



Town of Windham  
Planning Department  
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## STAFF REVIEW AND COMPLETENESS MEMO

DATE: October 15, 2024

TO: David Fowler, Sebago Solar, LLC  
FROM: Evan O'Connor, Town Planner  
Cc: Windham Planning Board  
Kirk Ball, Acheron Engineering  
Steve Puleo, Planning Director

RE: #24-21 – Major Site Plan – Sebago Solar – 9 Maisie Road – Final Plan Review – Sebago Solar, LLC  
Scheduled for Planning Board meeting: **October 28, 2024**

Thank you for submitting your application on September 3, 2024, & Updated submission on October 7, 2024. The application status is **incomplete**. The staff has reviewed the application and found several outstanding items that need your attention before the Planning Board sketch plan review. Your application is **scheduled for review on October 28, 2024**. The Planning Board meeting is an "in-person meeting" at the Town Council Chambers in the Town Hall located at 8 School Street. The meeting begins at 6:30pm, and your attendance is required.

### **Project Information:**

The Sebago Solar project was previously approved in 2021 but construction did not start within the permitted window. The applicant is now proposing to construct an 11 acre ground mounted solar array facility. Construction will also include the grading of the field for access road and array installation, revegetating all disturbed areas, and closing the gavel pit in the parcel. Tax Map: 23; Lot: 4B; Zone: Residential Light (RL) zoning districts in the Sebago Lake watershed.

### **Planning Department:**

- ~~• The application must be submitted as a bound copy.~~
- ~~• A copy of the received DEP Stormwater Permit By Rule must be included in the application.~~
- ~~• The 2024 FEMA floodplain map must be used.~~
- Has the applicant received an approval from Director of Code Enforcement and DEP regarding modifications of the Mineral Extraction site decommissioning plan by keeping the existing the treeline?
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### **Town Engineer:**

- **I understand that the maintenance access road will be superelevated from STA 1+00 to end to direct the flow toward the meadow buffer by since I have been involved in discussions and meetings on this, however I still feel it would helpful to orient someone looking at the plan as to what direction to super elevate by labeling the cross-section A-A' or E-W. I don't think it does this.**
- **My one question/comment on the level spreader is that it shows 1/3 of it under the line of solar panels. Will this be an issue in constructing either of these items?**

- ~~The plans include a detail for the buffer yard on Sheet D-1, but I don't see on the site plan where it is or its extent. This should be clarified.~~ **Response:** The proposed buffer yard is shown on plan C-2 with a magenta hatch. It is located along the southern boundary line where existing vegetation will be disturbed near the abutting residential parcels. While reviewing the plans. There is a 70-foot dimension with leaders in the same area on the plans that is an error and will be removed.
- ~~The grading on the plan view is not precise enough to show that the road is superelevated to drain toward the meadow buffer from STA 1+00 to the end and although the cross-section shows the superelevation it is not clear that it is toward the buffer. A suggestion would be to add compass directions (E-W) to the cross-section or A' to clarify.~~ **Response:** The plans will be modified to clarify as recommended.
- ~~Is the proposed fence coated chain link or just galvanized? Please provide additional details.~~ **Response:** The proposed fence type is solidlock with wooden posts, not chainlink and will be PVC coated. The fence detail on sheet D-1 will be revised to clarify the coating.

#### CONDITIONS OF APPROVAL (REQUIRED)

1. Approval is dependent upon and limited to the proposals and plans contained in the application dated September 3, 2024, as amended September 23, 2024, Revised October 7, 2024, as amended TBD, and supporting documents and oral representations submitted and affirmed by the applicant, and conditions, if any, imposed by the Planning Board. Any variation from such plans, proposals, supporting documents, and representations is subject to review and approval by the Planning Board or the Town Planner in accordance with [§120-815F](#) of the Land Use Ordinance.
2. In accordance with [§120-815C\(1\)\(b\)](#) of the Land Use Ordinance, the Construction of improvements covered by any site plan approval shall be completed within two years of the date upon which the performance guarantee is accepted by the Town Manager. If construction has not been completed within the specified period, the Town shall, at the Town Manager's discretion, use the performance guarantee to either reclaim and stabilize the site or to complete the improvements as shown on the approved plan.
3. Approval is subject to the requirements of the [Article II Post-Construction Stormwater Management](#). Any person owning, operating, leasing, or having control over stormwater management facilities required by the post-construction stormwater management plan must annually engage the services of a qualified third-party inspector who must certify compliance with the post-construction stormwater management plan on or by May 1st of each year.
4. Abandonment or Decommissioning
  - a) Removal Requirements: At such time that the ground-mounted solar energy system described in this approval has reached the end of its useful life or has been abandoned consistent with the Abandonment description within this condition of approval, it shall be removed. The owner or operator shall physically remove the installation no more than 150

- days after the date of discontinued operations. The owner or operator shall notify the Planning Board by certified mail of the proposed date of discontinued operations and plans for removal. Decommissioning shall consist of:
- i. Physical removal of all solar energy systems, structures, equipment, security barriers and transmission lines from the site.
  - ii. Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.
  - iii. Stabilization or re-vegetation of the site as necessary to minimize erosion. The Site Plan Review Authority may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.
- b) Abandonment: Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, the large-scale ground-mounted solar energy system shall be considered abandoned when it fails to operate for more than one year without the written consent of the Site Plan Review Authority. If the owner or operator of the solar energy system fails to remove the installation in accordance with the requirements of this section within 150 days of abandonment or the proposed date of decommissioning, the town retains the right, after the receipt of an appropriate court order, to enter and remove an abandoned, hazardous, or decommissioned large-scale ground-mounted solar energy system. As a condition of Site Plan approval, the applicant and landowner shall agree to allow entry to remove an abandoned or decommissioned installation.
5. Surety: The applicant will provide financial assurance for the decommissioning costs in the form of a performance bond, surety bond, 'evergreen' letter of credit, or other means acceptable to the Town, for the total cost of decommissioning. The applicant will have the financial assurance mechanism in place prior to construction and will re-evaluate the decommissioning cost and financial assurance at the end of years, five, ten, and fifteen. Every five years after the start of construction, updated proof of acceptable financial assurance must be submitted to the Town for review.

Thank you for your attention to these matters. Provide one copy of your response to staff comments with all revised application materials and one (1) plan set. Email an electronic copy of your response letter, supporting documentation, and plan set. If I receive more comments, I will send them to you ASAP. Please feel free to call or text me with any questions or concerns at (207) 714-1141 or email me at <mailto:ehoconnor@windhammaine.us>.