

## MEMORANDUM

TO: Cape Elizabeth Planning Board  
FROM: Maureen O'Meara, Town Planner  
DATE: November 21, 2017  
SUBJECT: Sprague Solar Farm RP permit

### Introduction

The Sprague Corporation is requesting a Resource Protection Permit to disturb up to 400 sq. ft. of RP2 wetland to install underground electrical service for a Solar Farm to be located at 334 Fowler Rd. The application will be reviewed for compliance with Sec. 19-8-3, Resource Protection Regulations.

### Procedure

- The Board may want to begin by having the applicant summarize the project.
- The Board should allow public comment on completeness.
- The Board should make a finding of completeness. If the application is deemed incomplete, Board members should identify the information needed to make the application complete and no substantive discussion of the project should occur. If the application is deemed complete, the Board may begin review of the project.
- The Board should open the public hearing scheduled for this evening.
- Following the public hearing, the Board may resume discussion of the application.
- At the close of discussion, the Board has the option to approve, approve with conditions, deny or table the application.

### Summary of Completeness

The completeness checklist and the comments of the Town Engineer are attached. The following items may be considered incomplete:

4. The applicants have provided the names of abutters near the construction area. The lot is acres and includes additional abutters, which have been provided a public notice by the town.
9. The applicant has requested a waiver from providing a stormwater management plan. The maximum disturbed area of 400 sq. ft, which is too small an area for typical stormwater modeling software.

### Resource Protection Permit Standards (Sec.19-8-3(B))

Below is a summary of the Resource Protection Permit standards of review and how they may be met.

1. Flow of surface/subsurface waters

Once the electrical service has been installed, the ground will be restored to original grade, therefore no alteration of the flow of surface waters will occur.

2. Impound surface waters

Once the electrical service has been installed, the ground will be restored to original grade, therefore no impoundment of surface waters will occur.

3. Increase surface waters

Following construction, disturbed areas will be revegetated and no additional impervious surface will be created.

4. Damage to spawning grounds

No significant spawning grounds are located within the alteration area, which has been farmed.

5. Support of structures

No structures are proposed in wetland areas.

6. Aquifer recharge/groundwater

No increase in impervious surface is proposed, so water infiltration will not be changed.

7. Coastal dunes

No work in coastal dunes or back dune areas is proposed.

8. Ecological/aesthetic values

The solar farm is considered an agriculture related use, and the farm field utility will be preserved.

9. Wetland Buffer

No buffer is proposed as the work, by its nature, will be located entirely in the wetland area.

10. Erosion Control

The disturbed area will be mulched with hay over the winter and seeded with an orchard grass and clover mix in the spring.

11. Wastewater discharge

No discharge of wastewater is proposed as part of the project scope.

12. Floodplain Management

No floodplains are located in the project area.

Motions for the Board to Consider

**A. Motion for Completeness**

BE IT ORDERED that, based on the plans and materials submitted and the facts presented, the application of the Sprague Corporation for a Resource Protection Permit to disturb up to 400 sq. ft. of RP2 wetland to install underground electrical service for a Solar Farm to be located at 334 Fowler Rd be deemed (complete/incomplete).

**B. Motion for Approval**

Findings of Fact

1. The Sprague Corporation is requesting a Resource Protection Permit to disturb up to 400 sq. ft. of RP2 wetland to install underground electrical service for a Solar Farm to be located at 334 Fowler Rd, which requires review under Sec. 19-8-3, Resource Protection Regulations.
2. The proposed underground electrical installation (will/will not) materially obstruct the flow of surface or subsurface waters across or from the alteration area;

3. The proposed underground electrical installation (will/ will not) impound surface waters or reduce the absorptive capacity of the alteration area so as to cause or increase the flooding of adjacent properties;
4. The proposed underground electrical installation (will/ will not) increase the flow of surface waters across, or the discharge of surface waters from, the alteration area so as to threaten injury to the alteration area or to upstream and/or downstream lands by flooding, draining, erosion, sedimentation or otherwise;
5. The proposed underground electrical installation (will/ will not) result in significant damage to spawning grounds or habitat for aquatic life, birds or other wildlife;
6. The proposed underground electrical installation (will/ will not) pose problems related to the support of structures;
7. The proposed underground electrical installation (will/ will not) be detrimental to aquifer recharge or the quantity or quality of groundwater;
8. The proposed underground electrical installation (will/ will not) disturb coastal dunes or contiguous back dune areas;
9. The proposed underground electrical installation (will/ will not) maintain or improve ecological and aesthetic values;
10. The underground electrical installation is located in the wetland and no construction of structures upland of the wetland is proposed, so no buffer is needed;
11. The area disturbed during underground electrical installation will be mulched with hay and then planted with an orchard grass and clover mix in the Spring.
12. The underground electrical installation (will/ will not) be accomplished without discharging wastewater from buildings or from other construction into Wastewater Treatment Facilities in violation of Section 15-1-4 of the Sewage Ordinance; and
13. The underground electrical installation (is/ is not) located in a floodplain.
14. The application substantially complies with Sec. 19-8-3, Resource Protection Regulations.

THEREFORE, BE IT ORDERED that, based on the plans and materials submitted and the facts presented, the application of the Sprague Corporation for a Resource Protection Permit to disturb up to 400 sq. ft. of RP2 wetland to install underground electrical service for a Solar Farm to be located at 334 Fowler Rd be approved.