

SOLAR COMMITTEE MEETING

MONDAY, APRIL 24, 2023

MEMBERS PRESENT: JAMES CAMPBELL (TOWN ATTORNEY), LANCE BRABANT (MRB GROUP), BRIAN GLISE (CODE OFFICER, TOWN OF AVON), COUNCILMAN JAMES HARRINGTON, COUNCILMAN MALACHY COYNE, BRIAN THORN (TOWN OF AVON PLANNING BOARD), MIKE DUNN (LIVINGSTON COUNTY SOLAR COORDINATOR), MARY UNDERHILL (LIVINGSTON COUNTY PLANNING BOARD), KATIE SMITH, EDWARD FORSYTHE, PAT RIO, JACALYN EDDY, DANIEL BROKAW, CHUCK MORGAN, ANTHONY COLANGELO, TED GRISWOLD (LIVINGSTON COUNTY PLANNING)

CLERK: KIM MCDOWELL

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Jim Campbell welcomed everyone to the meeting.

Mary Underhill & Mike Dunn passed out some information to everyone.

Mike Dunn explained for solar to work, they need to connect to a 3-phase line, the map he distributed showed where in Avon those lines are located. There are some bigger lines that run through Avon and some of the bigger projects are tied into them. He feels those areas are where most of the solar development will be. He also stated some of the substations can be upgraded.

Mike Dunn stated there is no solar in Lima & Livonia.

Chuck Morgan sent out a map to everyone in an email that shows everything ss well yesterday.

Jim Campbell stated that capacity will not be an issue for solar projects, so we need to make the law accordingly.

Dan Brokaw asked if the upgrade costs fall back to the solar company, and they do.

Jim Campbell stated the school project didn't go through a review process and doesn't have anything to fall back on to get the panels fixed that are broken. Mike Dunn said Avon Superintendent is trying to get it taken care of with no luck and solar companies usually sell these projects several times.

There was discussion on whether you could make the landowner responsible for the maintenance of the project if the company defaults, it can be done to a certain extend which the Town

already has some of that in place within the decommissioning bond and operations and maintenance agreement.

Lance Brabant stated if there are complaints about items not being done, since it is an approved Special Use Permit, can the Town pull the Special Use Permit and trigger the decommissioning process and it could.

Mary Underhill stated what happens if the solar panels are not replaceable; Lance Brabant stated he has been told that the panels can be changed out since the racking system doesn't change.

Brian Thorn asked if there is a maximum distance between the lines and Mike Dunn stated he doesn't think so.

Jackie Eddy asked if the Town has any real authority over the solar projects and Jim Campbell stated the Town doesn't have a lot of control over 94C projects but smaller projects the Town does have authority through our Code however, that could change in the future.

Jackie Eddy also asked about eminent domain whether that will come into play and Jim Campbell stated it is a possibility.

Jackie Eddy asked if we could not allow any 94c projects in Avon and Jim Campbell stated it looks unlikely we will have any in Avon unless it is a shared project with another adjoining Town.

Jim Campbell stated we are going to go page by page through the local law.

Jim Campbell stated on page 1 item C, our language might conflict with Ag & Markets regarding soil types. There was discussion on either limiting projects to soil types, acreage, or overlay district criteria.

Jim Campbell stated the benefit of limiting the acreage is we have seen how that looks with the projects we have already approved.

Lance Brabant stated in his opinion one of the benefits of limiting it to 25 acres is that a farmer can farm the remaining land around the solar project.

Brian Glise asked if they become more efficient and can do 10MW on a 25-acre project; are we going to allow that.

Jim Campbell stated the way technology is going that is possible and why would we not allow it if they can do it within our Code's allowable 25 acres.

Malachy Coyne asked about the possibility of having a viewshed that doesn't allow solar, and Jim Campbell stated that would require Board approval and could be considered arbitrary and capricious.

There was much discussion on a viewshed and how that would be for the Town of Avon.

Jim Campbell stated that if this committee wants to go the route of a viewshed instead of by what the current law standards are then a decision needs to be made now since those are very different paths to take in the code.

Ed Forsythe asked what the difference between prime farmland and farmland of statewide importance; generally, additional farmlands of statewide importance include those that are nearly prime farmland and that economically produce high yields of crops when treated and managed according to acceptable farming methods. Some may produce as high a yield as prime farmlands if conditions are favorable.

Jim Campbell asked the committee if we are sticking with prime farmland and farmland of statewide importance in our code and everyone agreed.

Jim Campbell stated we are moving on to the definition section of the code and Mary Underhill made some suggested additions.

Lance Brabant will forward definitions for the additions that were suggested.

Jim Campbell started going through the definitions one by one.

Brian Thorn had a question about decommissioning. It states the land will be returned prior to development and it also states the condition designed by the landowner. Is it desired or designed by landowner and no where else in the code does it give these options for the decommissioning plan.

There was discussion on whether the landowner wanted to keep the road that was installed or the landscaping, is that an option at the time of decommissioning.

Jim Campbell stated the decommissioning plan is done before construction takes place and the bond is based on this plan.

Jim Campbell asked the committee if they are OK to put in the code decommissioning may deviate from the approved plan and allow the landowner to have a say if they want to keep some things; yes, the committee agreed to add that into the law.

Jackie Eddy asked if the committee could receive a copy of York's solar law to look over as well and Jim Campbell will send that out to everyone.

Jim Campbell asked if the code should distinguish between tilt and fixed panels and the committee stated it is not necessary.

Lance Brabant asked about including pollinators in the definition and it was determined if we don't have anything else in the code pertaining to that.

Next definition is inoperable, and it needs to be established at what point in time is it considered abandonment and triggers decommissioning. There is a possibility that if panels become out of date they will be replaced with upgraded panels.

Jim Campbell stated if there are some panels that are broken that may not necessarily trigger decommissioning it is more under operations and maintenance, and we will get into depth when we come to that section.

There was much discussion on what would trigger decommissioning, should it be on the output of the system or something else.

There was discussion on commercial, non-commercial, ground mounted and roof mounted definitions.

Next meeting will be Wednesday, May 10, 2023 at 6:00PM in the Village Hall.