

OFFICIAL MINUTES: Business Meeting
Eliot Conservation Commission
Eliot, Maine 03903

DATE: January 5, 2022

OFFICERS:

Chair: Kari Moore

Vice Chair: Lisa Wise

Secretary: Peter Egelston

Treasurer: Lynn Bubley

THIS MEETING WAS HELD IN PERSON.

1. 6:31 PM Call to Order and Roll Call

The meeting was called to order with roll call at 6:31 pm by Kari Moore.

In attendance: Kari Moore (Chair), Cyndy Camp (Member), Peter Egelston (Secretary), Lynn Bubley (Treasurer), Lisa Wise (Vice Chairman), Carol Castellan (Member)

2. Public Input

No public input at this meeting as no members of the public were present.

3. Review and approve past minutes:

No minutes were ready for review at this time.

4. Project Development/Permit Review/Planning Studies

Michael Sudak from Attar Engineering and Andrew Kellar from New Hampshire Solar Garden, present revised plans for Odiorne Lane Solar project prior to next public hearing, due to take place on January 18th.

The (out of date) wetland delineation on the previous plan has been brought up to date, with the revised plan showing new siting for the panel array, locating the panels outside of the wetland areas.

An initial survey for New England cottontails has been done, in conjunction with Cory Stearns (Maine Department of Inland Fisheries & Wildlife - DIFW) with no signs of recent activity.

The engineer is working with Inland Wildlife and Fisheries to conduct a turtle survey.

Question: Can turtle surveys be done in the winter?

A: The survey focuses on feedgrass and infers from that the presence of turtles.

The developers have been in contact with Kristen Puryear, Maine Dept. of Agriculture, Conservation, and Forestry Ecologist regarding three rare plant species, who they expect to hear from by week's end.

Kari: The project started as 19 acres. It appears to be now down to 11 acres with 8.5 to be developed.

Andrew Kellar: The state has limited the development to 2 megawatts of generation capacity. The area inside the perimeter fencing is 8.5 acres. The occupied space, including the shade management area, is 11 acres.

Kari: Is the shade management area outside of the wetland setback?

Andrew Kellar: yes

The prospect was discussed of the landowner's putting the 57 acres that are not part of this development into a conservation easement.

Kari: There is not a commitment yet that this is going to happen. Will there be one before the public hearing?

Andrew Kellar: We are working on it.

Christine Bennett, former Planning Board member: Opportunities exist in Eliot for land conservation through the Great Thicket program.

Some "red flags" to consider: The developers are not the land owners. The process of putting a parcel into conservation can take years to accomplish. This particular property has title issues arising from a boundary dispute. The solar project places encumbrances on the remainder of the parcel to meet lot coverage requirements, which may create challenges.

Ms. Bennett suggests that the property owner instead consider a deed covenant. This approach is easier to accomplish, but not as durable.

Andrew Kellar: we understand this to be a two to three year process.

Lisa: can we ask for a written commitment from the property owner?

Peter: how are the two parts of this property "tied together?" What does one have to do with the other?

Mike Sudak: The parcel has a history of failed projects, and this is perceived by the owner to be the best opportunity to develop the land.

A lengthy discussion regarding how a deed covenant works followed.

Kari reiterated her concern that this was not an appropriate use for this parcel.

Andrew Kellar asked if she was speaking for herself or on behalf of the commission, and asked if the other members concurred. Peter, Lisa, Cyndy and Lynn expressed their agreement with Kari's position. (Carol had left the meeting early and was not present for this discussion.)

In conclusion, the ECC wishes to see:

- Letters from Maine DIFW and Maine Natural Area Program, mentioned at the start of the presentation.

- A written statement from the property owner expressing his commitment to place the undeveloped portion of the property into conservation.
- A commitment that a 75 foot buffer from wetlands will be protected.
- Any comments from abutters.

Jay Meyer, an abutter, expressed his concern that the current configuration of perimeter fencing will inhibit the movement of wildlife across the property and asked that it be adjusted.

Other projects:

The 771-787 Main Street Subdivision

Mike Sudak: This is an 11 acre parcel consisting of 3 combined lots that went before the planning board in December, 2020. The town ordinance requires a 400 foot minimum separation between entrances on the main road. A waiver was requested and denied. A new application has been submitted with 350 feet on either side.

Kari proposed tabling discussion of this.

A movement was made and a vote taken to schedule a special meeting to further discuss the Odiorne project prior to the public hearing on January 18th. The purpose of this meeting is to enable the Commission to summarize its position on this project prior to the public hearing on the 18th. This meeting is to take place on Friday, January 14th at 5:30 pm.

The meeting adjourned at 8:45pm.

Next scheduled meeting is Wednesday February 2, at 6:30 PM.

Respectfully submitted,

Peter Egelston

Secretary

CC: Eliot Town Clerk, Commission Members, Commission File