



May 28, 2021

Mr. Anthony Filauro
Chairman, Planning Board
Town of Millinocket, Maine
Millinocket Town Office
197 Penobscot Ave
Millinocket, Maine 04462

RE: Subdivision Approval – Our Katahdin

Dear Mr. Filauro:

OK Solar 1, LLC (“Applicant”) is pleased to submit the enclosed Subdivision Plan (the “Plan”) for consideration and approval by the Town of Millinocket Planning Board (the “Planning Board”) in connection with Applicant’s plans to develop a solar photovoltaic electric power generating and/or storage system (the “Project”) on land now owned by Our Katahdin and now leased or to be leased by Applicant.

The Planning Board approved Applicant’s site plan for the Project on May 26th, 2020 (the “Site Plan Approval”). Applicant did not request subdivision approval for the Project when it applied for site plan review because it did not feel that subdivision approval was necessary. However, Applicant’s legal counsel is now recommending that Applicant apply for subdivision approval as a precaution based on the following facts:

Our Katahdin is the record owner of Lots 1 and 2 as shown on the enclosed Plan by virtue of deed from GNP West, Inc. to Our Katahdin dated November 24, 2019 and recorded in Penobscot County Registry of Deeds in Book 15368, Page 73 (the “Source Deed”). The Source Deed excepted (i.e., held back) certain lands from the transfer to Our Katahdin which suggests that GNP West, Inc. may have transferred something less than the entire then-existing parcel to Our Katahdin. In such event, the transfer from GNP West, Inc. to Our Katahdin as described in the Source Deed would have been the first “division” of the then-existing parcel within a five-year period creating at least two lots, and Our Katahdin’s lease to Applicant of a portion of the land described in the Source Deed for purposes of developing the Project on the land depicted as Lot 2 on the Plan would be the second division of the parcel within a five-year period creating a third lot.

Given the extensive title history of the property, Applicant and its legal counsel have been unable to ascertain whether the excepted lands in the Source Deed refer to a portion of the then-existing parcel (such that Our Katahdin’s lease to Applicant creates a third lot within a five-year period requiring subdivision approval), or whether they refer to neighboring lands and/or prior conveyances unrelated to the then-existing parcel (such that Our Katahdin’s lease to Applicant creates a second lot within a five-year period which would not require subdivision approval).

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The Plan is submitted to the Planning Board for approval to the extent the excepted lands in the Source Deed refer to a portion of the then-existing parcel such that Our Katahdin's lease to Applicant creates a third lot within a five-year period requiring subdivision approval.

The Site Plan Approval and all materials submitted by Applicant to the Planning Board in connection therewith are hereby incorporated into this letter by reference for purposes of establishing that the Plan meets all review criteria set forth in 30-A M.R.S. § 4404. If the Planning Board requires any further information, please let us know. Otherwise, Applicant respectfully requests that the Planning Board approve the Plan to the extent subdivision approval is required (see Note 13 on Plan) and affirm that the review criteria set forth in 30-A M.R.S. § 4404 have been met and/or are not applicable.

If you have any questions regarding the above, please do not hesitate to call.

Sincerely,

Matt Swansburg, Project Developer
OK Solar 1, LLC
c/o Borrego Solar Systems, Inc.
mswansburg@borregosolar.com

617-710-0017

Enclosure: Subdivision Plan