

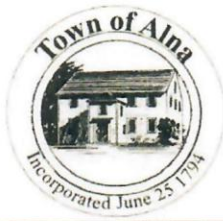


Alna Planning Board Findings of Fact and Conclusion of Law Regarding an Application presented by Alna Community Solar LLC

Findings of Fact

The applicant Alna Community Solar on submitted an application on October 19, 2021. The application has proposed the construction of a 2.9-megawatt (MW AC) ground-mounted utility-scale solar array that could deliver clean renewable energy to the local electrical grid. The Project is located off Alna Road/State Route 218 and will occupy a 15.4-acre portion of the parcel known as Map R1, Lot 9, a lot owned by Charles Ussery. Until this submittal all solar installations approved in Alna had been applications for domestic solar arrays. The nature and location of the proposed project required that it be considered by the Planning Board. The Planning Board found that the project was subject to review under the provisions set forth in both the town's Shoreland Zoning Ordinance and the Subdivision and Site Plan Review Ordinance. Review under the Shoreland Zoning Ordinance was necessary due to the placement of two utility poles within 35 feet of an intermittent stream and thus within a Stream Protection District. The Plan was first reviewed during the November meeting and a Site Visit was scheduled and held on November 25, 2021. The Planning Board deemed the application complete at the January meeting. The public was allowed to comment and raise questions at all three Planning Board meetings while this application was under consideration. At several of these meetings abutter Ralph Hilton raised questions concerning a deer yard at the proposed site and the existence of vernal pools. In order to give the public a further opportunity to comment on the project A public hearing regarding the application was held on January 25, 2022 at which the Alna Volunteer Fire Department and the Wiscasset, Waterville and Farmington Railway raised concerns about the project. At The Planning Board meeting held on Tuesday February 1, 2022 The application was approved with conditions, four Planning Board members voting to approve and one abstaining. Approval of the application. The conditions are as follows:

- 1) The applicant must notify the Planning Board when construction starts and when it is completed.
- 2) The applicant shall as noted in a letter provided by the WW&F Railway meet the following conditions.
 - a. No utility poles or other hardware be permanently placed between the ditches of the original railroad bed.
 - b. That overhead line clearance across the railroad bed meet Central Maine Power's standards for railroad crossings on service drops, which is 24' minimum.
 - c. That the final grade height of the improved road not be more than 18" higher than the current grade height of the railroad bed.
 - d. That the placement of culverts or other water management features not impinge upon the restoration and or use of the roadbed for railroad purposes.
- 4) The applicant shall provide the Planning Board prior to the start of construction with a perimeter survey of the parcel, made and certified by a registered land surveyor relating to reference



points, showing true north point, graphic scale, corners of parcel and date of survey and total acreage. As noted in the Subdivision and Site Plan Ordinance areas within 250 feet of the proposed development site shall be included.

Conclusion of Law

Based upon the above Findings of Facts and based on the evidence provided by the applicant, the Alna Planning Board makes the following conclusions regarding fulfillment of the land use standards which are enumerated in the Shoreland Zoning Ordinance.

The board unanimously voted that the project meets the definition of an essential service as defined in the Shoreland Zoning Ordinance.

The board found the following in regards to the land use standards enumerated in Section 15 of the SZO.

A. Minimum Lot Standards

The Project does not propose any changes to the existing lot; therefore, this section is not applicable.

B. Principal and Accessory Structures

The Project does not propose the construction of any structures within the Shoreland Zone; therefore, this section is not applicable.

C. Piers, Docks, Wharfs, Bridges and Other Structures and Uses Extending Over or Beyond (Waterward) the Normal High-Water Line of a Water Body or Within a Freshwater Wetland because of a Functional Water Dependent Use

The Project does not propose piers, docks, wharfs, bridges, or other structures extending over water; therefore, this section is not applicable.

D. Campgrounds

The Project does not propose a campground; therefore, this section is not applicable.

E. Individual Private Campsites

The Project does not propose individual campsites; therefore, this section is not applicable.

F. Parking Areas

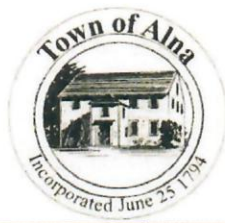
The Project does not propose parking areas; therefore, this section is not applicable.

G. Roads, Driveways and Railroads

The Project will utilize the existing access road off Alna Road/State Route 218. The Project does not propose the construction of roads and/or driveways within the Stream Protection District; therefore, this section is not applicable.

H. Signs

The Project proposes to install signs relating to public safety at the existing gate located within the Stream Protection District. An informational placard will be installed at the entrance gate and will list a 24-hour emergency contact phone number. These signs will not be illuminated and will not be higher than 5 feet above ground. No advertising or other signage is proposed in the Stream Protection District.



I. Storm Water Runoff

The only new construction proposed by the Project within the Shoreland Zone are the two (2) utility poles proposed to be installed within the Stream Protection District. The Project filed a Stormwater Permit by Rule (PBR) application with the Maine Department of Environmental Protection (MDEP) in October 2021. During construction and operation of the Project, Best Management Practices will be followed for erosion and sedimentation control and are detailed in the Erosion and Sedimentation Control Inspection and Maintenance (ESCIM) Plan included in the Stormwater PBR application.

J. Septic Waste Disposal

The Project does not require or propose a septic system or other wastewater disposal system; therefore, this section is not applicable.

K. Essential Services

2. The installation of essential services, other than road-side distribution lines, is not permitted in Resource Protection or Stream Protection Districts, except to provide services to a permitted use within said district, or except where the applicant demonstrates that no reasonable alternative exists. Where permitted, such structures and facilities shall be located so as to minimize any adverse impacts on surrounding uses and resources, including visual impacts.

Within the Stream Protection District, the Project proposes the installation of essential services in the form of overhead power lines and associated utility poles. The purpose of this installation will be to provide service to a permitted use (i.e., interconnecting the Project to the electrical grid). Given the limits of the Project parcel, the existing access road is the only viable option for the Project to interconnect to the electrical grid. Also, there are no other alternative locations for these poles to be installed since CMP will require that the interconnection utility poles be installed as close as possible to the public right-of-way and they have been proposed to be located as close as possible to Alna Road/State Route 218.

L. Mineral Exploration and Extraction Operations

The Project does not propose mineral exploration or extraction operations; therefore, this section is not applicable.

M. Agriculture

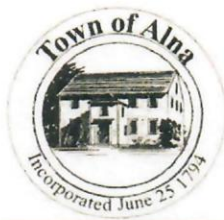
The Project does not propose agricultural use of the property; therefore, this section is not applicable.

N. Timber Harvesting

The Project does not propose timber harvesting; therefore, this section is not applicable.

O. Clearing of Vegetation

The Project does not propose clearing of vegetation within the Shoreland Zone; therefore, this section is not applicable.



P. Erosion and Sedimentation Control

In October 2021, the Project filed a Stormwater PBR application with MDEP that includes an ESCIM Plan. During construction and operation of the Project, Best Management Practices will be followed for erosion and sedimentation control and are detailed in the ESCIM plan included in the Stormwater PBR application. This plan has been designed with the Site's specific topography and soils in mind.

Q. Soils

The Project proposes the installation of two (2) utility poles within the Stream Protection District. The installation process will be conducting in accordance with the ESCIM included in the Stormwater PBR application. Therefore, the proposed work within the Stream Protection District will be established and maintained without causing severe erosion, mass soil movement, improper drainage, and water pollution, whether during or after construction.

R. Water Quality

The Project will not deposit on or discharge into the ground or discharge to the waters of the State any pollutant.

S. Archaeological and Historic Sites

The Project parcel, as well as all adjacent properties, are not listed or eligible to be listed on the National Register of Historic Places. The nearest feature is 2.2 miles from the Site.

T. Pond Construction

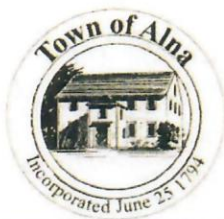
The Project does not propose pond construction; therefore, this section is not applicable.

U. Limited Light Commercial/Institutional Usage

The Project does not propose limited light commercial/institutional use within the Shoreland Zone; therefore, this section is not applicable.

The board found the following in regards to the land use standards enumerated in Section 16 of the SZO.

1. The Project will maintain safe and healthful conditions during construction and operation.
2. The Project will not result in water pollution or erosion or sedimentation to surface waters. During Project construction and operation, Best Management Practices will be followed for erosion and sedimentation control in accordance with the ESCIM plan.
3. During Project construction and operation, no wastewater will be produced.
4. The proposed Project is not expected to have any adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat.



The Project was designed to avoid and minimize impacts to delineated wetlands and other protected natural resources to the greatest extent practicable. The Project has been built to avoid wetlands and use existing infrastructure.

On September 20, 2021, an inquiry was sent to the Maine Department of Inland Fisheries and Wildlife (MDIFW) regarding the presence of any protected species or habitats on the Site. MDIFW's response to the inquiry was received September 29, 2021 and stated that there are no essential habitats that would be directly affected by the Project. However, based on information provided by the MDIFW, a large portion of the Project was mapped as Deer Wintering Area (DWA).

The Applicant consulted with Bob Stratton and G. Keel Kemper with MDIFW, to review the DWA mapped on the Site. During a site visit completed in November 2021, MDIFW agreed that the portion of the DWA on the Site does not contain the appropriate habitat conditions that would meet the department's minimum criteria to be considered DWA of moderate or high value.

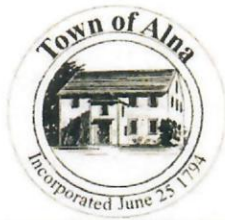
5. The Project will not impact shore cover or access to inland waters.
6. The Project parcel, as well as all adjacent properties, are not listed or eligible to be listed on the National Register of Historic Places. The nearest feature is 2.2 miles from the Site. The Project will not impact archaeological and historic resources.
7. The Project will not adversely affect existing commercial alewife fishing.
8. The Project will avoid problems associated with flood plain development and use because the project does not take place in a flood plain.
9. The project is in conformance with the provisions of Section 15, Land Use Standards as noted above.

Based upon the above Findings of Facts and based on the evidence provided by the applicant, the Alna Planning Board makes the following conclusions regarding fulfillment of the requirements set out in sections VI and VII in the Subdivision and Site Review Ordinance.

Section VI

- 1-a) The board voted to waive the requirement for a map prepared at not less than one inch to 50 feet and found the map submitted at a scale one inch to 100 feet was adequate.
- 1-b) The board voted to waive the requirement for a high intensity soil survey.
- 1-d) The applicant is required to provide the Planning Board prior to the start of construction with a perimeter survey of the parcel, made and certified by a registered land surveyor relating to reference points, showing true north point, graphic scale, corners of parcel and date of survey and total acreage. Areas within 250 feet of the proposed development site shall be included.
- 1-s) The board voted to waive the requirement for a hydro-geologic assessment.

Town of Alna
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Alna, Maine 04535



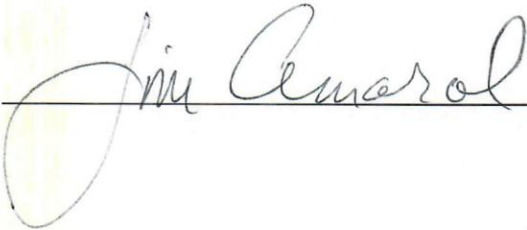
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The board found that the applicants have provided all the pertinent information required and set forth in Sections VI and VII of the Subdivision and Site Review ordinance.

THEREFORE, the Town of Alna Planning Board approves the application of Alna Solar LLC to construct a 2.9-megawatt (MW AC) ground-mounted utility-scale solar array as proposed.

Dated at Alna, Maine the 1st day of February 2022.

ALNA PLANNING BOARD

BY:  Jim Amaral, Planning Board Chair