



Town of Windham
Zoning Board of Appeals
8 School Road
Windham, ME04062

September 1, 2021

Subject: Zoning Board of Appeals Variance Request: Additional Information
Solar Array Development – Freeman Hill

Dear Members of the Zoning Board of Appeals:

Acorn Engineering, Inc. has been retained by Green Lantern Solar to assist in development of a proposed solar array development on a landlocked parcel (Tax Map 21, Lot #3) located off Roosevelt Trail (Route 302).

Acorn submitted an application for a variance to the Zoning Board of Appeals (the Board) on July 15, 2021 to accommodate the lot's challenge to provide 150 feet of public road frontage in the Commercial 2 (C-2) zoning district. The Board intends to take up this application at the meeting scheduled for September 16, 2021.

The morning of September 1, 2021, Acorn received a phone call from Jon Rioux, Town Deputy Director of Code Enforcement and Zoning, asking that we provide additional information for review by the Board on how the proposed project meets the "Variance from Dimensional Standards" listed in Section 1106.D of the Land Use Ordinance. We have attached additional narrative to demonstrate that the seven conditions in Section 1106.D would be accurate or satisfied if the requested variance is approved.

Additional or follow-up questions can be referred to Green Lantern Solar's Director of Development, Geoff Sparrow, PE, at (207) 939-8615 or geoffs@greenlansolar.com.

Finally, we understand that the Board intends to perform a Site Walk at the property at 7:00 AM on September 15, 2021. We will be in attendance to present the project and answer any questions.

Sincerely,

Aubrey L. Strause, P.E.
Municipal Services Coordinator
Acorn Engineering, Inc.

William H. Savage, P.E.
Principal
Acorn Engineering, Inc.

Copy: Geoff Sparrow, PE (Director of Development, Green Lantern Solar)
Chris Hanson (Code Enforcement Officer, Town of Windham)

Supplemental Information on Variance Requested by Green Lantern Solar

The Town of Windham's Land Use Ordinance (Chapter 104), Section 1100 (Board of Appeals), Subsection 1106 (Variance), Paragraph D ("Variance from Dimensional Standards") states that the Zoning Board of Appeals (the Board) may grant a variance from the dimensional standards of the Land Use Ordinance when the standard would cause a practical difficult and when seven conditions exist.

These seven criteria are listed below in bold font, followed by narrative that demonstrates

1. **The need for a variance is due to the unique circumstances of the property and not the general condition of the neighborhood.** This statement is accurate: the requested variance is due to the historic configuration of the specific lot.

Tax Map 21, Lot #3 is located in Zone C-2 (Commercial District II) but is undeveloped. An existing gravel road currently connects the project to Roosevelt Trail (the public road) through adjacent lots that are zoned residential (RL; via an existing right-of-way on Tax Map 21, Lot #4B) and Commercial I (C-1; via an existing easement on Tax Map 21 Lot #2B). The proposed access to the solar project from Roosevelt Trail, for which this variance has been requested, generally follows the footprint of that existing gravel road which also lies within a private right-of-way (ROW) that Green Lantern Solar has rights to in order to access the subject parcel from Roosevelt Trail.

2. **The granting of a variance will not produce an undesirable change in the character of the neighborhood and will not unreasonably detrimentally affect the use or market value of abutting properties.** This statement is accurate: approval of the requested variance will not produce an undesirable change in the character of the neighborhood and will not unreasonably detrimentally affect the use or market value of abutting properties.

The objective of Commercial zone C-2 is to extend the existing commercial corridor and serve as a buffer between C-1 and RL properties. The proposed solar project serves as such a land use buffer consistent with this objective, as it will provide visual separation from residential properties while being a much lower impact development when compared to other potential commercial uses that generate noise, traffic, and other demands on Town resources.

Further, a solar project developed at this location will negate the risk of other types of projects being developed on the property that *could* change the character of the area or adversely impact the value of abutting properties. Solar developments, by nature, are low-lying, with the top of the arrays less tall than the average single-story house. Furthermore, the existing topography will not be altered, as the panels will be installed to match the contours of the land. Therefore, the solar development is anticipated to seamlessly fit into the parcel, with a perimeter buffer providing screening from abutters.

3. **The practical difficulty is not the result of action taken by the petitioner or a prior owner.** This statement is accurate: the lack of public road frontage of Tax Map 21, Lot #3 is not the result of any action taken by the applicant, Acorn, the current landowner, or a prior landowner.

Based on tax maps, this lot has historically lacked public road frontage, and has been accessed from Roosevelt Trail by the existing gravel road through the existing ROW and easement as

described in the response to #1, above.

4. **No other feasible alternative to a variance is available to the petitioner.** This statement is accurate: the proposed alignment (through Tax Map 21, Lot #4B and Tax Map #21 Lot #2B) is the only practical way to provide access to this lot from a public road.
5. **The granting of a variance will not unreasonably adversely affect the natural environment.** This statement is accurate: approval of the requested variance will not adversely affect the natural environment. The proposed alignment generally follows the existing gravel road (within the existing private ROW and easement).

Furthermore, the site was surveyed by a professional wetland scientist, and it was determined that no wetlands, vernal pools, or other waterbodies exist on the site. The surface of the development below and around the panels will feature a native meadow mix to slow and infiltrate stormwater while also providing pollinator habitat.

6. **The property is not located in whole or in part within shoreland areas as described in 30 M.R.S.A. § 435.** This statement is accurate: no part of this property is within Shoreland areas as described in 30 MRSA § 435.
7. **The dimensional standard for which the variance is granted is limited to ordinance provisions relating to lot area, lot coverage, frontage or setback requirements.** This statement is accurate: the only dimensional standard for which the variance is requested is related to public road frontage.