

Durham Conservation Commission

September 20, 2023; 6:30 – 8:00 pm; Town Office

DCC Attendees: Roberta Brezinski (by phone), Jess Costa, Mike Friendly, Joe Roy, Sam Cuccaro

Guest Attendees: George Thebarger and John Talbot

Meeting notes from July and August 30 were approved.

George meeting with Maine Farmland Trust, Jonah Fertig-Burd and Steve Sinisi

- ☐ MFT impressed by Durham's Comp Plan, rural-character preservation
- ☐ Reaching out to other agricultural groups (Replenova) to establish committee to protect unique interests of agricultural community
- ☐ Agri-tourism/Local market/gathering place but requires conditional use permit
- ☐ Possible ordinance
- ☐ MFT has staff which may be able to support an agricultural commission
- ☐ MFT reviewed draft solar ordinance and provided their guidance doc and would be available to support development of ordinance

Draft Solar Ordinance

- 1) George's research: Virginia example solar ordinance, included in an update to their comp plan
 - ☐ Very detailed, takes 10 acres to do 5 MWs of solar
 - ☐ Community scale is 5 MW or below
 - ☐ Large projects capped at 300 acres
 - ☐ Where should they be, high voltage lines within 2.5 miles of electric transmission line, commercially developed areas, public roads, all equipment at least 100 ft from property
 - ☐ Anti-reflective coating
 - ☐ Site Design Criteria
 - ☐ Retaining existing trees vs planted buffer
 - ☐ Max height of 15 feet above finished grade
 - ☐ Energy storage facilities and safety concerns, noise
 - ☐ Safety, near water source due to fire risk
 - ☐ 50-foot buffers with shrubs, ground cover, trees where applicable – specify what are the goals of the buffer
 - ☐ Noise analysis and decibel range
- 2) Durham's draft, focused on highlighted items for discussion
 - ☐ Would eventually like to use map of prime farm soils vs farm soils of state significance but for now limit scope to what is feasible at Town meeting
 - ☐ No solar develop in RPZ, or critical rural areas over 50 acres (commercial agriculture and open fields)
 - ☐ Require public participation process
 - ☐ Later phase: No solar in prime, conditional use in soils of state significance
 - ☐ George's priority is to get the planning board the standards

- ☐ Impact/mitigation fees: potential impact on a landowner/developer could ask them to drop property cost or will back out of development – **bring up potential mitigation fees at public participation process**
- ☐ DCC to determine how want to proceed with the fees since George is focused on standards and doesn't have time for focusing on potential mitigation fees
- ☐ **Reach out to Juliet Caplinger** – now a solar developer/purchases land for developments, ask about impact/mitigation fees from developer perspective
- ☐ State law has standards on impact fees, analysis to show it's a fair fee and what funding is going to be used for
- ☐ There would have to be a mitigation/impact fee ordinance that passes at Town Meeting
- ☐ **DCC to review state statute on impact fees**
- ☐ **DCC to ask Yvette if lawyer reviewed their mitigation fee structure**
- ☐ John asked about 3 different sizes for solar, DCC doesn't have scale ranges set in stone yet, will look at Stafford County example
- ☐ George going to merge DCC draft solar and Virginia example solar ordinances and focus on the standards
- ☐ John asked about the timeline, DCC town informational session for Town outreach for input; formal public hearing after Select Board article in month of March; beginning of December draft ordinance to Planning board to vote at January meeting (vote to send to Select Board).

October 11 next chair meeting with George (John to send invite)

Meeting adjourned at 8 pm.

October meeting will be October 18th; Jess to invite Juliet.