



Mainely Solar
143 Highland Shores Road
Casco, ME 04015

Sebago Solar Response to Staff Comments

Date: November 15, 2021

To: Steve Puleo, Town Planner
Town of Windham Staff Review Committee
From: Sebago Solar, LLC / Mainely Solar, LLC

RE: 20-25: Sebago Solar – Major Site Plan & Conditional Use, Major Site Plan Review –
Sebago Solar, LLC

Staff Review Committee Meeting: Scheduled for November 22, 2021

Thank you for providing the Sebago Solar Staff Review Committee Memo dated November 9, 2021. We have reviewed the Staff Comments provided in the Memo and have provided responses within this letter. We look forward to the tentatively scheduled Planning Board public hearing on November 22, 2021.

Response to Town Planner Comments:

- Mainely Solar, LLC and Sebago Solar, LLC are co-applicants for the solar development. Sebago Solar, LLC is a 100% wholly owned subsidiary of Mainely Solar, LLC. Attached is a letter certifying that Mainely Solar and Sebago Solar will serve as co-applicants.
- The Town of Raymond's Findings of Fact is attached.
- The amended date of November 22, 2021 in Conditions of Approval and any additional concerns will be addressed after the November 22, 2021 meeting.
- Conditions of Approval will be added after the November 22, 2021 meeting.

Response to Public Works, Director Comments:

- The solar development and array will not impact the Sebago Heights Stormwater Treatment.

Three copies of the final plan sets will be provided following the November 22, 2021 meeting to ensure that all conditions of approval have been met. Please let us know if there are any additional comments.

Best regards,

Lucy Fowler
Mainely Solar
143 Highland Shores Road
Casco, ME 04015
lucyfowler@nextphaseenergyservices.com
(207) 615-6850



Sebago Solar, LLC and Mainely Solar, LLC act as co-applicants of the Sebago Solar Project application and development. Sebago Solar, LLC is a 100% wholly owned subsidiary of Mainely Solar, LLC. In the Assignment and Assumption of Membership Interests attached as Appendix 1, Sebago Solar, LLC was assigned, transferred, and conveyed as a 100% Membership Interest in the Company to Mainely Solar, LLC effective December 20, 2019. Both Sebago Solar, LLC and Mainely Solar, LLC are in good standing under the laws of the State of Maine as evidenced by the Certificate of Good Standing (Appendix 2).

APPENDIX 1

SEBAGO SOLAR, LLC

ASSIGNMENT AND ASSUMPTION OF MEMBERSHIP INTERESTS

PART A. ASSIGNMENT:

The undersigned member (the "Assigning Member") of Sebago Solar, LLC, a Maine limited liability company (the "Company"), in accordance with the laws of the State of Maine, does hereby irrevocably and unconditionally assign, transfer and convey its entire 100% Membership Interest (the "Membership Interest") in the Company to Mainely Solar, LLC, a Maine limited liability company (hereinafter, "Substitute Member"), including all of the Assigning Member's interest in the profits and capital of the Company in such Membership Interest. The foregoing assignment shall be effective as of December 20, 2019 (the "Effective Date").

PART B. ASSUMPTION; AGREEMENT TO BE BOUND:

I. Assumption. Substitute Member hereby accepts and assumes the Membership Interest assigned to it by the Assigning Member. Unless otherwise stated herein, the terms used herein shall have the same meanings as those which they have in the Operating Agreement of the Company (the "Operating Agreement").


II. Agreement to be Bound. By execution hereof, Substitute Member, having acquired a 100% Membership Interest in the Company from the Assigning Member, hereby agrees to be bound by the provisions of the Operating Agreement.

[Intentional end of page. Signatures follow on next page(s).]

IN WITNESS WHEREOF, the undersigned hereby execute this Agreement which shall constitute a part of the Operating Agreement and by so doing becomes, upon acceptance by the Company, a Substitute Member with all the rights, powers and obligations of a Member of the Company, with a Membership Interest in the Company as set forth above.

Assigning Member:

Next Phase Energy Services, LLC

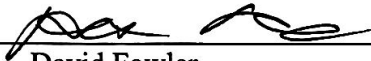
By: 

David Fowler

Its: Member

Substitute Member:

Mainely Solar, LLC

By: 

David Fowler

Its: Manager

PART C. ACCEPTANCE

The Company hereby acknowledges the foregoing assignment and assumption and accepts the Substitute Member with the above-described Membership Interests as of the Effective Date.

Sebago Solar, LLC

By: 

David Fowler

Its: Manager

APPENDIX 2

State of Maine



Department of the Secretary of State

I, the Secretary of State of Maine, certify that according to the provisions of the Constitution and Laws of the State of Maine, the Department of the Secretary of State is the legal custodian of the Great Seal of the State of Maine which is hereunto affixed and of the reports of formation, amendment and cancellation of articles of organization of limited liability companies and annual reports filed by the same.

I further certify that SEBAGO SOLAR, LLC is a duly formed limited liability company under the laws of the State of Maine and that the date of formation is December 13, 2019.

I further certify that on:

December 13, 2019 CERTIFICATE OF FORMATION was filed.

No further amendments have been filed to date.

I further certify that said limited liability company has filed annual reports due to this Department, and that no action is now pending by or on behalf of the State of Maine to forfeit the articles of organization and that according to the records in the Department of the Secretary of State, said limited liability company is a legally existing limited liability company in good standing under the laws of the State of Maine at the present time.

In testimony whereof, I have caused the Great Seal of the State of Maine to be hereunto affixed. Given under my hand at Augusta, Maine, this sixteenth day of November 2021.



A handwritten signature in cursive script that reads "Shenna Bellows".

Shenna Bellows
Secretary of State

State of Maine



Department of the Secretary of State

I, the Secretary of State of Maine, certify that according to the provisions of the Constitution and Laws of the State of Maine, the Department of the Secretary of State is the legal custodian of the Great Seal of the State of Maine which is hereunto affixed and of the reports of formation, amendment and cancellation of articles of organization of limited liability companies and annual reports filed by the same.

I further certify that MAINELY SOLAR, LLC is a duly formed limited liability company under the laws of the State of Maine and that the date of formation is December 19, 2019.

I further certify that said limited liability company has filed annual reports due to this Department, and that no action is now pending by or on behalf of the State of Maine to forfeit the articles of organization and that according to the records in the Department of the Secretary of State, said limited liability company is a legally existing limited liability company in good standing under the laws of the State of Maine at the present time.

In testimony whereof, I have caused the Great Seal of the State of Maine to be hereunto affixed. Given under my hand at Augusta, Maine, this fourth day of November 2020.

A handwritten signature in black ink, appearing to read "Matthew Dunlap", written over a horizontal line.

Matthew Dunlap
Secretary of State



Town of Raymond Planning Board
401 Webb Mills Road
Raymond ME 04071

Date: November 4, 2021

Subject: Decision on Staff Review Site Plan Application
Sebago Solar Access Road
Pipeline Road, Raymond, ME
(Tax Map 5, Lot 27)

Applicant: Sebago Solar, LLC
143 Highland Shores Road, Casco, ME 04015

I. Procedural History

Sebago Solar, LLC owner (or “Applicant”) submitted a Staff Review Site Plan application (“Application”) for construction of a 600LF access drive off the Pipeline Road for the benefit of a proposed 5-MW solar farm proposed just over the town line in Windham, Maine. (“Project”). The Project within the Town of Raymond would include the construction of the private access to the solar farm through property owned by R.N. Willey & Sons Excavating, Inc. The parcel is identified by the Town of Raymond as Tax Map 5 Lot 27 and is located (“Property”) within the Village Residential (VR) zone. The applicant has the land under an option to lease. The subject parcel is also currently being considered for a residential subdivision under separate application by RN Willey Excavating Inc.

The application includes site improvements for providing the private road access from the intersection of Viola Avenue, Pipeline Road, and this private street to be named Boulder Bend Drive. The application has included a Site Plan as prepared by Acheron Engineering c/o Kirk Ball PE, showing the location of the proposed solar farm that is adjacent to, and part of the property within the Town of Windham as it relates to the access necessary in Raymond for the overall project site.

The Applicant originally filed for a pre-application hearing with the Review Authority (Staff) and presented their project for informational purposes in June 2021 to gauge the concerns, and to discuss the process for review going forward. Additionally, we did host a joint meeting with the Town of Windham to discuss relevant concerns and need to coordinate the access and E911 addressing between the two Local Fire Departments.

The Staff has found that the Project meets all requirements, with a few conditions of approval relating to the need to complete abutter easements, provide a bond for the road improvements within the intersection of Pipeline Road, and extending pavement limits to 10 feet beyond the last residential driveway serving property of Reece Teixeira (Tax Map 5, Lot 27E).

Findings of Fact

The proposed Project consists of the construction of 600 feet of private access to be named Boulder Bend Drive for the benefit of providing required street frontage and access to a solar farm that will be located on an adjacent parcel in the Town of Windham.

The Applicant filed a formal application with plans on June 8, 2021 and as revised through October 27, 2021 and had no waivers for requirements requests. Notifications were sent to abutters of the project for purposes of Public Notice, in September 2021, and no responses or returned comments were submitted.

The Project will encompass building the 600 feet of private street with 20 feet of travel surface (with paved and gravel sections) and with a terminus turnaround supporting emergency response vehicles. The Applicant will utilize the former gravel pit area for added parking. The Applicant will utilize a stone ditch turnout and level lipped spreader for the road runoff to infiltrate within the existing gravel pit floor.

The project will not generate a substantial increase of vehicular traffic above what had been previously experienced on the site. However, two residents currently have access over the right-of-way for their single family uses. The road shall be designed and constructed to assure that the paved portion of this access will be extended 10 feet beyond the intersection with the Teixeira driveway.

Prior to obtaining a building permit the Applicant will need to provide an executed drainage easement for the grading and ditch design that will encroach onto the Teixeira property. A copy of intent to an agreement letter for that easement to occur has been submitted to the Town on 10/28/2021. In addition, the Town is aware that there is an issue with the intersection of Pipeline Road, Viola Avenue and Boulder Bend Drive in ownership and rights, and that the intersection is in vast need of maintenance and repair. The applicant has agreed to acquire the rights for the intersection from a former owner, the Estate of Stanley Quinn, and make the necessary repairs to bring that section of roadway into compliance with the Town of Raymond Streets for a public road. The execution of the remaining land easement and improvements to the Pipeline Road right of way, shall be completed prior to any occupancy or use of the site for the adjoining solar farm project. Additional conditions will be placed on the street repairs and private street design as noted below.

CONCLUSIONS OF LAW

A. Site Plan Review Standards

Pursuant to Article 10 of the Raymond Land Use Ordinance, the following Site Plan standards must be met in order for the Project to be approved.

1. **Preservation of Landscaping.** The application does not require preservation of natural tree buffers as the project will encompass an existing gravel pit access road and the site will have minimal vegetation removal for necessary stormwater improvements near proposed site entrance into the solar farm and existing gravel pit floor.
2. **Relation of Proposed Buildings to the Environment.** No building structures are sited to be set on the Raymond portion of this project.
3. **Vehicular Access.** The site will utilize existing street access off Pipeline Road. Additional access and road work is anticipated. To provide adequate space for making large radius turns over the proposed solar farm access, existing gravel pit, and to provide emergency/fire vehicles turnaround at the access terminus hammerhead. Parking spaces will be provided off the northerly corner of the hammerhead for maintenance worker vehicles.
4. **Parking and Circulation.** Based on information provided by the Applicant there is adequate parking for employees and occasional maintenance post construction of the Sebago Solar Farm located on the Windham Side of the lot/parcel. The access has been widened to include 20 feet of access travel width with 5-foot gravel shoulders.
5. **Surface Water Drainage.** The Applicant has agreed to install cross culverts to address poor drainage at the intersection with Pipeline Road and along the access where residential driveways join into the shared access. All drainage is collected and directed through a level lipped spreader and allowed to infiltrate into the existing gravel pit floor. The project is being reviewed simultaneously by the Maine Department of Environmental Protection and the Town of Windham as part of the overall solar farm development. Those permits shall be submitted upon approval to the Town of Raymond before any activities may commence.
6. **Utilities.** The proposed facilities will require utility upgrades for electrical service via overhead 3 phase service. Work will include enhancements to the existing overhead services feeding into the gravel pit operations area. Mainly the project will upgrade the line and replace some of the poles for the connection to the Solar Farm on the Windham side.
7. **Special Features.** The staff does not have any concerns with the storage of materials or solid waste which will be privately maintained. The Site will be unmanned and have limited visits and solid waste generation upon completion.

8. **Exterior lighting.** Currently exterior lighting is proposed with the new access way to serve the solar farm on the Raymond portion of the project.
9. **Emergency Vehicle Access.** The existing access appears adequate for emergency access for the proposed project. The Fire and Ambulance vehicles will be provided clear access to all driveways. The applicant has a minimal 20-foot opening and will be maintained at all times for emergency vehicle turnaround movements. The Site access surface will be paved for the first half section just past existing residential driveways and then be gravel for the remainder of the site. The main gate will be constructed with a Knox box which both Raymond and Windham Fire Departments will have access too.
10. **Landscaping.** No landscaping has been provided nor is expected given the Solar farm site is totally within the jurisdiction of the Town of Windham. Given the access exists and the improvements of drainage and surface repairs to the street are being made, there is no benefit for added landscaping.
11. **Other Considerations of Article 9 Standards.** The overall access site plan, and essentially limited scale of construction, has provided the general site information for the property, the use, and zoning setbacks. The Project will be considered common scheme by the Maine Department of Environmental Protection (Maine DEP) for a site Location of Development Application permit with the combination of a residential subdivision, and solar farm occurring on properties owned by the same entity (even if in two distinct towns). Prior to any construction activities or issuance of any permits the applicant will need to provide evidence to the Town of Raymond that they have obtained all required Maine DEP permits and of federal permits if applicable.

CONCLUSION

THEREFORE, the Town of Raymond Review Authority hereby approves, with the following conditions, the or construction of a 600+ LF access drive with an emergency hammerhead turnaround and drainage improvements as depicted in the application letter and plan submitted June 8, 2021 and last dated with plan revisions through October 27, 2021 and per final plan revisions of the layout plan dated October 27, 2021 as submitted by Kirk Ball, PE of Acheron Engineering Services and in the Findings of Fact.

Conditions of Approval:

The Planning Authority has required that the following conditions shall be complied with for the approval of the Staff Review Site Plan application. The conditions must be completed in order for the project to be in compliance with Town of Raymond Land Use Ordinance requirements:

- A. The Applicant shall provide an executed deed for the drainage agreement of lands between Reece Teixeira (Owner of property depicted as Raymond Tax Map 5, Lot 27E), prior to issuance of any construction permits
- B. The Applicant shall also provide an escrow account for the value of street improvements to bring the intersection of Pipeline Road in compliance with public street construction

requirements. The Applicant shall also provide a note on the revised plan indicating they will, in addition to completing construction as necessary, assure that upon completion of the street repairs to meet Town specifications, they will offer the portion of Pipeline Road by deed such that the intersection of Viola Avenue and Pipeline Road will connect to other previously Town Accepted streets. Such offering does not guarantee Town Acceptance as the process is vetted out by the Board of Selectmen and will require a Town Vote at the annual Town Meeting. Until such time as the Town accepts, the intersection will be the responsibility of the Owner/Applicant to maintain. If the street intersection is accepted by the Town, then the Applicant will only be responsible for maintaining the section of Boulder Bend Drive. Upon completion of the road construction as approved by the Town of Raymond Public Works Director and Town Engineer, the escrow account/performance guarantee will be released.

- C. The Applicant shall also provide evidence that the Maine Department of Environmental Protection (Maine DEP) has granted approvals for a Site Location of Development Application permit due to the combination of a residential subdivision and solar farm occurring on properties owned by the same entity, prior to issuance of a building permit. A note shall be added to the final plan indicating the permit number as issued by the Maine DEP along with the date of approval.
- D. The applicant shall revise the drawing to indicate that the section of access drive paved surface be extended a minimum of 10 feet beyond the final residential driveway of land owned by Reece Teixeira (Owner of property depicted as Raymond Tax Map 5, Lot 27E).

A plan shall be submitted to the Town of Raymond prior to any issuance of permits listing the conditions on the final plan for Town records.

Any person aggrieved by this decision can appeal by filing a written notice of appeal within 30 days of the date of this decision.

Dated at the Raymond Town Office, Raymond Maine, this 4thth day of November, 2021.

Raymond Review Authority:



James Seymour PE Consulting Planner

Alex Sirois, Code Enforcement Officer