deployment of large- ground mount solar is coming at too high a cost to nature. The report/analysis shows that growing solar while protecting nature is a path forwards. Solar can play an essential and growing role in cleaning our power grid while nature is also left intact to continue its irreplaceable role combating climate change, supporting biodiversity and providing resilience to climate change’s worst impacts”. Growing Solar, Protecting Nature 2023
Harvard Forest and Mass Audubon

Yarmouth does not need to grow solar so quickly as to cause unnecessary harm to nature. Every acre of forest destroyed is a huge loss for birds and wildlife, clear air and water, natural beauty and recreation. Most importantly cutting forests and developing farmlands to build solar energy doesn’t make sense for the climate. Natural ecosystems absorb 10% of greenhouse gas emissions annually.

Yarmouth’s Climate Action Plan talks about promoting “sustainable development” – this proposal is not that. The plan states, “Be Part of the Solution” and we would urge the Yarmouth Planning Board to take these words to heart and be part of the solution.

Thank you for your time and consideration.

Anne J. Ball

Dennis W. Welsh

Anne Ball and Dennis Welsh

Wendy Simmons

From: Adam Morin
Sent: Monday, February 17, 2025 7:02 PM
To: Wendy Simmons
Subject: Cemetery Solar Project

Good evening,

I am writing to express my opposition to the proposed solar farm at the Cemetery located by the wastewater treatment plant. I am a Yarmouth resident who owns a home on Princes Point Road. I have a few major points I would like to convey.

Zoning: There is a reason we have zoning rules. This solar farm is an oversized financial endeavor that does not benefit the community as a whole. I believe if we are going to grant an exemption there should be benefits to the community. The area around the cemetery is peaceful and tranquil and without urban blight; which seems to be rarer and rarer these days. On any given day, you can see residents walking with their family and pets, people visiting loved ones resting in the cemetery, cross country skiers, and snow shoers. You only have to walk 200 meters on a trail to see the wastewater treatment plant to end the peaceful zen of the area. Why make a beloved area completely ugly? At least the wastewater treatment plant benefits the town. If an exception is granted, what does that signal to anyone with a large piece of property that wants to turn it into something other than the approved zoning area? We have the ability to preserve what makes this town so special by keeping this area intact. There is plenty of existing land that can support solid projects that already have had a human footprint. That being parking lots, buildings, highway medians and shoulders, the uninhabitable land at the transfer station, etc.. Disturbing this land completely disrupts what little wildlife ecosystem we have in southern Maine.

With the particular piece of land, I have two points of concern regarding the ecosystems:

Royal River: We need to consider the unique area of the land as it is tied to the Royal River watershed. How much runoff that would usually be absorbed by the established vegetation will go into the tributaries and marshes immediately by the Royal. Will this affect the ecology of those areas that support wildlife? I'm talking from small aquatic insects to nesting Woodducks and Woodcock (both migratory birds with decreasing habitat). These are all tied to the Royal as a whole.

The land itself: That land supports a large variety of wildlife from small rodents, squirrels, hawks, woodcock, owls, turkeys, coyotes, and a healthy population of deer. This land directly abuts a residential area and is very close to the Fels-Grove Preserve. These animals will be displaced and pushed into those areas. Ultimately this will result in the animals dying off because the carrying capacity of the smaller area cannot support the animals who are displaced. This will also lead to increased human conflict, from more motor vehicle accidents from animal strikes to deer destroying gardens, to coyotes hunting pets and livestock.

The panels: Are they truly good for the environment? My brief understanding is that they are created from toxic compounds and the overall carbon neutrality is disputable. My understanding is that they eventually end up in a landfill. There is literature to suggest that the panels do not live up to their claimed life expectancy so a 30 year panel may only be productive for 20. Is the town willing to grant a zoning

exemption to something that may not live up to its end of the bargain? It would be a shame to lose this area to a scheme that ends up not coming to full fruition. Also, it is worth noting that with any new and upcoming industry comes exploitation. Specifically in the solar industry, the workers are exploited within the United States to predatory companies that are only willing to make a quick buck. If you look further down the supply chain, the panels are directly tied to slavery. See this link US DOL that is a quick guide to the slavery and exploitation that occurs from the solar industry-this includes child slavery.

["https://www.dol.gov/agencies/ilab/reports/child-labor/list-of-goods/supply-chains/solar"](https://www.dol.gov/agencies/ilab/reports/child-labor/list-of-goods/supply-chains/solar) We are a progressive town that stands for the liberty and humane treatment of all people in the world. Can the town in good faith support this industry? I know the town has all the right intentions to support clean energy but we must do our diligence to see at what cost. Please research the exploitation online or better yet give Preble Street in Portland a call and ask to speak to the case workers who handle labor trafficking.

Personally: That land supports wildlife that I hunt. Venison is a family staple. This is also true for the other hunters in the area. I also routinely have chickens for food and have a garden. I fear the impact from the solar field will only burden my efforts to obtain food outside of the grocery store due to the conflict with wildlife like coyotes aggressively hunting my chickens due to loss of habitat or less deer in the area to hunt. This may seem trivial to some but I do try to feed my family the cleanest and most ethically sourced protein I can.

I hope my comments resonate with the town. There is a lot at stake for both humans, animals and plants. Thank you for listening.

Respectfully,
Adam Morin

From: Anne Turner
Sent: Thursday, February 13, 2025 11:11 AM
To: Wendy Simmons <WSimmons@yarmouth.me.us>
Subject: proposed Solar Farm

I have been surprised to learn that there is a proposal for a solar farm at Holy Cross Cemetery to be discussed at an upcoming planning board meeting. First, it seems to me that this is something that should be widely publicized, not buried in comments on a Facebook page. Why isn't the town doing more dissemination of this important information?

Secondly, while I am a very strong supporter of solar power, and want to see every possible effort made to wean us off our dependence on fossil fuels, I also care passionately about wildlife and the health of our environment. I have not pored through all the technical details of this proposal, but can emphatically say that ANY proposal to cut eight acres of forested land is a harmful choice, and especially so in such proximity to the river. Most Yarmouth residents have become aware of the bald eagles who are seen regularly along that stretch of river, and that is an essential wildlife corridor that impacts every level of the ecosystem. I cannot imagine that our current zoning or comprehensive plan goals are in alignment with this proposal.

I urge you and the planning board to deny this ill-conceived proposal. Thank you for your consideration,

Anne Turner

727 East Main

Yarmouth

From: Barbara Pires
Sent: Thursday, February 13, 2025 10:24 AM
To: Wendy Simmons <WSimmons@yarmouth.me.us>
Subject: Yarmouth Solar 1, LLC

I am firmly against a 12 acre solar farm within Holy Cross Cemetery. This area is zoned Medium-Density Residential, Low-Density Residential, and Shoreland Overlay. This is not the appropriate place for a solar farm. Riverside and Holy Cross are beautiful, quiet places for people to walk and reflect. Again, not the appropriate place for a solar farm. Also, clear cutting trees near the river does not seem like a good plan.

Barbara Pires
Yarmouth Resident
Sent from my iPad

Wendy Simmons

From: B G
Sent: Wednesday, February 19, 2025 2:37 PM
To: Wendy Simmons
Subject: Solar farm

I am writing to express my strong opposition to the proposed 12-acre solar farm at Holy Cross Cemetery. This project raises serious concerns—both practical and ethical—for our community. First, clear-cutting eight acres of forest to install solar panels seems counterproductive from an environmental standpoint. Trees provide far more long-term ecological benefits than a solar farm ever could, and this land is simply not suited for industrial development. There are plenty of open fields where solar panels could be placed without destroying woodlands. Additionally, this site is not even zoned for such a project, meaning a variance is required. Zoning laws exist for a reason, and granting exceptions like this sets a troubling precedent—what is to stop other unsuitable developments?

Beyond that, there is the matter of aesthetics. A solar farm is an industrial eyesore—rows of metal and glass where there was once natural beauty. Holy Cross Cemetery is meant to be a place of peace and remembrance, and turning it into a commercial energy site is not only disruptive but also deeply disrespectful. The project may benefit the cemetery's fund, but it does nothing for the town itself.

I urge the Planning Board to reject this proposal and encourage a more thoughtful approach to renewable energy—one that does not come at the cost of our forests, zoning integrity, or the character of our community.

Thank you for your time and consideration.

Bren Goode
Yarmouth, Maine

Wendy Simmons

From: Charlene Ferguson
Sent: Saturday, February 15, 2025 1:39 PM
To: Wendy Simmons
Subject: Holy Cross Cemetery - Solar Farm
Attachments: Screenshot_20250215-063809~2.png; Screenshot_20250215-075141~4.png

Charlene Ferguson
72 Cleaves Street
Yarmouth, Maine 04096

February 14, 2025

Erin Zwirko, Director of Planning & Development and Members of the Planning Board
C/O Wendy Simmons, Administrative Assistant
Town of Yarmouth
200 Main Street
Yarmouth, Maine 04096

Dear Ms. Zwirko,

I'm writing because I am very concerned about the proposed solar farm at 0 Lafayette Street and for multiple reasons. First and foremost, the cemetery is sacred ground along the shore of the Royal River. This property should remain what it was intended to be, a cemetery. Cutting 8 acres of wooded property and erecting solar panels is an atrocity and would affect the peacefulness and serenity of both Riverside Cemetery and Holy Cross Cemetery. The project would be detrimental to the wildlife along the river which to name a few include many deer, fox, birds and bald eagles that nest along the riverbanks. Removing 8 acres of wooded land would cause major runoff to an already fragile piece of property which is prone to erosion and I urge much consideration be taken in this matter.

Please note I have attached two photos including a Royal River Corridor Study dated July 2008 which states there have been several landslides along the estuine. Estuaries are among the most productive ecosystems in the world. Many animals rely on estuaries for food, places to breed, and migration stopovers. Estuaries are delicate ecosystems and great consideration should be taken so we don't interfere with this delicate system. Removing 8 Acres of trees could potentially cause detrimental irreversible damage to this very delicate area of Yarmouth along the Royal River. The second photo included is an actual map showing the cemetery along the bank of the Royal River, I marked the landslide area along with the potential landslide area with a yellow line. As you can see, this very fragile area runs parallel with the cemeteries along the banks of the river.

I am asking the Planning Board members to listen to people's comments and take them seriously.

On a different note, I don't feel the Planning Board took the public's comments seriously in regard to the proposed 36 Cleaves Street project, there are too many unanswered questions and potential risks involved and I believe more time and consideration should have been taken before this project and Railroad Square were approved.

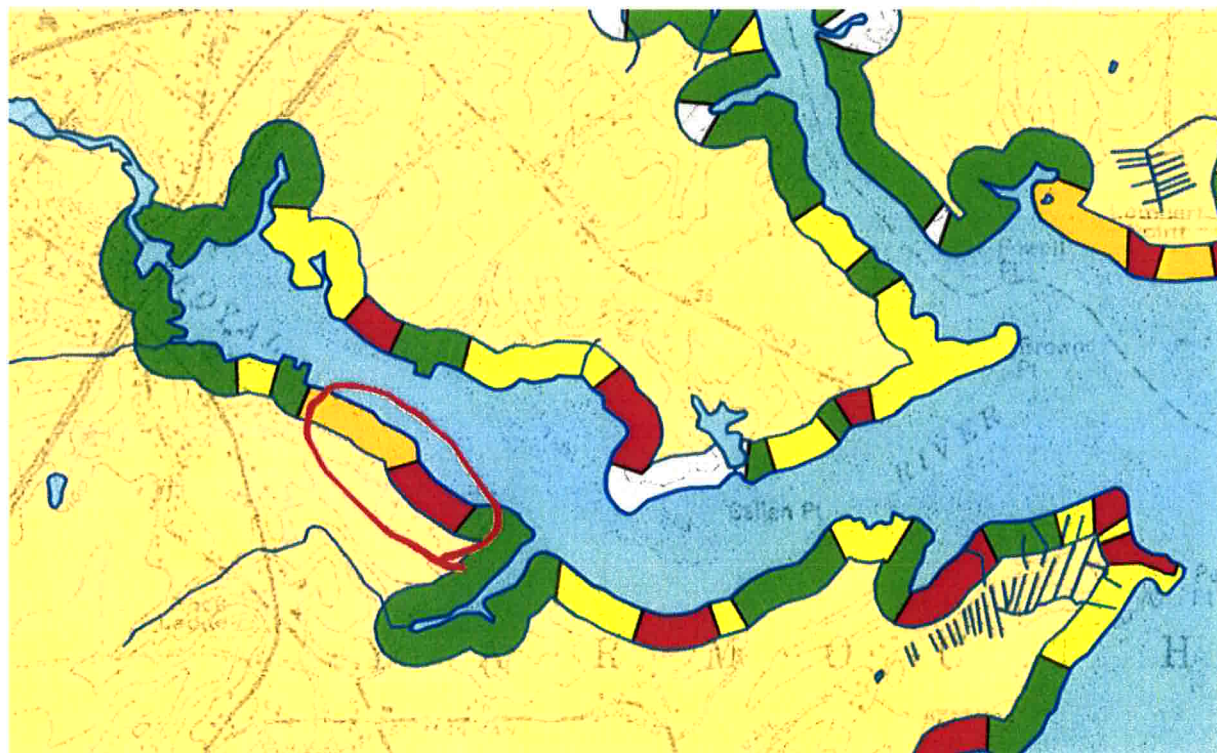
Sincerely,





Charlene Ferguson

As mentioned above, slumps and landslides are common within the Presumpscot Formation, particularly along coastal and estuarine settings around Casco Bay. Several steep and unstable slopes of Presumpscot Formation have been mapped by the Maine Geological Survey along the Royal River within the study area, most noticeably within the estuarine section of the river.

Particularly steep slopes are also found along the north side of the river below Yankee Drive upstream from East Main Street to the Sparhawk Mill.

Several landslides have occurred within the past five years along the estuarine sections of the river, particularly near the confluence with the Cousins River. These areas include slumps below the Holy Cross Cemetery, the Blueberry Cove condominiums, at the Bayview Preserve, Larrabee's Landing, Royall Point, and Brown's Point.



-  **Landslide Site** - Location of known or interpreted coastal landslide. Includes historically recorded landslides and slides interpreted from air photos.
-  **Landslide Risk Area** - Earth features indicate conditions that may be suitable for a landslide to occur. Features often include a steep or arcuate scarp, slump blocks, sediment lobes, or uneven land surfaces. Bluff sediments are usually muddy and twenty feet or more in thickness.
-  **Potential Landslide Area** - Shoreline with a sedimentary coastal bluff twenty or more feet high. These bluff areas have not had field investigations that are necessary to evaluate the risk of a landslide. However, some similar high coastal bluffs have experienced landslides.
-  **Low Coastal Bluff** - Shoreline with a sedimentary coastal bluff that has less than twenty feet of relief immediately adjacent to the shoreline. Some bluffs over twenty feet in height are included in this map unit if the bluff face is not steep. In general, low coastal bluffs are not at risk of failing in the form of a landslide.

Coastal Landslide Hazards Map Yarmouth Quadrangle, Maine

Maine Geological Survey
Open File Report No. 01-552
2001

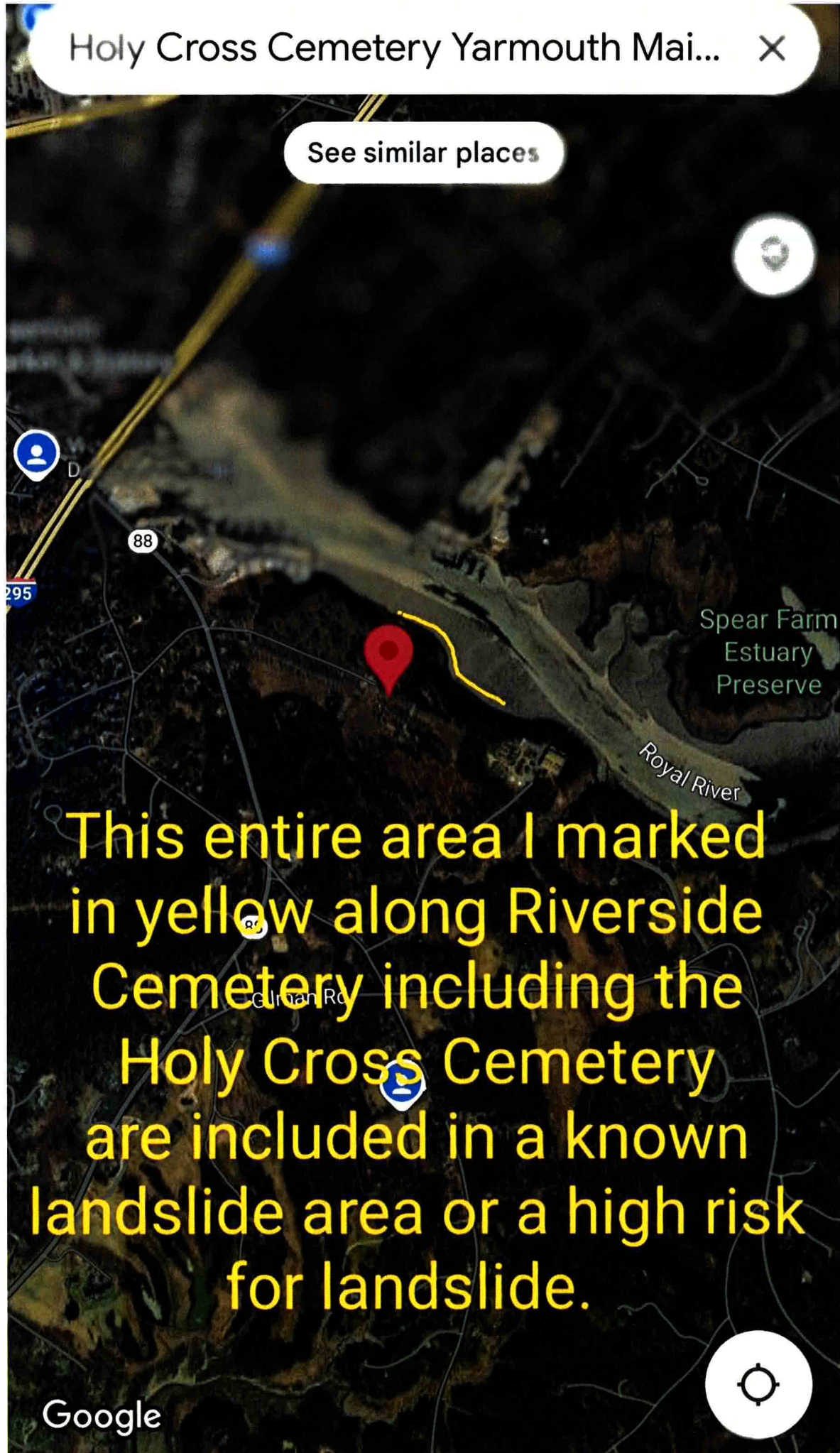
<http://www.state.me.us/doc/nr/mgs/pubs/online/landslides/landslide-yarmouth.pdf>



Stantec

Holy Cross Cemetery Yarmouth Mai... X

See similar places



This entire area I marked
in yellow along Riverside
Cemetery including the
Holy Cross Cemetery
are included in a known
landslide area or a high risk
for landslide.

Wendy Simmons

From: Carol Hamalainen
Sent: Tuesday, February 18, 2025 4:57 PM
To: Wendy Simmons
Subject: Holy Cross /solar panels

Why is this even being considered? Wetlands, clear-cutting, a haven for wildlife, zoning issues, etc. I have not read the report as just heard of this proposal last evening.

However, the town has zoning practices in place, let's adhere to them. This idea is just a way to make \$\$ at the cost of interfering with the environment and encroaching on a private and spiritual space. The diocese should be ashamed.

Carol Hamalainen

Town of Yarmouth Planning Board
RE: Smith Street Commercial Solar Energy System
2_18_25

Hello,

I am writing to provide my input on the application for a Commercial Solar Energy System on Smith Street. I reside at 213 Princes Point Road, about a half mile from the site and I fish and clam in Yarmouth waters. On balance, I do not support the conditional use requested in the plan. However, I recognize the position of the landowner and some merits of the proposal.

- The installation is materially non-conforming with Medium Density Residential (MDR) and is adjacent to Shoreland Overlay Resources (SOR).
- The plan presents significant impacts to the MDR abutters and SOR.

Summary

In my view, the published zoning (MDR in this case) is a promise to Yarmouth landowners. They made one of the most significant commitments of their lives based, in part, on the zone in which they reside. There are several considerations to those commitments made and the social contract that the zoning implies:

- The financial outlay at purchase was affected by zoning
- The ongoing valuation may be affected by conditional approval
- The current quality of life for abutters may be affected by conditional approval

Additionally, Yarmouth has a finite inventory of natural areas and this one is adjacent to a critical estuary resource including the Royal River, a salt marsh, wetland and one of the longer streams in town, extending a half mile to nearly Tyler Technologies.

Recognitions

I have some empathy for the landowner as the proposed acreage is a dead asset that they will have limited use for in the foreseeable future (hopefully, demand for space remains low). They also have a broader mission of work requiring funds and they have found a creative way to monetize the asset. Reflecting on the possible ways they could have done this, the proposed solar farm is not the worst, most disruptive elective they could have made. I'm not sure anyone would know it was there if it was well executed. The rack pilings are driven and removable, although once we went down this road there is likely no going back.

I also recognize that the Town of Yarmouth has a Climate Action Plan that signals a strong commitment for support of ventures like solar energy. I will note that I disagree with the Climate Action Plan, finding it flawed and likely resulting in financial distress and ecological damage (this plan is a case in point). Nonetheless, I recognize it is important to many in the community.

Cost/Benefit

Based on the plan and some research, the positives and negatives I can see are in the table below. If the solar array were game-changing (for Yarmouth) it might be compelling, but ~400 homes for a few hours a day is not that. I tried to imagine other ideas to make it more attractive at the end of this letter.

Pro	Con
Creative monetization of underutilized land that presents some hardship for the owner	Negatively impacts abutters, but worse selections can be imagined.
.999mW powers some 400 Maine homes part of the time	Requires subsidies, increases electricity rates for Mainers. We would still be relying on gas generation most of the time (low sun angle, darkness, weather).
Roughly 1/5 th to 1/10th the CO ₂ emissions of Gas (30% of Maine generation). Recovers tons of construction waste in ~2 years.	Deforestation of 8 acres adjacent to an estuary. Generation of 170 tons of construction waste and 960 tons of deforestation waste (converted from 2400 yards).
Aligned with Climate Action Plan	
Some tax revenue for Yarmouth (?)	
Is not a permanent installation as the pilings are driven and can be pulled. It could be reverted to a field, cemetery or conservation in the future.	There are two Delaware LLCs involved. One with an office in MA and the lessee is a <i>different</i> LLC with an office in CA. If we eventually realized financial and/or ecological unfavourability, we may have a hard time identifying who would remediate it.

The Plan

In the event that we do this anyway, recognizing the position of the landowner, here is some input on the plan. Noting that subsidies being the norm for projects like these, we should be sure that all the money required for the project is in escrow, perhaps in one of our many, wonderful local banks, before the project starts. It would be a disappointment to get partway through this and not complete it. Many projects just like this are currently on hold.

Vegetation Management Plan (P255)

Year 2, 3 and 4 maintenance all call out the use of herbicides which is concerning given the proximity to the estuary and clam flats. I request that the use of herbicides be prohibited and that vegetation management be conducted by other methods (mechanical, goats, sheep (sheep are suggested in the plan). Mechanical management should happen on a set schedule, minimizing impact on abutters (weekdays, well within working hours).

Fertilizer and Pesticide Restrictions (P256)

The plan approach to fertilizers and pesticides is as though they are prohibited, but allows for a conditional approval through the county. In this case, Yarmouth would have no control over this(?). I suggest this be stricken from the plan:

Fertilizer and pesticides use is prohibited within the solar array. ~~They are prohibited outside the fence, however, in the event that these items are deemed necessary, a professional landscape architect will be consulted, and recommendations presented to the county.~~

Environmental Impact

P240. 5 foot and 20-foot vegetation buffers sound insufficient. Five feet may as well be zero. It is not clear what would be buffered against and where. The plan later says “we do not expect the solar farm to produce any significant glare that will impact the surrounding area.” Are vegetation buffers also for environmentally sensitive areas? Which and where? The maps on pages 197 and 225 reflect much larger vegetation buffers are possible than five and twenty feet. A map of proposed buffer locations with notes on buffer purpose would be very helpful.

P240. “No rare or natural features were identified in the project area.” While this statement may meet some standard definition, the clearing of significant acres of forest adjacent to valuable natural resources (to us) bears some consideration; “No rare ~~or natural~~ features were identified in the project area” may be more appropriate even though that assessment was based on a narrow agency database review.

I’ve read through the plan and it isn’t clear to me how many acres will be cleared. I have seen ~8 acres (p70), 7.5 acres (p218) or 5.74 acres (p267) or as many trees as we need to prevent shading of the array. Can this be clarified? I’m not sure if it is material as someone can cut a tree on their land in Yarmouth, but it is part of the assessment.

The guidance from IF&W, MNAP, Department of Agriculture starting on page 202 essentially declares “no known” wildlife impacts limited to bats, shoreland birds and vernal pools in their inventories. That does not imply a site assessment by these agencies. The map on page 197 indicates a delineated wetland area within the project site. MNAP recommends undisturbed vegetative buffers of 250 feet around the salt hay marsh and royal river and 75 feet from streams. A stream (Whitcomb Creek) runs approximately from behind Cunningham Security to the Royal River adjacent to the site. Since that stream lies in a deep ravine composed of silty loam, the best interpretation might be (?) feet from the ravine edge rather than the thread of the stream. The project plan map on page 197 shows the project encroaching to the thread of that stream with essentially no buffer. That stream is actually a pretty one with some potential and runs a half mile, to nearly Tyler Technologies. We might want this stream protected, which should not be a significant barrier to a solar array. Has the creek been inventoried? Maybe there’s nothing in it, maybe there is.

P191 The adjacent salt marsh is described as being 0.05 miles from the site. Please convert to feet actuals (~250) for clarity so people will know what is meant.

Soil surveys indicate high content of silt. There should be no sediments released to the stream, marsh or royal river as a result of this construction. Not surprisingly, the water table is 1.5-2 feet below the surface so storm run-off carrying silt to the adjacent stream, marsh is a risk. I am confident that Yarmouth staff are sensitive to this portion of the plan and am not too concerned that it will be well managed. The plan is also appears comprehensive in its evaluation of this risk.

Notes on Environmental Cost/Benefits

- 8 acres of clearing producing 170 tons of construction debris, 2,400 yards of clearing waste. Using the midpoint weight for a yard of mulch of 800 lbs, that is approximately 960 tons.
- According to the EPA and USDA an acre of forest typically sequesters 1-2 tons of CO₂ per acre per year. So ~12 tons of carbon per year.

CO₂

- .54 tons of CO₂ per MWh for gas. (calculated from U.S. Energy Information Administration)
- .04 tons of CO₂ per MWh for solar. (calculated from U.S. Energy Information Administration)
- Google AI reports 0.4 and 0.025 respectively

If I did the math correctly, solar would save 816 tons of CO₂ per year over gas so it would cover the site waste in less than two years (based on .04/.54 tons/mWh and 1650 peak solar hours per year (4.51/day).

Notes From Lease

Yarmouth Solar 1 (Lowell, MA) is an LLC in Delaware signed for by 1115 Solar Development, LLC (1115 Solar is a Delaware limited liability company with its principal place of business in California?). Who do we contact if this thing goes south?

Is this the only solar installation planned for the site? The lease says “one or more” are we going to open the door to 40 acres of solar farm and energy storage?

Yarmouth Solar 1 has an exclusive option to lease more of the land.

Summary on Plan

I’m trying to figure out how to make this more attractive to the town and abutters. Below are some ideas.

- Increase vegetation buffers.
- Establish clear and sufficient distance buffers from sensitive areas (wetlands, Whitcomb Creek, salt marsh.
- Pesticides and herbicides are prohibited.
- Instead of sheep for array vegetation control, dwarf goats that people can visit. Everyone would love it. I’m only half kidding.
- A way to lower electric rates for abutters (tie in?)
- In the event of TEOTWAWKI, would it be possible to (partially) run the treatment plant off this array in an emergency mode?

Thank You,
Chris Stetson
Princes Point Road

Wendy Simmons

From: Debbie Godowsky
Sent: Tuesday, February 18, 2025 10:05 AM
To: Wendy Simmons
Subject: Proposed Solar farm

To the members of the Planning Board:

We are not opposed to a solar farm in Yarmouth, if the location is well thought out and is in the proper place.

However, this does not belong next to a cemetery, adjacent to the waterfront, along a very pretty road, in a historic part of town with many homes in the area.

No one drives by the solar farm on Route 1 in Cumberland and says, "Doesn't that look nice?"

For these reasons, we are opposed to this proposal.

Debbie and Barry Godowsky
330 Main Street, Yarmouth

Wendy Simmons

From: Dayna Klein
Sent: Friday, February 14, 2025 4:34 PM
To: Wendy Simmons
Subject: Proposed solar farm

Follow Up Flag: Follow up
Flag Status: Flagged

I am writing in response to the proposed solar farm in the current Holy Cross Cemetery.

After all of the years we've worked together to eliminate the dam on the Royal River and preserve the adjacent land, why would we undermine all that work by putting in a solar farm at the end of the river and then cutting down old growth trees?

While other communities are using surplus land to erect solar farms- much like the farm on route one on the Falmouth and Cumberland border, we- if we- as a community- have truly researched this issue, I would think that after all of our efforts, a less ecologically disruptive location needs to be found.

It's disappointing that such little time was given as a response period and there has been so little transparency- my hope is that the town council will open this process up, allow for public consultation, and a greater effort made to find a suitable location for a Yarmouth solar farm.

Thank you for your time and consideration, Dayna Klein
222 East Elm Street
Yarmouth, ME 04096

Dayna Klein
(She, her, hers)

This email message is confidential. If you are not the intended recipient, you should delete this copy and keep no copies.

0 Lafayette St Site Plan Application

From Dan Ostrye

Date Tue 2/18/2025 1:52 PM

To Erin Zwirko <EZwirko@yarmouth.me.us>

Cc Juliana Dubovsky <jdubovsky@yarmouth.me.us>; Colin Durrant; Mike Tremblay

 1 attachment (878 KB)

PARP Plan ref to trails.pdf;

Hi Erin,

I have one request for a condition of approval for the Planning Board to consider in reviewing the application to construct a solar farm at the above referenced location. Specifically, I would ask that the Town be granted a 15 to 20 foot wide pathway easement and for the applicant to construct a pathway along the property line of the Yarmouth Wastewater Plant. The purpose of the easement would be the installation of a multi use pathway that would connect Smith Street to Burbank Lane on the opposite side of Whitcombs Creek tidal marsh.

As past chairperson of the Yarmouth Conservation Commission and Bicycle Pedestrian Committee, I have had a role in establishing many new pathway connections throughout town and have led the design and construction of the recently completed West Side Trail a fifteen year endeavor. Both the West Side Trail and many of the pathway connections were envisioned in the 1988 town council adopted Public Access and Recreation Plan (PARP plan) and the connectivity and recreational benefits have been well received through the community. I've attached a file containing the relevant sections of the PARP plan and the associated map depicting the trails and pathways envisioned in the plan.

The pathway through the cemetery, past the treatment plant, across the marsh and over Burbank Lane will create an off-road connection between Lafayette Street and Gilman Road that will provide a safe and pleasant alternative for bicyclists and pedestrians who otherwise must travel up to Princes Point Road and backtrack down the upper section of Gilman Road. It will provide direct access to Larrabee's Landing, Fels Groves and Cousins Island (as well as to the West Side Trail).

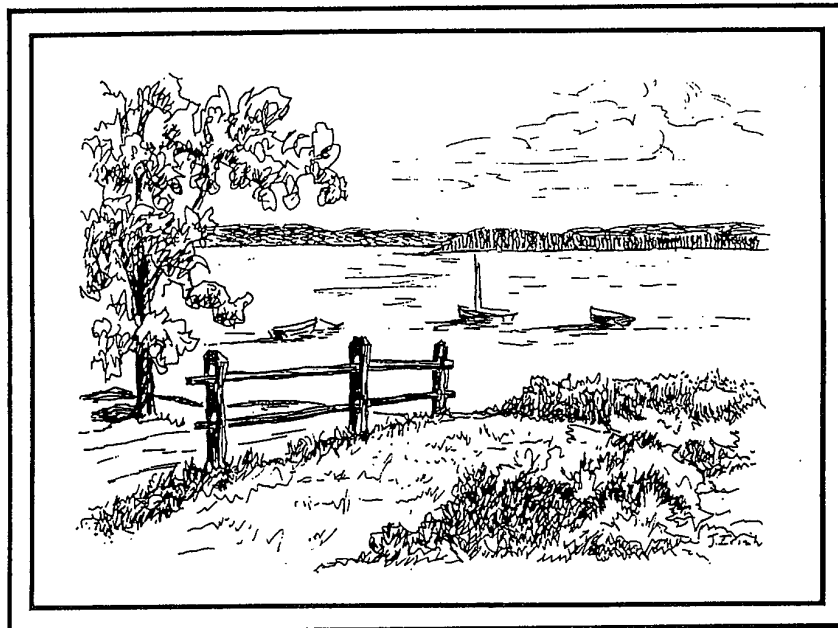
I understand that within the past ten years, Nat Tupper our former town manager, had made an agreement in principle with the diocese to build such a trail but timing was not right and the project did not move forward. Construction of the pathway would initially create a connection from Lafayette Street to Whitcombs Way providing a walking loop via Princes Point Rd, Pleasant St and Smith Street that many residents would take advantage of even in the absence of the marsh crossing and connection to Gilman Road. Clearly these types of pathway projects take a long time to develop so it is important to secure the public access during site development projects to preserve the public access. Creation of the full trail may take many years and this is a unique opportunity to ensure that it can happen down the road.

We have undertaken many similar pathway projects in town and there are inevitably concerns and objections raised by abutters and property owners alike. I would even expect the Town would have concerns about access to the wastewater treatment plant. What I can tell you based on over 15 years of developing pathways and trails in town is that the people who use them are across the board respectful and stick to the routes. We have rarely had any kind of trouble and never had a case of vandalism or hooliganism on any of our trails. Having spent summers working at a Catholic Cemetery in my youth, I am sensitive to the solemnness the grounds and believe that users will be respectful as they pass through the grounds.

I would be happy to meet with you and the project team to discuss my request and would be more happy to provide advice on design and layout of a pathway to meet our collective needs. While a 15 to 20 foot-wide easement might seem awfully wide, it is solely to provide adequate space to route the pathway around trees and down slopes in a responsible manner and, once built, it is always possible to shrink the width of the easement to a reasonable width to allow for ongoing maintenance and emergency access.

Thank you for the opportunity to make this request on an otherwise reasonable and timely project to move us closer to energy independency.

Best Regards,
Dan Ostrye
22 Spartina Point Road
Yarmouth, Maine 04096

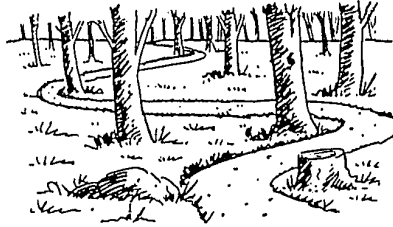


Public Access and Recreation Plan

**Town of Yarmouth, Maine
September 1988**

As revised 9/20/88

2. Pedestrian Trail System



Royal River Corridor Trail

This trail is the backbone of the entire trail system. The existing trail runs from North Elm Street to Bridge Street. This plan calls for expansion both north and south.

A. North extension

How far the north extension should go has been discussed. This plan calls for an extension on the west side of the river as far north as the limit of the Middle Density Residential (MDR) district with an access point onto Sligo Road. One possible route for the trail would be the Water District easement for the water main. This possibility should be further explored with the Trustees of the Water District.

B. Secure existing trail

The existing trail from North Elm to Bridge has a significant section which is held in private hands. Elizabeth Hunt owns approximately 320 feet of the trail in the proximity of York Street. There is an agreement which permits the trail to be on the property in exchange for the payment of real estate taxes. The agreement provides for the removal of the trail at anytime if requested by Mrs. Hunt. The Town should secure the perpetual use of this trail through outright purchase of the land or purchase of an easement.

C. Extension South

The trail is planned to extend south along the full length of the Royal River terminating at a deep water access park. This extension is comprised of several individual identifiable segments with specific characteristics as follows:

1. Extension through Mill Point to Route 88

The Town will need to acquire an easement through the Mill Pond apartment property on Bridge Street. This easement would most probably be located away from the water behind the parking lot. This would then connect onto Town-owned land off Grist Mill Lane. The trail will continue across the Royal River on a pedestrian bridge to the Town-owned overlook and parking area at Route 88. (Grist Mill Park).

2. Extension to the Town Landing

The feasibility of extending the trail under the I-95 Bridge to the Town Landing should be closely examined. This would connect the Bayview neighborhood into the trail network, thus providing a safer pedestrian route off Bayview.

3. **Along Route 88 at the harbor**

Of necessity, the trail will utilize a new sidewalk along the next stretch of trail. This sidewalk will run along the south side of Route 88, past entrances to the boat yards, to the entrance to the cemeteries.

4. **Cemeteries to Gilman Road**

The trail will utilize the existing road down the center of the Catholic cemetery. An easement will be necessary to assure this access. The trail will continue on the existing trail past the Yarmouth Wastewater Treatment facility. Some improvement will be needed to this segment. A small pedestrian bridge will cross Atwood's folly, continuing the trail on an existing pedestrian easement to Burbank Farm Lane.

A side trail off the main trail is the Larrabee's Landing right-of-way. Both the Burbank Farm and Larrabee's Landing trail portions are slated to be improved by the developer of the Burbank Farm subdivision.

The Larrabee's Landing trail is to be extended to the stone breakwater. This stone breakwater and an abutting area of approximately 150' X 75' is in the process of being given to the Town. There is a 150-foot strip between Larrabee's Landing and the stone breakwater area which will need to be acquired to complete this side trail.

5. **Gilman Road to end**

The trail continues from Gilman Road down Royal Point Road. A scenic overlook near the end of the trail is in the process of being acquired by the Town. The trail then leaves the road and follows a soon-to-be Town-owned easement to the water's edge near a beaver's dam at the Vail property boundary. The trail ends here at the projected location of a Town forest.

Cousins Island Trail

This trail provides a self-contained system for the island community and provides an alternative to the use of Cousins Street sidewalk for pedestrian movement. The trail begins at Sandy Point Beach and follows the shore under the bridge to the SOCI property. The SOCI (Scouts on Cousins Island) property is owned by CMP. An easement will need to be secured from them for access. The trail continues through the Tinker property which is managed by the Yarmouth School Board. The trail will then cross Cousins Street and follow the CMP right-of-way back to Sandy Point. This will form a complete loop. The trail will also follow the CMP right-of-way to the Cousins Island dock.

Pratt's Brook Trail

This trail will link together the east side of the Town. It will run from Ledge Road near its intersection with North Road along Pratt's Brook to East Main Street near Granite Street. Along its way it will bisect the Town-owned Hamill tract, slated to be a Town forest. Throughout its length the majority of the trail will be in the flood plain zone of Pratt's Brook. This trail may be extended through the landfill area with the possible use of the area as a canoe access.

West Side Trail

This will be the longest trail segment in Yarmouth and will be made up almost entirely of Central Maine Power (CMP) right-of-ways. The trail will begin on West Main Street at the proposed Applewood subdivision. A public trail will cross the open space area to reach the CMP right-of-way. The trail will then follow the right-of-way its length of the Cousins Island bridge.

Littlejohn Trail

There is an existing trail system on the east end of Littlejohn Island. This trail is entirely on the Truesdale property. No improvement of this trail is recommended. Public access to this trail will need to be acquired.

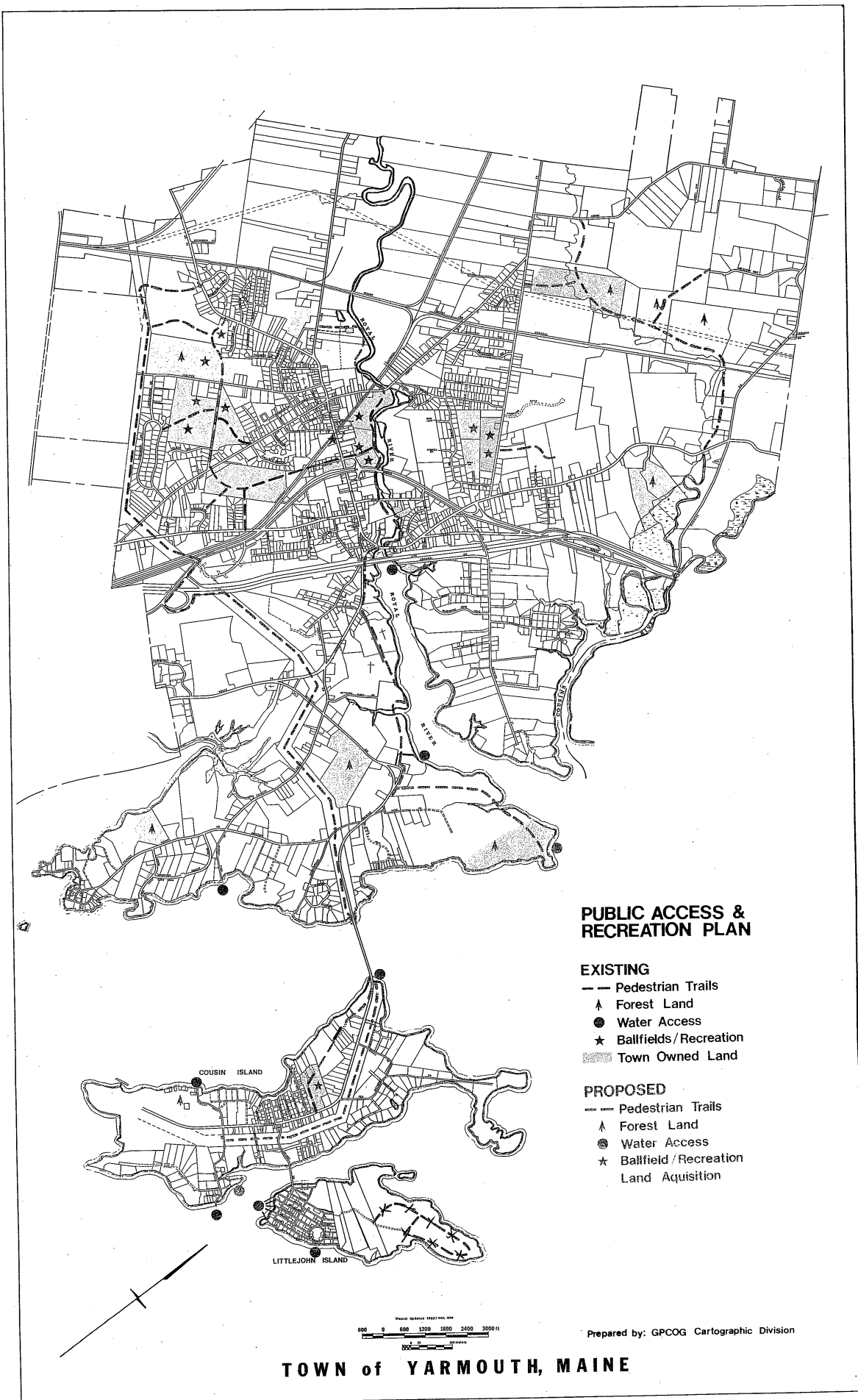
Interconnections to schools, parks, village and harbor

The four main trails will be connected to one another by side trails to provide access and looped jogging, cross country skiing, etc. courses. Several of these are shown on the plan map.

(See appendix B-map)

Pedestrian Trails Action Recommendations

1. Dedication of trail system components should be made where new development occurs. Impact fees in lieu will be required where new subdivisions will not be on trail systems. In recent years several important trail links have been secured by informal dedication by developers to the Town. This process should be continued in the context of the impact fee ordinance.
2. Secure existing Royal River Park trail system. A parcel of land owned by Elizabeth Hunt is an integral component of the existing Royal River Park. There currently is an agreement to lease this property for the trail from the owner. This trail should be secured by easement or fee simple purchase.
3. Central Maine Power's easements will make up a major portion of the West Side trail and the Cousins Island trail. Lease arrangements should be made with CMP for their use.
4. Establish a private trail organization to develop and maintain some trails. This volunteer organization will insure trails are in passable condition and that litter is not a problem.
5. Purchase easement through Millpoint property.
6. Include acquisition and development of portions of the trail system in the Capital Improvement Program.
7. Acquire an easement through the Catholic cemetery in exchange for Town maintenance of the cemetery drive.
8. The feasibility of connecting the Royal River trail to the Royal River Town Landing under I-95 should be established.



Smith st solar

From Denis Blanchette

Date Wed 2/12/2025 10:00 AM

To Erin Zwirko <EZwirko@yarmouth.me.us>

My name is Denis Blanchette I live at 192 Lafayette St, Yarmouth, ME 04096.

I'm writing to you about the proposed solar farm at Holy Cross Cemetery. I am opposed to this site as being used for a solar farm. This land is owned by the catholic diocese. Would they be tax exempt for have that farm on thier property? I walk through that area often and see lots of wildlife,deer,fox and eagles. As a town that cherishes it's open spaces, this would be quite a disturbance to wildlife.

Also is this the start of peppering the town with solar farms? Solar farms in my opinion are a far cry from being green energy, disturbing so much valuable land.

The cemetery is a place of rest for the families of many Yarmouth residents and I find it disrespectful.

I'm also concerned about what this could do to the values of homes in the immediate area.

What happens when the solar farms reaches its end of life?

Thank you for your time

Denis Blanchette.

Re: 0 Lafayette St Site Plan Application

From Edward Ashley

Date Tue 2/18/2025 3:18 PM

To Dan Ostrye

Cc Joshua Royte; Erin Zwirko <EZwirko@yarmouth.me.us>; Juliana Dubovsky <jdubovsky@yarmouth.me.us>; Michael Brandimarte; Karyn MacNeill <kmacneill@yarmouth.me.us>

Erin, please regard this as a communication to Planning Board.

Dan, Good job. As to Nat, he showed me an executed license agreement running from the Diocese to the Town (which had expired by its own terms by the time I saw it), granting a pedestrian use license for 3 years running from Smith Street down to the treatment plant property (with an existing trail of use), but not continuing onto the Whitcomb creek Diocese frontage which would enable a crossing to Fels'groves. Scott LaFlamme should have that document.

I believe you know that there is a natural bench cut on the Fels-groves side which takes you down the bluff to marsh edge, at about midpoint on the finger marsh, a natural spot for a boardwalk crossing over to the strip of diocese land easterly of Whitcombs Way..

I had written to Erin pleading an easement (not license) from Smith St down to a couple of natural clearings/view spots and on down to the hammerhead turnaround at the gate. I have tried in the past to get PLC attention to an ADA trail running from the hammerhead (as a parking area) to a spot on the shore at the mouth of Whitcombs Creek, with views down to Lanes Island and Winslow Park and beyond, with a little bottom third pruning of some branches, with two to three spots atop bank for some benches, all level going from the hammerhead, easy ADA trail ground. A quiet contemplation spot with ready wheelchair access, cool in the shade on a hot summer day. The Fels-Groves crossing would be a short distance further. Otherwise the Diocese could squeeze a couple of high value house lots out of the high ground between the Whitcombs Creek finger marsh and Whitcomb's way. The cleared spots I mentioned earlier have some elevation gain as you work your way around the treatment plant fenced perimeter from the hammerhead, and turning left towards the cemetery as you reach the bluff at Royal river edge. Minimum investment required for a very nice amenity, assuming the Diocese granted rights. The Town already owns a good chunk of what I have described.

Now is the time to address it. I would note that there are also loss of tree canopy consequences at stake here, and some compensation for loss of canopy, as well as loss of habitat, is an entirely appropriate topic of discussion.

Ed

Wendy Simmons

From: Jill Fulton
Sent: Tuesday, February 18, 2025 8:06 PM
To: Wendy Simmons
Subject: Solar Farm

All -

I'm writing to express my strong opposition to the proposed 12-acre solar farm at Holy Cross Cemetery. This project raises serious concerns—both practical and ethical—for our community.

First, clear-cutting eight acres of forest to install solar panels seems counterproductive from an environmental standpoint. Trees provide far more long-term ecological benefits than a solar farm ever could, and this land is simply not suited for industrial development. There are plenty of open fields where solar panels could be placed without destroying woodlands.

Additionally, this site isn't even zoned for such a project, meaning a variance is required. Zoning laws exist for a reason, and granting exceptions like this sets a troubling precedent—what's to stop other unsuitable developments?

Beyond that, there's the matter of aesthetics. A solar farm is an industrial eyesore—rows of metal and glass where there was once natural beauty. Holy Cross Cemetery is meant to be a place of peace and remembrance, and turning it into a commercial energy site is not only disruptive but also deeply disrespectful. The project may benefit the cemetery's fund, but it does nothing for the town itself.

I urge the Planning Board to reject this proposal and encourage a more thoughtful approach to renewable energy—one that doesn't come at the cost of our forests, zoning integrity, or the character of our community.

Thank you for your time and consideration.

Jill Fulton
47 Royall Meadow Road
Yarmouth, ME 04096

Sent from my iPhone

Wendy Simmons

From: Jason Prince
Sent: Friday, February 14, 2025 4:24 PM
To: Wendy Simmons
Subject: Holy Cross Solar Farm

Dear Ms. Simmons,

I am writing to express my opposition to the proposed solar farm adjacent to Holy Cross Cemetery in Yarmouth. While I support solar power, I believe this project's potential environmental impact is unacceptable.

Clear-cutting forest to build the solar farm would destroy valuable habitat for numerous species, including eagles, osprey, and deer. Once developed, this land would likely be lost as animal habitat forever.

As a Yarmouth resident, I urge you to uphold the current land use rules and prevent this project from moving forward.

Thank you for your attention to this matter.

Sincerely,
Jason Prince
27 Sea Spray Reach, Yarmouth, ME 04096

Wendy Simmons

From: Kerry Stetson
Sent: Thursday, February 13, 2025 3:43 PM
To: Wendy Simmons; Erin Zwirko; icromarty@yarmouth.me.us; mlengel@yarmouth.me.us; hginsberg@yarmouth.me.us; jhansen@yarmouth.me.us; jking@yarmouth.me.us; mschumacher@yarmouth.me.us; kwilliams@yarmouth.me.us
Subject: 12 acre solar farm in Holy Cross Cemetery

Follow Up Flag: Follow up
Flag Status: Flagged

Hello,

I am writing with my concerns about the 12 acre solar farm in Holy Cross Cemetery to be considered in the project report to the Planning Board.

I am not an abutter to this property, but as someone who purchased our home having considered the zoning laws and making a decision that fit our lifestyle, it's unconscionable to think that our planning board would ignore those zoning laws to the benefit of one property owner, with no benefit to the town and detrimental to abutters and wildlife.

When considering a zoning variance, it is expected that our appointed planning board would consider heavily what benefit does this add to the town and abutters, and what harm would this bring to the town and abutters. This project doesn't seem to have any benefit to the town, we wouldn't receive any power or financial gain from it. But the harm looms large; loss of bald eagle, osprey, deer, and other wildlife habitat, reduced property values for abutters, and continued loss of faith in our zoning laws.

The 273 page proposal notes that the state of Maine doesn't have anything in it's records about wildlife or fauna of note, when was the last time anyone from the state assessed the land? Is that information current and relevant at all?

There is much debate on how impactful these types of solar farms are and what negative impact they have on the environment versus their benefit, I don't really see a need to even get to that conversation. The concerns and debate around this proposal come down to our zoning laws and upholding them to the benefit of all residents, not one.

Thank you,
Kerry Stetson

TO: Members of the Yarmouth Planning Board
Erin Zwirko, Director of Planning and Development
Scott LaFlamme, Yarmouth Town Manager

FROM: Jeff and Lisa Hook

DATE: February 17, 2025

RE: Smith Street Solar Project

We are residents and property owners at 232 Lafayette Street and are writing to you with our strong opposition of the proposed Smith Street Solar Project for many reasons which we will summarize in this letter.

When we purchased and built upon this property over 25 years ago, we did so knowing that we would abut a cemetery. We never imagined that we would be in the line of sight of a 12-acre commercial-scale solar farm with over 8 acres of solar panels and chain link fencing. Yes, we are abutters and would be able to see this from our backyard.

In the short time since we received notice, we have reviewed the 237-page Application for Major Site Plan Review by Yarmouth Solar 1, LLC (“Applicant”). We have also reviewed Yarmouth’s Comprehensive Plan, Climate Action Plan, Zoning Ordinance and various other Town documents.

By its own admission, Applicant acknowledges that a solar farm is NOT a Permitted Use within the MDR District. Furthermore, the proposed use is NOT a Special Exception per our Zoning Ordinance. That is where consideration by the Planning Board should end. Application denied. If the Applicant intends to ask for a Conditional Zoning Change, that must be taken to the Town Council and we strongly oppose such change.

Notwithstanding this departure from Town approval protocols, a commercial-scale solar farm on this parcel is incompatible with Yarmouth’s Comprehensive Plan in the following areas:

- Preservation of Natural Resources and Mature Trees (NO)
- Preservation of Habitat (NO)
- Protection of Recreation (NO)

This project will be an eyesore to those of us who frequent Holy Cross Cemetery to visit loved ones or to enjoy some outdoor exercise on the way to the town walking and biking trails.

It is ironic that clearcutting of over 12-acres of wildlife habitat is necessary for a developer’s quest of a renewable energy source and less important than natural carbon sequestration. We frequently see deer, turkeys, bald eagles, bats, owls and fox roaming in this forested area. It would be a shame to destroy this undeveloped land and natural habitat. Inconsistencies in the site plan maps made it challenging to determine the specific areas of clearcutting – that matters to us as a direct abutter.

Then there are health and quality of life concerns as we will be in both eye and ear shot of the solar farm. The Applicant mentions that there will be glare and noise emission, yet at so-called acceptable levels. Nevertheless, they will be noticed by us as direct abutters. There may be other health impacts from being in close proximity to an energy generator, yet that’s too early to tell.

If this project were to move forward, our property value would be negatively impacted. This project would irreparably damage the character of the neighborhood and Yarmouth more broadly. Clearly, we are not benefiting from this project. Then, who is?

- Diocese of Portland – The Diocese will collect income for 20 and up to 40 years from a land lease with Applicant. Precise amount redacted. Revenue generation from this type of activity, when it will negatively impact many, seems ill-advised.
- New Leaf Energy – The Applicant, a Lowell, Massachusetts firm, will benefit from development of this self-described “large scale commercial solar energy system.” Regardless of the legal entity formed for this project, Yarmouth Solar 1, LLC or other, they are all offshoots of this out-of-state company. New Leaf has purportedly also developed numerous solar projects in Maine, but those are in much more rural areas of the State.

If this is not yet enough, we find it in poor form that as a direct abutter we were not made aware of this proposal by the Applicant nor the Diocese prior to the written notice by the Town.

In closing, we urge you to swiftly reject the application known as Smith Street Solar. This Yarmouth neighborhood is the wrong place for a commercial-scale solar farm.

Sincerely,

Lisa & Jeff Hook

February 17, 2025

re: Ridiculous Solar Panel Proposal

Dear Town of Yarmouth,

My name is Matthew Cardente and I reside at 210 Lafayette Street, Yarmouth, Maine. While I was not notified by the Town of Yarmouth, luckily my neighbor relayed to me the proposal for clear cutting a substantial amount of land near my property to install solar panels. Frankly, I am shocked that a variance for such a project is even of any consideration. This area is a mix of residential and two cemeteries abutting the Royal River. If this project goes through, you are literally disrupting the dead and their visitors. Further, this eye sore will devalue the property values in the immediate area. If for some crazy reason the Town approves this project, I would expect a 25-30% reduction in my real estate taxes to compensate for my loss. Residents even closer to this project should get 75% reduction. I was on the Yarmouth Zoning Board of Appeals for many years and have never seen such a poor plan ever. Further, I do not appreciate the lack of communication from the Town regarding something that would substantially alter the immediate area that I live. Very very sketchy and alarming. I have a long list of negatives that I will add if needed but I am hopeful that the Town of Yarmouth will do the right thing and deny this proposal or any variation of one that involves clear cutting and installing solar panels in this area.

Beyond disturbed by this,

Matthew Cardente

(Owner of 210 Lafayette Street for almost a quarter century)

Wendy Simmons

From: Stacey Chase
Sent: Thursday, February 13, 2025 10:44 PM
To: Erin Zwirko
Cc: Wendy Simmons
Subject: Opposition to Smith Street Solar!

Dear Yarmouth Planning Board:

My name is Stacey Chase and I reside at 216 Lafayette Street in town. My property abuts Riverside and Holy Cross cemeteries, with the latter containing an undeveloped 12-acre parcel, owned by the Roman Catholic Bishop of Portland, that is the proposed site of a \$5.8 million project known as "Smith Street Solar," a commercial solar energy farm. I am writing to the board to voice my **vehement** opposition to this project, which would adversely affect not only me, but my neighbors, and the entire Town of Yarmouth.

What follows is a list of just some of the reasons why the planning board should immediately — and unanimously — reject the Smith Street Solar plan:

- 1.) The Smith Street Solar plan raises the frightening possibility of EMF (electromagnetic fields) exposure to those of us living close to the site, which could pose serious health risks. Furthermore, the project leaves the Town of Yarmouth vulnerable to a future class-action lawsuit arising out of any such health issues for nearby residents.
- 2.) A solar energy farm would lower the property values of all the residents on Smith Street and Lafayette Street, as well as in the nearby area. Independent research has documented a 7% decline in property value for homes within 0.1 miles (528 feet) of a solar energy farm, and adverse effects that extend out as far as one mile. (SOURCE: Community & Environmental Defense Services.)
- 3.) Solar energy farms emit noise pollution, as well as glare and light pollution. Residents living near such farms in Florida and elsewhere have reported both noise and glare from the solar panels. Some report a "constant hum" from substation transformers and transmission lines; others say the transmission lines can affect cell and other radio signals.
- 4.) Solar energy farms are notorious for disrupting wildlife habitats and can even lead to the displacement of native plant species. I walk in the area frequently and have personally seen fox, deer, geese, skunks, wild turkeys, bald eagles, and other wildlife in Holy Cross Cemetery. I shudder to think that these beautiful animals would be disturbed and displaced due to the clear cutting of the wooded parcel earmarked for the solar energy farm.
- 5.) A *commercial* solar energy project does not belong in a residential district and would irreparably damage the character of the surrounding neighborhood. The aesthetics are awful. Local residents use Holy Cross Cemetery for walking, running, skiing, snowshoeing, walking their dogs, and other leisurely pursuits, or just for times of quiet contemplation and reflection. A solar energy farm would ruin this forever.

6.) The project would be an eyesore and a blight on the pastoral setting and completely out of place alongside the graves and flat headstones marking cremains. The Smith Street Solar plan calls for "chain-link fencing around the perimeter" which would be more than ugly; it would be disrespectful to the dead.

To me and many of my neighbors, the Smith Street Solar application seems to be inexplicably fast-tracked, with a final vote on the project possibly coming as early as March 26, 2025. We were given less than two weeks from the February 5, 2025 mailing of a notice describing the project to submit public comment to the Yarmouth Planning Board. (The deadline for comments is February 18, 2025.) The construction schedule in the application lists Summer 2025 for site clearing. We want to know: *What's the big rush?*

There are a lot of unanswered questions here:

- Would the Town of Yarmouth realize any tax benefits from Smith Street Solar, or is the diocesan property tax-exempt?
- Where is the energy supply from this system intended to be sold? Is any of the energy generated staying in Yarmouth, or Maine?
- Given that the developer New Leaf Energy Inc. has completed numerous solar projects throughout Maine, is this the start of an undesirable trend in residential areas?
- Is this the best use of valuable land along the banks of the Royal River?
- What happens if a solar panel, which may contain poisonous heavy metals, breaks? How dangerous is that toxic mess?
- What happens to the land when the solar farm reaches the end of its life expectancy?

And on and on and on.

I cannot imagine why the Yarmouth Planning Board would allow such an ill-advised project like Smith Street Solar. *It should not. It should not be given even the slightest consideration.* This is not NIMBYism. Smith Street Solar is simply wrong for the Town of Yarmouth. There is no foreseeable benefit to area residents at all. It seems to me that the *only* gain from this proposed monstrosity is the huge payout the Roman Catholic Diocese of Portland would receive upon leasing 12 pristine acres along the shoreline in our lovely town, but *that* should not drive public policy.

Sincerely,

Stacey Chase

Stacey Chase

Freelance Writer/Adjunct Professor

216 Lafayette Street

Yarmouth, Maine 04096

Wendy Simmons

From: Sarah Norsworthy
Sent: Sunday, February 16, 2025 3:39 PM
To: Wendy Simmons
Cc: Jeff Norsworthy
Subject: Solar Farm - Bald Eagles Nesting

Hello Wendy,

I wanted to call attention to the fact that there are a nesting pair of Bald Eagles in Riverside Cemetery. I have been photographing these eagles regularly while not revealing their location because of the impact well-meaning people can have on the behavior of these nesting birds. I was surprised to not find mention of the Bald Eagles in the site report. If documentation of the eagles' nest would support their protection, please let me know.

Warmly,
Sarah

--

Sarah CB Norsworthy, EdD
Pronouns: she/her/hers

PETITION TO STOP SMITH STREET SOLAR

We, the undersigned, hereby petition Town Manager Scott LaFlamme, the Yarmouth Town Council, and the Yarmouth Planning Board to reject plans to build a \$5.8 million project known as "Smith Street Solar," a commercial solar energy farm, within Holy Cross Cemetery off of Smith Street and Lafayette Street in the Town of Yarmouth, Maine. We believe Smith Street Solar would pose health risks, lower property values, emit noise and light pollution, and disrupt wildlife habitat; it would also irreparably damage the character of the neighborhood and present an eyesore. Smith Street Solar is simply wrong for the Town of Yarmouth.

Name: Margaret Smith Signature: Margaret Smith
Address: 202 PLEASANT ST.

Name: MARGARET LAWRENCE Signature: Margaret Lawrence
Address: 7 GOODINGS END

Name: Chris Jones Signature: Chris Jones
Address: 132 Pleasant St
Yarmouth, ME 04096


Name: William Joseph Pires Signature: William Joseph Pires
Address: 202 Lafayette St
Yarmouth ME

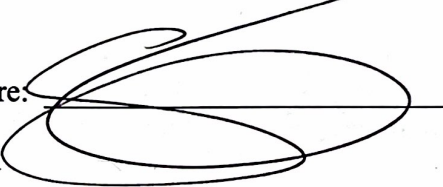
Name: Barbara Pires Signature: Barbara Pires
Address: 202 Lafayette St. Yarmouth

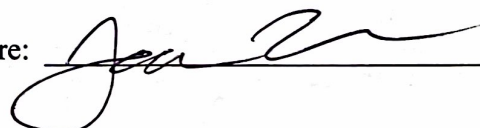
Name: STACEY CHASE
Stacey Chase Signature: Stacey Chase
Address: 216 Lafayette Street


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Name: MATHEW HICKEY Signature: 
Address: mjhcyh@gmail.com

Name: Catherine Hickey Signature: 
Address: cathhick72@gmail.com

Name: Joan Torres Signature: 
Address: 70 Portland St

Name: Denis Blanchette Signature: 
Address: 192 Lafayette

Name: Matthew Cardente Signature: 
Address: 210 Lafayette St

Name: Joey Merrill Signature: 
Address: 254 Lafayette St

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Name: Robin Frazier Signature: [Signature]
Address: 70 Smith St

Name: Henry Ditzel Signature: [Signature]
Address: 254 Pleasant Street

Name: Gregor Snow Signature: [Signature]
Address: 248 Pleasant St

Name: Richard D. [Signature] Signature: [Signature]
Address: 242 Pleasant St.


Name: Barbara Hailu Signature: [Signature]
Address: 242 Pleasant St


Name: Patricia Smith Signature: Patricia Smith
Address: 202 Pleasant St
Yarmouth ME

[Signature]

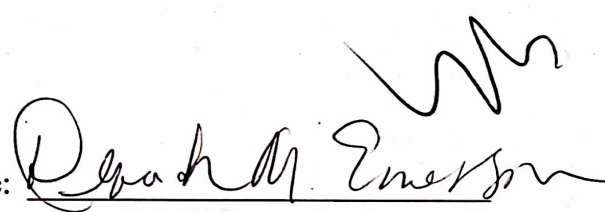
PETITION TO STOP SMITH STREET SOLAR

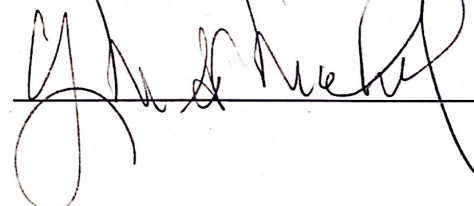
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Name: Lisa C. Hook Signature: 
Address: 232 Lafayette St.

Name: Steve Arnold Signature: 
Address: 127 Applecrest DR

Name: CHRIS EMERSON Signature: 
Address: 62 AUTUMN

Name: Deborah Emerson Signature: 
Address: 62 Autumn Lake

Name: Yvonne St. Michel Signature: 
Address: 48 Autumn Lake

Name: Aidan Hickey Signature: 
Address: 74 Pinewood Road

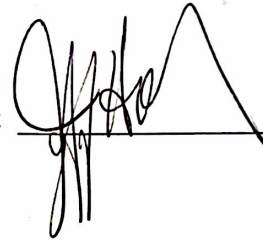
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Name:

Jeff Hook

Signature:



Address:

232 Lafayette St

Name: _____

Signature: _____

Address: _____

Name: _____

Signature: _____

Address: _____

Name: _____

Signature: _____

Address: _____

Name: _____

Signature: _____

Address: _____

Name: _____

Signature: _____

Address: _____

Wendy Simmons

From: CoastalCat PT
Sent: Monday, February 17, 2025 7:55 PM
To: Wendy Simmons
Subject: Solar farm by Holy Cross Cemetery

Hi Wendy,

Here are my comments on the solar panel proposal.

I'm writing to express my strong opposition to the proposed 12-acre solar farm at Holy Cross Cemetery. This project raises serious concerns—both practical and ethical—for our community.

First, clear-cutting eight acres of forest to install solar panels seems counterproductive from an environmental standpoint. Trees provide far more long-term ecological benefits than a solar farm ever could, and this land is simply not suited for industrial development. There are plenty of open fields where solar panels could be placed without destroying woodlands. I realize that the diocese may not own any other land but that is the reality of how we protect our environment.

Next, this site isn't zoned for such a project, meaning a variance is required. Zoning laws exist for a reason, and granting exceptions like this sets a troubling precedent—what's to stop other unsuitable developments?

Lastly, there's the matter of aesthetics. A solar farm is an industrial eyesore—rows of metal and glass where there was once natural beauty and a habitat for local creatures. Holy Cross Cemetery is meant to be a place of peace and remembrance, and turning it into a commercial energy site is not only disruptive but also deeply disrespectful. I have 15+ family members who have already been laid to rest in Holy Cross as well as countless friends. My mom is 98 and plans to be buried in her plot there. I will probably have my ashes interred there when it's my time as well. I'm sure all of my deceased relatives and all of the other "residents" of the cemetery and their families never imagined clear cutting acres of land for a solar farm adjacent to this peaceful place.

The project may benefit the cemetery's fund, but it does nothing for the town itself. I urge the Planning Board to reject this proposal and encourage a more thoughtful approach to renewable energy—one that doesn't come at the cost of our forests, zoning integrity, or the character of our community. Thank you for your time and consideration.

Sincerely,
Tammy DeRoche and Lucy DeRoche
58 Cleaves Street
Yarmouth, ME

Mailing contact for Tammy:
6913 61st Ave SE
Snohomish, WA 98290

Wendy Simmons

From: Barbara Pires
Sent: Saturday, February 15, 2025 4:46 PM
To: Wendy Simmons
Subject: Yarmouth Solar 1, LLC

Attn: Yarmouth Planning Board

Please consider my concerns regarding the proposed Smith Street solar farm:

1. Clear cutting 8 acres can not be good for the environment 2. Noise from the inverters will add to noise pollution 3. Clear cutting will result in displacement of turkeys, foxes, hawks, eagles, and deer resulting in this wildlife moving into the neighborhood 4. This area is not zoned for business use

I do not see a benefit to the town. I am asking you to reject this proposal.

William Pires
202 Lafayette St
Yarmouth

Sent from my ipad