



STATE OF MAINE  
DEPARTMENT OF AGRICULTURE, CONSERVATION & FORESTRY  
LAND USE PLANNING COMMISSION  
18 ELKINS LANE, 22 STATE HOUSE STATION  
AUGUSTA, MAINE 04333-0022

JANET T. MILLS  
GOVERNOR

AMANDA E. BEAL  
COMMISSIONER

# PERMIT

## DEVELOPMENT PERMIT DP 5145

The staff of the Maine Land Use Planning Commission (Commission), after reviewing the application and supporting documents submitted by Matinicus Plantation Electric Company and BMP Energy, LLC (Applicants) for Development Permit DP 5145, and other related materials on file, makes the following findings of fact and conclusions:

- Applicants:** Matinicus Plantation Electric Company (MPEC) and BMP Energy, LLC (BMP)  
PO Box 255  
Matinicus Island, ME 04851
- Landowners:** Philip Davies and Chuan Liao  
111 South Road  
Matinicus Island, Maine 04851
- Agent:** Philip Davies  
111 South Road  
Matinicus Island, Maine 04851
- Date of Completed Application:** February 24, 2025
- Location of Proposal:** Matinicus Isle Plantation, Matinicus Island, Knox County, Maine  
Knox County Registry of Deeds Book 6184, Page 270 (Subject Parcel)
- Zoning:** General Management (M-GN) subdistrict
- Lot Size:** 4.5 Acres owned
- Proposed Development:** Utility Facility with  
Solar Panel Field (150 ft. by 125 ft.)  
Battery Energy Storage System Building (8 ft. by 20 ft.)  
Two Generator Enclosures (5 ft. by 12 ft. each)  
Transformer Equipment Pad (6 ft. by 6 ft.)  
Driveway (16 ft. by 40 ft.) with  
Hammerhead Turnaround/Parking Area (16 ft. by 54 ft.)

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## ADMINISTRATIVE HISTORY, PROPOSAL SUMMARY, AND PUBLIC PROCESS

9. **Administrative History:** The Subject Parcel has been undeveloped since May 2, 1966.
10. **Proposal Summary:**
  - A. The Applicants are proposing a new power station for Matinicus Island that would replace the plantation's existing diesel generators and switchgear, providing safer and more efficient power distribution. The replacement power station (i.e. utility facility) would consist of a 0.5-acre solar panel field, an 8-foot by 20-foot battery energy storage system building, two 5-foot by 12-foot generator enclosures, a 6-foot by 6-foot transformer equipment pad, a 16-foot by 40-foot gravel driveway with a 16-foot by 54-foot hammerhead turn around and parking area, a 41-foot underground utility line, and a 141-foot above-ground utility line. The resulting energy would be distributed via nearby three-phase power lines.
  - B. Solar Panel Field and Battery Energy Storage System: BMP would construct a 158 kw DC (120 kw AC total nameplate capacity) solar panel field coupled with a 311 kWh battery energy storage system (BESS). The solar panels would use ballast racking, and rather than digging cabling ditches, all cables would be enclosed in rigid conduits and covered with 6 inches of gravel to keep ground disturbance to a minimum. The BESS would be installed in a fully insulated shipping container with heating and air conditioning units, as well as a fire suppression system.
  - C. Generators and Grid Upgrade: MPEC would install two 150 kWh diesel Genset generators, one Tier 4 and one Tier 3, in custom-engineered aluminum enclosures. The enclosures would have pre-installed soundproofing insulation and extended mufflers to attenuate generator noise, as well as venting and fire mitigation systems. Additionally, inside the buildings, each generator would have a block and fuel tank heater and sit on a double-walled UL 142-compliant 300-gallon diesel fuel tank. The generator enclosures would be located beside the BESS system, and the generators would interconnect with the BESS system for coordinated efficient power output. The generators are anticipated to run approximately 1,100 hours per year when working in coordination with the solar panel field. The Applicants have also proposed a grid update associated with the solar panel field and BESS to distribute the power generated and collected. BMP would install a 4160 Transformer NEMA 3R on a precast transformer pad with grounding and a SEL 751 Relay. A 48-foot underground electrical utility line (UGE) would connect to overhead powerlines (OHE) supported by two additional risers (utility poles) with installed gang-operated air brake switches (GOAB) for safe distribution of power from the solar panel field to the rest of the island.
11. **Notice of Filing:** Notice of filing of the development application was properly made on January 21, 2025, to appropriate parties and the public as required under *Rules of Practice* 01-672 C.M.R. ch. 4 (Chapter 4), revised August 11, 2023.
12. **Public Comment and Public Hearing:** The application did not receive any requests for a public hearing or written public comments.

## **CRITERIA FOR APPROVAL AND LAND USE STANDARDS, ANALYSIS, AND FINDINGS**

The Commission has three zoning districts: development, management, and protection, divided into thirty-two subdistricts to protect important resources and prevent conflicts between incompatible uses. For each subdistrict, the Commission has designated uses that are allowed without a permit, uses that are allowed without a permit subject to standards, uses that are allowed with a permit, and uses that are allowed with a permit by special exception. The Commission's subdistricts are codified in *Land Use Districts and Standards* 01-672 C.M.R. ch. 10 (Chapter 10), revised January 29, 2025. The Commission's land use standards are codified in Chapter 10, subchapter III in §§ 10.25 - 10.27, and are grouped into development standards, dimensional requirements, and activity-specific standards. The Commission's terminology and applicable definitions are codified in *Definitions*, 01-672 C.M.R. ch. 2 (Chapter 2), revised January 29, 2025. The Commission's general criteria for approval of permit applications are provided in 12 M.R.S. § 685-B(4) and further codified in Chapter 10, § 10.24(A). The proposal must otherwise conform with 12 M.R.S. §§ 681 - 689 and the regulations, standards, and plans adopted thereto. 12 M.R.S. § 685-B(4)(E) and Chapter 10, § 10.24(A)(1)(E).

The Applicants must satisfy all applicable land use standards. The following summary of approval criteria and land use standards, analyses, and findings are most relevant to the proposed Project.

### **13. Allowed Uses Determination:**

#### **A. Criteria and standards:**

- 1) Utility facilities and related accessory structures may be allowed within a General Management (M-GN) subdistrict upon issuance of a permit from the Commission pursuant to 12 M.R.S. § 685-B and subject to the applicable requirements set forth in Sub-Chapter III. Chapter 10, § 10.22(A)(3)(c)(27).
- 2) Driveways associated with nonresidential uses may be allowed within a General Management (M-GN) subdistrict upon issuance of a permit from the Commission pursuant to 12 M.R.S. § 685-B and subject to the applicable requirements set forth in Sub-Chapter III. Chapter 10, § 10.22(A)(3)(c)(6).

B. Analysis: The Applicants' proposed development would consist of a utility facility, related accessory structures, and a driveway associated with nonresidential uses.

C. Findings: Based upon the record, the analysis above, and the analysis and findings below, the Commission finds that the Project is an allowed use within the General Management (M-GN) subdistrict pursuant to Chapter 10, § 10.22(A)(3)(c)(27), and Chapter 10, § 10.22(A)(3)(c)(6).

### **14. Right, Title and Interest, and Subdivision and Lot Creation:**

#### **A. Criteria and standards:**

- 1) The applicant must demonstrate evidence of sufficient right, title, or interest in all of the property that is proposed for development or use. 12 M.R.S. § 685-B(2)(D) and Chapter 10, § 10.24(A)(1).
- 2) The Commission may not approve an application unless, in the case of an application for a structure upon any lot in a subdivision, that subdivision has received the approval of the Commission. 12 M.R.S. § 685-B(4)(F) and Chapter 10, § 10.24(A)(1)(F). In considering the land use standards, the Commission evaluates, among other items, whether a proposed structure would be placed on a subdivision lot and whether any land divisions comply with the Commission's laws and rules governing subdivisions. Chapter 10, § 10.25(Q).

B. Analysis:

- 1) The Applicants provided a copy of the landowner's deed dated December 11, 2024, and recorded in the Knox County Registry of Deeds in Book 6184, Page 270. Analysis of the Subject Parcel's 20-year deed history concluded that the lot is not part of an unauthorized subdivision.
- 2) The Applicants provided a signed copy of a *Lease Agreement* between the landowners and BMP Energy LLC. The lease is for the entire lot except for the 0.25 acres leased to Matinicus Plantation Electric Company, described below. The lease terms start on March 1, 2025, and extend to February 29, 2028, with three-year renewal periods allowed, subject to terms and conditions. The lease agreement allows for the placement of a solar farm and energy storage facility on the property in pre-agreed locations according to the specifications provided by RLC Engineering.
- 3) The Applicants provided a signed copy of a *Ground Lease Agreement* between the landowners and MPEC for 0.25 acres of the lot described in Knox County Registry of Deeds Book 6184, Page 270, to site power generation and transmission equipment and infrastructure, among other items. The lease terms start on April 1, 2025, and extend to March 31, 2035, subject to terms and conditions. MPEC is the municipal utility responsible for power generation and delivery on the island.

- C. Findings: Based upon the record and the analysis above, the Commission finds that the Applicants have demonstrated legally enforceable right, title, or interest to all the property proposed for development in accordance with Chapter 10, § 10.24(A)(1), and structures will not be located on a lot in an unpermitted subdivision in accordance with Commission's laws and rules governing subdivisions including Chapter 10, §§ 10.24(A)(1)(F) and 10.25(Q).

15. **Technical and Financial Capacity:**

A. Criteria and standards:

- 1) The Commission may not approve an application unless adequate technical and financial provisions have been made for complying with the requirements of the State's air and water pollution control and other environmental laws and those standards and regulations adopted with respect thereto, including without limitation the minimum lot size laws, Title 12, sections 4807 to 4807-G, the site location of development laws, Title 38, sections 481 to 489-E, and the natural resource protection laws, Title 38, sections 480-A to 480-Z. 12 M.R.S. § 685-B(4)(A) and Chapter 10, § 10.24(A)(1)(A).
- 2) The applicant must retain qualified consultants, contractors, and staff to design and construct proposed improvements, structures, and facilities in accordance with approved plans. In determining the applicant's technical ability, the Commission must consider the size and scope of the proposed development, the applicant's previous experience, the experience and training of the applicant's consultants and contractors, and the existence of violations or previous approvals granted to the applicant. Chapter 10, § 10.25(C)(1).
- 3) The applicant must have adequate financial resources to construct the proposed improvements, structure, and facilities and meet the criteria of all state and federal laws and the standards of these rules. In determining the applicant's financial capacity, the Commission must consider the cost of the proposed subdivision or development, the amount and strength of commitment by the financing entity, and, when appropriate, evidence of sufficient resources available directly from the applicant to finance the subdivision or development. Chapter 10, §10.25(C)(2).

B. Analysis:

- 1) The Applicants retained RLC Engineering to plan and design the development and Ted Foundation of New Day Energy and Moss Electric LLC to oversee its construction. Individually, they have installed over 50 residential and commercial solar sites. BMP Energy LLC is a limited liability company in good standing in Maine.
- 2) The total estimated construction cost of the Project would be \$1,132,426.00. Philip Davies, owner of BMP, provided evidence of financial capacity to construct the solar panel field (estimated construction cost of \$286,000.00) and the BESS (estimated construction cost of \$493,000.00) for a total construction cost of \$779,000.00. BMP also indicated that the LLC had applied for a Rural Energy for America Program (REAP) Grant from the USDA for \$395,000.00. This grant was issued on March 10, 2025. Matinicus Isle Plantation provided additional evidence of financial capacity to construct the diesel generators (estimated construction cost of \$247,426.00) and the grid upgrade (estimated construction cost of \$106,000.00). The proposed diesel generators for the Project have already been ordered. MPEC's funding has been provided through Matinicus Isle Plantation and was unanimously approved at a special town meeting. In addition, Camden National Bank has agreed to a line of credit for \$750,000.00 for Matinicus Isle Plantation.

- 3) *Decommissioning*: The solar panel field is expected to last 20 years. State statute currently only requires decommissioning, decommissioning plans, and financial assurance for solar projects that are three or more acres in size. Since the proposed solar panel field is approximately 0.5 acres, no financial assurance is needed for decommissioning costs.

- C. Findings: Based upon the record and the analysis above, the Commission finds that the Project meets the requirements of 12 M.R.S. § 685-B(4)(A); Chapter 10 § 10.24(A)(1)(A); Chapter 10, § 10.25(C)(1); and Chapter 10, § 10.25(C)(2). The Applicants have hired qualified contractors to design and construct the Project and have demonstrated adequate financial capacity to construct and decommission the Project.

## 16. **Vehicular Circulation, Access, and Parking:**

- A. Criteria and standards: The Commission may not approve an application unless adequate provision has been made for loading, parking, and circulation of land, air and water traffic, in, on and from the site, and for assurance that the proposal will not cause congestion or unsafe conditions with respect to existing or proposed transportation arteries or methods. 12 M.R.S. § 685-B(4)(B) and Chapter 10, § 10.24(A)(1)(B). In considering the land use standards, the Commission evaluates, among other items, the proposal's general circulation, access management, parking layout and design. Chapter 10, § 10.25(D).
- B. Analysis: The Subject Parcel would be accessed from Harbor Road by an approximately 16-foot by 40-foot driveway. At the end of the driveway, a 16-foot by 54-foot gravel hammerhead turnaround and parking area would serve as parking for both the construction and maintenance of the Project and allow space for vehicles to turn without having to back onto Harbor Road. The routine operation of the Project would require 30-minute daily checks from an MPEC employee and weekly refueling of the generators. The Applicants stated that the turnaround was designed to have sufficient space for two fire trucks to park and turn in the event of an incident and that the driveway would be constructed at a right angle to the road and would have clear visibility in both directions. The hammerhead turnaround and parking area would safely and efficiently handle traffic during and after construction.
- C. Findings: Based upon the record and the analysis above, the Commission finds that the Applicants have made adequate provision for loading, parking, and circulation on and from the site such that the Project would not cause congestion or unsafe conditions with respect to existing or proposed transportation arteries or methods in accordance with Chapter 10, §§ 10.24(A)(1)(B) and 10.25(D).

## 17. **Natural Character and Cultural Resources:**

- A. Criteria and standards:
  - 1) The Commission may not approve an application unless adequate provision has been made for fitting the proposal harmoniously into the existing natural environment in

order to ensure there will be no undue adverse effect on existing uses, scenic character and natural and historic resources in the area likely to be affected by the proposal. 12 M.R.S. § 685-B(4)(C) and Chapter 10, § 10.24(A)(1)(C).

- 2) The design of proposed development must take into account the scenic character of the surrounding area. Structures must be located, designed and landscaped to reasonably minimize their visual impact on the surrounding area, particularly when viewed from existing roadways, with attention to designated scenic byways; major water bodies; coastal wetlands; permanent trails; or public property. Chapter 10, § 10.25(E)(1)(a). To the extent practicable, proposed structures and other visually intrusive development must be placed in locations least likely to block or interrupt scenic views as seen from existing roadways, with attention to designated scenic byways, major water bodies, coastal wetlands, permanent trails, or public property. Chapter 10, § 10.25(E)(1)(b).
- 3) If any portion of a subdivision or commercial, industrial or other nonresidential project site includes an archaeologically sensitive area or a structure listed in the National Register of Historic Places, or is considered by the Maine Historic Preservation Commission or other pertinent authority as likely to contain a significant archaeological site or structure, the applicant must conduct archaeological surveys or submit information on the structure, as requested by the appropriate authority. If a significant archaeological site or structure is located in the project area, the applicant must demonstrate that there will be no undue adverse impact to the archaeological site or structure, either by project design, physical or legal protection, or by appropriate archaeological excavation or mitigation. Chapter 10, § 10.25(E)(3).

B. Analysis:

- 1) *Existing uses:*
  - a) The Applicants stated that the existing uses in the area consist of seasonal and year-round dwellings and a road. No public trails or public property are nearby.
  - b) In the northern hemisphere, a south-facing solar field is ideal for the most efficient solar power generation. The lot's south-facing slope is necessary for the Project's power generation, and the driveway hammerhead turnaround and parking area are necessary for the Project's normal maintenance. The proposed solar panel field would be partially screened by existing vegetation. The hammerhead turnaround and parking area would also be visually buffered by existing vegetation along Harbor Road and the nearest property boundary line. The applicant has agreed to plant shrubs around the perimeter of the Project area to help mitigate visual aspects of the Project, although during the early growth stages of the planted vegetation buffer, some of the project would be visible from the road.. The generator enclosures and the BESS building would be earth-tone colors to further mitigate visual impacts.

2) *Historic resources*: The Maine Historic Preservation Commission (MHPC) reviewed the proposal and concluded that there would be no historic properties (architectural or archaeological) affected by the proposed undertaking, as defined by Section 106 of the National Historic Preservation Act of 1966, as amended, reference MHPC# 1757-24, dated October 9, 2024, and MHCP# 0130-25, dated February 14, 2025.

C. Findings: Based upon the record, the analysis above, and Findings #18 and #21, the Commission finds that the Project would fit into the existing natural environment of the surrounding area and there would be no undue adverse effect on existing uses, scenic and natural character, cultural or historic resources in the area likely to be affected by the Project in accordance with M.R.S. § 685-B(4)(C) and Chapter 10, § 10.24(A)(1)(C), and Chapter 10, §§ 10.25(E)(1)(a) and (b), 10.25(E)(3).

## 18. **Noise and Lighting:**

A. Criteria and standards: In considering the land use standards, the Commission imposes noise limitations measured at property lines and requires compliance with standards for exterior light levels, glare reduction, and energy conservation for any proposed lighting. Chapter 10, § 10.25(F).

B. Analysis:

1) *Noise*: The generators are expected to operate for approximately three hours daily with fluctuating timing during the day and night. A 150 kWh generator running at 100 percent capacity has a sound pressure level of 60 dB(A) at 15 feet from the generator. The generator enclosures would be soundproofed and have mufflers to further attenuate noise. Additionally, the Applicants would plant shrubs around the border of the Project area to absorb noise. The Applicants stated that sound pressure levels at the road, 75 feet from the generators, would be 41.02 dB(A) and that at the nearest residential property boundary line, 200 feet away from the generators, the sound pressure level would be 32.5 dB(A). These sound pressures would be below the maximum levels allowed for daytime [55 dB(A)] or nighttime [45 dB(A)] non-residential activities in the M-GN subdistrict. It is expected that there will be construction-related noise at the site between 7:00 A.M. and 7:00 P.M.

2) *Lighting*: The Applicants stated that exterior lighting would consist of motion-based lighting on the storage building. The Applicant has stated that the storage building of the utility facility would have activated by motion sensors to allow for emergency onsite repairs if needed.

C. Findings: Sounds emanating from construction-related activities conducted between 7:00 A.M. and 7:00 P.M. are exempt from the Commission's noise standards.<sup>1</sup> Based upon the

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<sup>1</sup> Chapter 10, § 10.25(F)(1)(b)(1).

record and the analysis above, the Commission finds that the Project meets the Commission's noise and lighting standards.

**19. Soil Suitability and Erosion and Sedimentation Control:**

- A. Criteria and standards: The Commission may not approve an application unless the proposal will not cause unreasonable soil erosion or reduction in the capacity of the land to absorb and hold water and suitable soils are available for a sewage disposal system if sewage is to be disposed on-site. 12 M.R.S. § 685-B(4)(D) and Chapter 10, § 10.24(A)(1)(D). In considering the land use standards, among other items, the Commission requires that the applicant demonstrate that soils suitable to the proposed use of the land are present. Chapter 10, § 10.25(G). The Commission also requires the effective control of soil erosion and sedimentation during and following the completion of construction activities. Chapter 10, § 10.25(M).
- B. Analysis:
- 1) *Soil suitability:* The Applicants submitted a class A high-intensity soil survey for the areas of proposed development area completed by a State of Maine Soil Scientist. The soil survey indicated that the soils within the proposed development area are Lyman/Rock Outcrop/Tunbridge Complex (LrB), somewhat excessively and well drained with slopes of 3 to 8 percent, Lyman/Rock Outcrop/Tunbridge Complex (LrC), somewhat excessively and well drained with slopes of 8 to 15 percent, Tunbridge very stony fine sandy loam (TuB), well-drained with slopes of 3 to 8 percent. The Lyman and Tunbridge series have a shallow depth to bedrock, and the Soil Scientist recommended that best management practices for erosion control be utilized.
  - 2) A wetland delineation was also conducted during the soil survey and verified that hydric soils transected the property uphill from the proposed development. These were composed of Brayton very stony fine sandy loam (BrA), poorly drained with slopes of 0 to 3 percent, Brayton very stony fine sandy loam (BrB), poorly drained with slopes of 3 to 8 percent, Colonel very stony sandy loam (CoB), somewhat poorly drained with slopes of 3 to 8 percent, Lyman/Abram Complex (LpB), poorly drained with slopes of 3 to 8 percent. A delineated wetland and an unnamed stream transect the Subject Parcel. The solar field and associated structures would not impact the delineated wetland. The Project would be located outside the delineated wetland and would meet the required setbacks from the unnamed stream.
  - 3) The soil scientist indicated that areas of the property identified as the Brayton and the Lyman/Abram Complex series are hydric and are mapped as wetlands and impacts to these areas require regulatory oversight for development. These soils have a seasonal highwater table at or close to the mineral soil. The surface can be compacted if exposed to heavy equipment when wet, therefore, accepted construction techniques such as matting or bridging to minimize soil disturbance and compaction are recommended if Project alterations are planned in these areas. Erosion and sediment controls should be

installed prior to beginning construction activities to avoid erosion and sedimentation of wetlands and other adjacent resources. All development proposed would occur outside of this designated area of the property, as described in the application materials.

- 4) *Erosion and sedimentation control.* The Commission requires the effective control of soil erosion and sedimentation during and following completion of construction activities. The Applicants stated that they would be installing coconut matting prior to construction and reseeding the area upon completion. All required products are on site. The construction site is flat, and a minimum of disturbance would be required to facilitate the Project, causing a minimal chance of sedimentation during construction. The Applicants would use best management practices for erosion control, and upon completion of the Project, the areas would be reseeded with clover. The container, generators, driveway, and parking areas would be constructed utilizing road fabric and crushed stone to produce a “rock sandwich” to allow for adequate surface water drainage.

- C. Findings: Based upon the record and the analysis above, the Commission finds that the Project will comply with the Commission’s soil suitability standards set forth in Chapter 10, § 10.25(G). The Commission also finds that the Project will comply with Chapter 10, § 10.24(D) provided the Applicants follow the proposed erosion control plan and all the applicable erosion control standards set forth in Chapter 10, § 10.25(M), a copy of which is attached to this permit and is incorporated herein by reference.

## 20. **Solid Waste Disposal:**

### A. Criteria and standards:

- 1) Provisions must be made for the regular collection and disposal of site-generated solid waste at a state-approved landfill or transfer station and the legal disposal of all construction debris, stumps, brush, wood wastes, asphalt, and pavement products. Chapter 10, § 10.25(H).

### B. Analysis:

- 1) The Applicants stated that rotted wood waste would be mulched, and solid wood waste would be removed from the property and either burned in a permitted location or as firewood. All packaging for the utility facility would be removed from Matinicus Island and disposed of by New Day Energy at the New Boston Transfer Station and Recycling Center in New Boston, New Hampshire.
- 2) The Applicants stated that solid waste generation is not anticipated from routine operation of the Project.

- C. Findings: Based upon the record and the above analysis, the Commission finds that the Project meets the Commission standards for solid waste disposal pursuant to Chapter 10, § 10.25(H).

21. **Protected Natural Resources:**

A. Criteria and standards:

- 1) The Commission may not approve an application unless adequate provision has been made for fitting the proposal harmoniously into the existing natural environment in order to ensure there will be no undue adverse effect on existing uses, scenic character and natural and historic resources in the area likely to be affected by the proposal. 12 M.R.S. § 685-B(4)(C) and Chapter 10, § 10.24(A)(1)(C).
- 2) If any portion of a subdivision or commercial, industrial or other non-residential project site includes critically imperiled (S1) or imperiled (S2) natural communities or plant species, the applicant must demonstrate that there will be no undue adverse impact on the community and species the site supports and indicate appropriate measures for the preservation of the values that qualify the community or species for such designation. Chapter 10, § 10.25(P)(4).

B. Analysis:

- 1) *Wildlife and fisheries*: The Maine Department of Inland Fisheries and Wildlife reviewed the proposal and, due to the lot's restrictions, has recommended that at least a 75-foot vegetative buffer be maintained between the stream and the proposed development. They also recommended that any cleared areas be revegetated using seed mixes and/or plantings of pollinator-friendly species native to the area. Overall, only minimal impacts to wildlife and fisheries are anticipated for the Project.
- 2) *Plant species and communities*: The Applicants would clear 0.5 acres of vegetation within the Subject Parcel. The Maine Natural Areas Program reviewed the Project and searched the Natural Areas Program's Biological and Conservation Data System files for rare or unique botanical features in the vicinity of the proposed site and indicated that, according to their current information, there are no rare botanical features documented specifically within the Project area.
- 3) *Flowing water and wetlands*: The Applicants' environmental consultant completed a review for streams and a wetland delineation on November 21, 2024. The environmental consultant's review indicated that the property does contain a previously unmapped stream and unmapped wetlands within the property. The project was designed around these existing features, maintains a 100-foot buffer from the existing stream, and does not impact any delineated wetlands.

- 4) The Maine Department of Environmental Protection has reviewed the Project and has no immediate concerns with the Project.

C. Findings: Based upon the record and the above analysis, the Commission finds that the Project will fit into the existing natural environment of the surrounding area and that there will be no undue adverse effect on protected natural resources in the area likely to be affected by the proposal in accordance with 12 M.R.S. § 685-B(4)(C) and Chapter 10, § 10.24(A)(1)(C), and Chapter 10, § 10.25(P)(4).

## 22. **Public Health, Safety, and General Welfare:**

### A. Criteria and standards:

- 1) The burden is on the applicant to demonstrate by substantial evidence that the public's health, safety, and general welfare will be adequately protected. 12 M.R.S. § 685-B(4) and Chapter 10, § 10.24(A)(1). Also, the applicant must show that the proposed use will not burden local public facilities and services such as solid waste disposal, fire and ambulance services, and police. Comprehensive Land Use Plan, Section 4.3,E., p.65.

### B. Analysis:

- 1) The Applicants have stated that services for the Project would be provided as follows:
  - a) Fire Protection: Matinicus Island Fire Chief;
  - b) Ambulance Services: Lifelight/Matinicus Island Rescue;
  - c) Police Services: Knox County Sheriff's Office; and
  - d) Electricity: Electricity would be supplied by portable generators during construction. After construction, the facility would provide power to all residents on the island.
- 2) The Project would not be connected to a public water supply or wastewater disposal system.
- 3) The Maine State Fire Marshall has reviewed the proposal and has no concerns with the Project in relation to the energy storage facility and diesel generators.

C. Findings: Based upon the record and the analysis above, the Commission finds that normal operation of the proposed Project will not place an undue burden on local public facilities and services, and the Applicants have demonstrated that the public's health, safety, and general welfare will be adequately protected.

## 23. **Dimensional Requirements:**

A. Criteria and standards:

- 1) The minimum lot size for commercial, industrial, and other non-residential uses involving one or more buildings is 40,000 square feet. Chapter 10, § 10.26(A)(2).
- 2) To the extent consistent with 12 M.R.S. § 685-B(4), the Commission may reduce the minimum lot size required for a structure whose sole purpose is to house a public utility facility or to function as a public utility, provided that:
  - a. the size, height, and bulk of the facility is of a scale that permits such a reduction without adverse effect on surrounding properties; and
  - b. the facility is sited and buffered to fit harmoniously into the surrounding environment. Chapter 10, § 10.26(G)(8).
- 3) The minimum road frontage must be 200 feet for commercial, industrial, and other non-residential uses involving one or more buildings. Chapter 10, § 10.26(C)(2)(b).
- 4) For commercial, industrial, and other non-residential principal and accessory structures, the applicable minimum setbacks for structures are 100 feet from flowing waters draining less than 50 square miles, 20 feet from the traveled portion of all roadways on coastal islands, and 25 feet from side and rear property lines. Chapter 10, § 10.26(D)(3).

B. Analysis:

- 1) The Subject Parcel is 4.5 acres in size and has approximately 334 feet of road frontage on Harbor Road. This would serve as the location for the solar panel field. A ground lease for a 0.25-acre section of the lot has been divided out to Matinicus Plantation Electric Company to serve as a location for the diesel generators, BESS, transmission equipment, utility poles, and necessary equipment for site power generation. This location was selected according to the specifications provided by RLC Engineering.
- 2) The proposed utility facility would be setback 35 feet from Harbor Road, and greater than 25 feet from the nearest property boundary line.

C. Findings: Based upon the record and the analysis above, the Commission finds that the Project will conform with the applicable dimensional and setback requirements pursuant to Chapter 10, § 10.26.

24. The facts are otherwise as represented in Development Permit Application DP 5145, and supporting documents.

## FINAL CONCLUSIONS

**Based upon the analysis above and findings of fact, the Commission concludes that, as long as the proposal is carried out in compliance with the Conditions of Approval below, the proposed development meets the *Criteria for Approval* set forth in 12 M.R.S. § 685-B(4), specifically:**

1. The Commission concludes that there is substantial evidence in the record, as discussed in Findings #14, #15, #20, and #22, that adequate technical and financial provision has been made for complying with the requirements of the State's air and water pollution control and other environmental laws, and those standards and regulations adopted with respect thereto; and adequate provision has been made for solid waste and sewage disposal, for controlling of offensive odors, and for the securing and maintenance of sufficient healthful water supplies in accordance with 12 § 685-B(4)(A).
2. The Commission concludes that there is substantial evidence in the record, as discussed in Finding #16, that adequate provision has been made for loading, parking and circulation of land, air and water traffic in, on and from the site, and for assurance that the proposal will not cause congestion or unsafe conditions with respect to existing or proposed transportation arteries or methods in accordance with 12 § 685-B(4)(B).
3. The Commission concludes that there is substantial evidence in the record, as discussed in Findings #17, #18, and #21, that adequate provision has been made for fitting the proposal harmoniously into the existing natural environment in order to ensure there will be no undue adverse effect on existing uses, scenic character and natural and historic resources in the area likely to be affected by the proposal in accordance with 12 § 685-B(4)(C).
4. The Commission concludes that there is substantial evidence in the record, as discussed in Findings #19 and #22, that the proposal will not cause unreasonable soil erosion or reduction in the capacity of the land to absorb and hold water and suitable soils are available for a sewage disposal system if sewage is to be disposed on-site in accordance with 12 § 685-B(4)(D).
5. The Commission concludes that the proposal is otherwise in conformance with this chapter and the regulations, standards, and plans adopted pursuant thereto in accordance with 12 § 685-B(4)(E).
6. The Commission concludes that based on information provided by the Applicants, as discussed in Finding 14, the application does not propose construction of a structure upon a lot in a subdivision that has not received approval of the Commission in accordance with 12 § 685-B(4)(F).

**Therefore, the Commission, through its staff, approves the application for Development Permit DP 5145, submitted by Matinicus Plantation Electric Company and BMP Energy, LLC, for the construction of a 0.5-acre solar panel field, a battery energy storage system building, two generator enclosures, a transformer equipment pad, driveway, and hammerhead turnaround/parking area as proposed, with the following conditions of approval:**

1. The Standard Conditions of Approval Mandatory for All Development Permits, a copy of which is attached.
2. All authorized structures must be set back a minimum of 100 feet from an unnamed stream, 20 feet from the traveled portion (edge) of the nearest roadway, at least 25 feet from the nearest property boundary lines and outside any mapped or delineated wetlands.
3. Emergency response and safety signage must be installed.
4. Upon completion of the permitted structure(s) within the terms of this permit, all solid waste and other debris must be disposed of in a proper manner, in compliance with applicable state and federal solid waste laws and rules.
5. Prior to beginning regular operations, an emergency response plan must be created that includes, at a minimum, the following: a description of the safety systems in place; a description of the hazards posed; a description of the response to each hazard, including roles and duties of the emergency response team, the phases of emergency response, and the communication systems and procedures involved; a plan for ongoing emergency response training; and a plan for incident investigation and periodic review of the emergency response plan. The plan must be maintained for the life of the facility.

This permit is approved upon the proposal as set forth in the application and supporting documents, except as modified in the above stated conditions of approval and remains valid only if the Permittee complies with all these conditions of approval. Except for structures allowed without a permit in compliance with Maine Land Use Planning Commission standards, any variation from the application or the conditions of approval is subject to prior Commission review and approval. Any variation undertaken without Commission approval constitutes a violation of Land Use Planning Commission law. In addition, any person aggrieved by this decision of the staff may, within 30 days, request that the Commission review the decision.

DONE AND DATED AT EAST MILLINOCKET, MAINE, THIS 8<sup>th</sup> DAY OF APRIL, 2025.

By:   
\_\_\_\_\_ *for Stacie R. Beyer, Executive Director*



STATE OF MAINE  
DEPARTMENT OF AGRICULTURE, CONSERVATION & FORESTRY  
LAND USE PLANNING COMMISSION  
18 ELKINS LANE, 22 STATE HOUSE STATION  
AUGUSTA, MAINE 04333-0022

JANET T. MILLS  
GOVERNOR

AMANDA E. BEAL  
COMMISSIONER

**STANDARD CONDITIONS OF APPROVAL MANDATORY FOR ALL DEVELOPMENT PERMITS (Version date: 5/19/2022)**

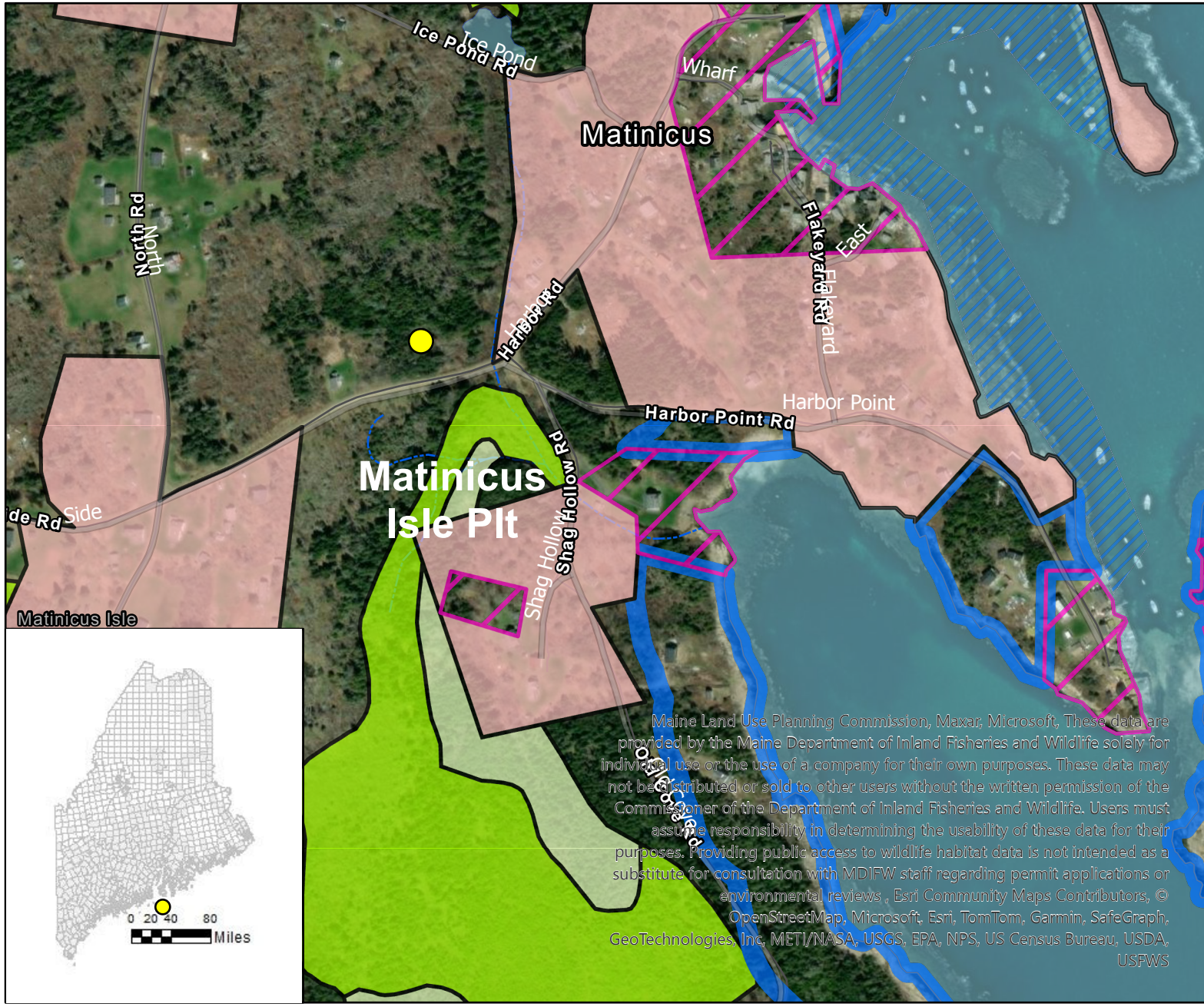
1. **At least one week prior to commencing construction of the permitted activities**, the permittee or the designated agent must contact the Commission staff and notify them of the estimated date construction work will start. Notice may be provided in writing, in person, by email, or by calling. If the permittee or agent leaves or sends a message, please include the contact's full name, telephone number, permit number, and the date the work will start.
2. **Prior to commencing construction of the permitted activities**, the permittee, or the designated agent acting on behalf of the permittee, must provide a copy of the permit, including its attached conditions, to contractors that will be performing work or will be responsible for work at the site.
3. The enclosed permit certificate must be posted in a visible location at the project site immediately after receipt of this permit and during development of the site, and construction of the structures and associated activities and infrastructure approved by this permit.
4. Construction activities authorized in this permit must be substantially started within 2 years of the effective date of this permit and substantially completed within 5 years of the effective date of this permit. If such construction activities are not started and completed within this time limitation, this permit shall lapse and no activities can then occur unless and until a new permit has been granted by the Commission.
5. Unless otherwise proposed and by the submittal of **an Erosion and Sedimentation Control Plan**, approved by this permit, soil disturbance must not occur when the ground is frozen or saturated.
6. Temporary and permanent sedimentation control measures must be implemented to effectively stabilize all areas of disturbed soil and to catch sediment from runoff water before it leaves the construction site so that sediment does not enter water bodies, drainage systems, water crossings, wetlands or adjacent properties. Clearing and construction activities, except those necessary to establish sedimentation control devices, must not begin until all temporary erosion and sedimentation control devices (including sediment traps, settling basins, hay bales, silt fences, etc.) have been installed appropriately. Once in place, such devices must be maintained to ensure proper functioning.

STACIE R. BEYER  
EXECUTIVE DIRECTOR  
HARLOW BUILDING, 4<sup>TH</sup> FLOOR



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7. Effective, temporary stabilization of all disturbed and stockpiled soil must be completed at the end of each work day. All temporary sedimentation and erosion control devices must be removed after construction activity has ceased and a cover of healthy vegetation has established itself or other appropriate permanent control measures have been effectively implemented. Permanent soil stabilization must be completed within one week of inactivity or completion of construction.
8. All imported fill material must be free of hazardous or toxic materials and must not contain debris, trash, or rubbish.
9. All exterior lighting must be located and installed so as to illuminate only the target area to the extent possible. Exterior lighting must not produce a strong, dazzling light or reflection beyond lot lines onto neighboring properties, water bodies, or roadway so as to impair driver vision or to create nuisance conditions.
10. The permittee must secure and comply with all applicable licenses, permits, authorizations, and requirements of all federal, state, and local agencies including, but not limited to: air and water pollution control regulations; subsurface wastewater disposal system approval from the Local Plumbing Inspector and/or Maine Department of Health and Human Services, Subsurface Wastewater Program; and the Maine Department of Transportation, Driveway Entrance Permit, and a physical E-911 address from your County Commissioner's Office.
11. Once construction is complete, the permittee(s) must submit a self-certification form, notifying the Commission that all conditions of approval of this permit have been met. The permittee must submit all information requested by the Commission demonstrating compliance with the terms of this permit. The permittee must not advertise Land Use Planning Commission approval unless any such advertising refers to this permit only and notes that the permit is subject to conditions of approval.
12. In the event the permittee should sell or lease this property, the buyer or lessee must be provided a copy of the approved permit and conditions of approval. Any change in use where different or additional standards apply must be reviewed by the Commission.
13. The scenic character and healthful condition of the area covered under this permit must be maintained. The area must be kept free of litter, trash, junk cars and other vehicles, and any other materials that may constitute a hazardous or nuisance condition.



# Matinicus PLT Electric Company Property Matinicus Island, Knox County

**Towns\_Maine\_polys**

□ LUPC Service Area

**Zones**

**ZONE**

- D-GN: General Development
- D-RS: Residential Development
- P-SL1: Shoreland - 250' Protection
- P-WL2: Scrub-shrub Wetlands Protection
- P-WL3: Forested Wetlands Protection

— E911 Roads

**Lakes/Ponds**

□ LakePond

**Streams (line)**

- Coastline
- StreamRiver

**Rivers/Ocean**

- SeaOcean
- ▨ Tidal Waterfowl and Wading Bird Habitat

