

**PLANNING BOARD MEETING MINUTES
DECEMBER 6, 2021**

MEMBERS PRESENT

**MOLLY BUTLER-BAILEY, CHAIRWOMAN
JAMES ANDERSON
SUSAN DURST
GEORGE FOX
VINCENT GRASSI
THOMAS HUGHES**

STAFF PRESENT

**THOMAS POIRIER, DIRECTOR
OF COMMUNITY
DEVELOPMENT
CAROL EYERMAN, TOWN
PLANNER**

MEMBERS ABSENT

SCOTT FIRMIN, VICE CHAIRMAN

Chairwoman Molly Butler-Bailey called the meeting to order at 7:00 p.m. The roll was called and Scott Firmin was absent. Ms. Butler-Bailey advised that Item 5, Grondin Aggregates, is no longer on the agenda this evening.

APPROVAL OF THE NOVEMBER 1, 2021 MEETING MINUTES

George Fox MOVED and Thomas Hughes SECONDED a motion to approve the November 1, 2021 meeting minutes as written and distributed. Motion CARRIED, 6 ayes (Scott Firmin absent).

COMMITTEE REPORTS

- A. Ordinance Review Committee:** Chairman Grassi reported that the Committee met this evening to discuss agritourism and agreed that this item can come before the Board for public hearing at its January 2022 meeting.
 - B. Comprehensive Plan Implementation Committee:** Chairman Anderson reported that this committee has not met since the last Board meeting.
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ADMINISTRATIVE REVIEW REPORT:

Ms. Eyerman reported that there are two administrative reviews under consideration. One is for Sebago Brewing's Elm Street restaurant.

ITEM 1 Public Hearing - Land Use and Development Code Amendment - Phasing of Subdivisions - proposed amendment to the Land Use and Development Code to require phased build outs of subdivisions.

Thomas Poirier, Director of Community Development, advised the Board that its Ordinance

Subcommittee has reviewed the item and is recommending one change to the proposed ordinance language as drafted by the Town Council. That change would allow the Board to grant 10 additional lots in any one phase if the developer can prove that it is a better form of development. One written comment has been received from Owens McCullough, recommending that instead of 90% occupancy permits, that should be dropped to 60% before a subsequent phase can begin, so the developer can have the infrastructure constructed when he gets to the 90% occupancy permit level.

PUBLIC COMMENT PERIOD OPENED: None offered

PUBLIC COMMENT PERIOD ENDED

Ms. Butler-Bailey asked for the Board's view of Mr. McCullough's suggestion. Ms. Durst said she believes that Mr. McCullough's suggestion is a valid one. Mr. Fox commented that without giving it a lot of thought, the suggestion seems to be common sense, and asked if the Ordinance Committee had any experience on how the 90% figure was arrived at. Mr. Poirier said that figure came from the Council. In reply to Mr. Anderson, Mr. Poirier said there would be bonding on both phases before the mylar copy of the second phase plan is released for recording at the Registry of Deeds. Mr. Poirier said the Board could find that a figure between 60% and 90% is more reasonable. Mr. Grassi and Mr. Hughes agreed that Mr. McCullough's suggestion makes sense.

Mr. Poirier suggested tabling the item until the next meeting, so that language can be drafted to clarify exactly what is being recommended and brought back before the Board.

George Fox MOVED and Vincent Grassi MOVED to table further review of the item pending changes to the language. Motion CARRIED, 6 ayes (Scott Firmin absent).

ITEM 2 Public Hearing - Land Use and Development Code Amendment - Village Expansion - a proposed amendment to the Land Use and Development Code regarding the Village Expansion District.

Thomas Poirier advised the Board that this item is on for public hearing, as was the first item. The purpose of the amendment is to add a new urban residential expansion to be in compliance with the Town's Comprehensive Plan, as well as amending the zoning map to identify the first district. The Comprehensive Plan Implementation Committee gave a good deal of thought on how to identify two points of connections for roads, and how to identify a "hardship" criteria. The CPIC identified financial hardship shall be considered to exist if establishing the two points of connection would utilize more than 25% of the cost of the entire development. Mr. Poirier said he had the Town's attorney review the CPIC's proposed changes, which are included in the draft before the Board this evening.

PUBLIC COMMENT PERIOD OPENED: None offered

PUBLIC COMMENT PERIOD ENDED

Mr. Fox questioned the language that "The Planning Board may waive the 2 points of connection

for a portion of the development if the Board finds no other alternative road network possible with 2 points of connection **AND** it would be a financial hardship..." Mr. Poirier said that the Board needs to decide if it should be "and" or "or," as it cannot be both. A consensus of the Board is it should be sent back to the CPIC for a clarification if it should be "and" or "or."

Ms. Eyerman asked on behalf of the developer for Item 8, Shirley Lane Subdivision, for a timing schedule on when each area's rezoning is going to be implemented. Mr. Poirier said Shirley Lane is in the second round to be rezoned, and if there are no changes for what the Board is reviewing this evening for the Village Expansion area, the second round should be considered shortly thereafter. However, if the Village Expansion language gets sent to the Council's Ordinance Committee, Mr. Poirier said he does not have a time frame for that process.

Vincent Grassi MOVED and George Fox SECONDED a motion to refer the item back to the Board's Comprehensive Implementation Committee for review and recommendations. Motion CARRIED, 6 ayes (Scott Firmin absent).

Mr. Anderson requested that he be recused from participating in the discussion on this item because he works for Great Falls Construction, which is involved with the project.

George Fox MOVED and Thomas Hughes SECONDED a motion to allow Mr. Anderson to recuse himself. Motion CARRIED, 5 ayes (James Anderson recused, Scott Firmin absent).

ITEM 3 Public Hearing - Site Plan Amendment - Donna Foster - Maide for You - a request for approval to relocate the existing driveway, expand the parking lot, and convert the garage into a tanning salon at 222 Narragansett Street.

Ms. Eyerman told that Board that this application is for site plan application approval. The applicant is seeking approval to reconfigure and separate a 15,979 square foot gravel and parking lot, add some landscaping, and convert the garage to a tanning salon.

Andrew Morrell, BH2M, advised the Board that the applicant is looking to clean up the site, make it safer from both a pedestrian and traffic point of view, and in particular separating the residential from the commercial entrance. The curb cut on Route 202 is 140 feet wide, with cars entering at different locations at pretty good speed, so it is proposed that the curb cut be reduced to 24 feet, make it safer and a more defined access into the site. Improvements are planned for the existing garage and office, with the garage building being converted to a tanning salon. Parking will be reconfigured to more safely accommodate the two businesses which will be on site. Mr. Morrell said that a buffer is proposed along 202, and while it is not precisely what the zoning district calls for, it will be a 23 foot buffer, back 5 feet from Narragansett Street right-of-way, with a total of 55 trees and shrubs in the buffer. The applicant may in the future add a second story to the office building, and the dumpster will be relocated from the front of the parking to the rear of the parking. The proposed plan will reduce the impervious area by 16%.

Mr. Morrell said financial capacity will be provided moving forward. They will work with the

Water District to get the capacity letter the Town is looking for. Mr. Morrell referred to the peer reviewer's recommendation that the Board consider if a landscape review is necessary for the buffer design. In addition, Mr. Morrell said that the review engineer is recommending a full stormwater analysis of the site, but the reduction by 16% in the impervious area should also reduce the amount of stormwater on site. Mr. Morrell said they do not believe a full stormwater analysis of the site is warranted, but they will be happy to discuss that with the Board.

PUBLIC COMMENT PERIOD OPENED: None offered
PUBLIC COMMENT PERIOD ENDED

Ms. Eyerman explained that the performance standards of the Narragansett Mixed Use Development District regarding pedestrian facilities require that there be sidewalks at least along the frontage, if not running to the site, but as this is an existing site it may not apply. Ms. Eyerman said she would like to discuss the issue with the applicant and come back with a recommendation.

Mr. Fox confirmed with Mr. Morrell that the landscape requirements for the buffer have been met, and what has not been met is the width of the buffer. Mr. Morrell said that additional screening is proposed for the 2 residential properties to either side. Mr. Morrell said that the factor preventing a wider buffer involves the parking on site in the front, and losing that parking would be extremely problematic for the applicant. Mr. Fox said that what is being proposed is dramatically better than what it is now, even though it does not meet the full requirement of the ordinance. In reply to Mr. Morrell, Ms. Eyerman said that a waiver request for the buffer should be specific about what it is, so that a note can be put on the plan.

Ms. Butler-Bailey asked if it is still the Board's feeling that a stormwater analysis is not required if the impervious surface area is being reduced. Mr. Fox said that with the proposed reduction in impervious area, he does not believe there is a benefit in asking the applicant to go the extra step on a stormwater analysis. The rest of the Board concurred with Mr. Fox's assessment.

George Fox MOVED and Thomas Hughes SECONDED a motion to table further review of the Maide for You, Donna Foster, for site plan amendment approval pending responses to remaining issues and finalizing revisions to the plans. Motion CARRIED, 5 ayes (James Anderson recused, Scott Firmin absent)

Mr. Anderson returned to the dais.

ITEM 4 Public Hearing - Site Plan - Gorham Bike and Ski, Inc. - Retail and Cafe - a request for approval of a 7,150 square foot building with parking lot, patio and dumpster, a two-story building to consist of one residential dwelling unit, retail store and restaurant, and accessory building to include garage and residential dwelling unit.

Ms. Eyerman explained that this is both a subdivision and a site plan. It is planned that a lot will be trimmed off from the existing Raceway Innovation Campus subdivision, an amendment to the plan. In addition, two commercial residential mixed use buildings are being proposed, with the

main building 4,996 square feet, and the second building a 936 square foot storage and residential mixed use building. The remainder of the site will be for dining, sidewalks, a bicycle test track, parking lot and landscaping. Details still remaining include an ability-to-serve letter from the Portland Water District, lighting details to assure that dark sky requirements are adhered to, easement language to be submitted, more specific detail for the location of the various building materials listed, detail on how outside equipment will be shielded from view, and sidewalks.

Chris Taylor, Sebago Technics, appeared on behalf of the applicant, and noted that the building size is about 5,000 square feet on the current proposal, and the parking lot has been reduced by 6 spaces as well, with 60 parking spaces now being shown. One of the proposed changes will be to eliminate the apartment on the second floor of the principal building and keep the one in the garage. Mr. Taylor asked for clarification of the town's review engineer suggestion regarding having a landscape review, as well as having a discussion on the proposed off-site sidewalk impact fees.

PUBLIC COMMENT PERIOD OPENED: None offered
PUBLIC COMMENT PERIOD ENDED.

Ms. Butler-Bailey referred to the applicant's request for discussion on the landscape review and sidewalks. Mr. Taylor referred to an email from Tom Poirier, Director of Community Development, in which he outlined the two sidewalk issues that apply to the project: one being installing sidewalks along the frontage of Narragansett Street, 343 feet of sidewalk, and then there is also in the Narragansett zoning district which requires an off street sidewalk, 250 feet of sidewalk, with a cost per linear foot of sidewalk of \$75 if the applicant chooses to pay the impact fee rather than constructing the sidewalks. Mr. Taylor said that he believes the sidewalk along Narragansett along the front of the lot has already been dealt with by the previous developer of the site, Harvey Performance. In addition, Mr. Taylor said that in lieu of constructing a sidewalk, the applicant is proposing to construct a trail connection, going from Raceway Drive around the soccer field and across Narragansett Street, a length of 2,000 feet of additional trail, which they believe fulfills the off-site connection in the zoning requirements, as well as the requirement in the zoning district which is not just necessarily to sidewalks along the side of the road.

At Ms. Butler-Bailey's request, Ms. Eyerman explained that the calculation is there to run sidewalks from the middle of the square all the way out to this development. The Town has used the money to start construction along Narragansett Street, and next summer another phase will be done. She said the Town is continually asking for the money because construction is continuing out to that area. Each developer in the area is asked to submit the funding as the calculation is presented in the ordinance for the off-site improvement. For the sidewalk on-site, all developers are asked to provide on-site sidewalks as a matter of course. Mr. Fox confirmed that the off-site sidewalk is not a defined section of sidewalk relevant to this project, it is a pro-rated portion to install sidewalks from the Village out to this location, so anyone building in this area gets a pro-rated portion of developing sidewalks connecting the side to the Village.

Ms. Eyerman explained that there are two phases to the sidewalk ordinance. A developer is

going to build sidewalks to and within their development; however, the Town has said if you are 7 miles from any sidewalks, is too far to build a sidewalk to your development. Within the development is the second part of the ordinance, so that sidewalks get put on site. If there are two different frontages, the sidewalk is built on both frontages.

Ms. Butler-Bailey asked if the Board has the ability to waive the fee. Ms. Eyerman replied that the Board does not have the ability to waive the off-site fee in the zoning ordinance. In reply to Mr. Anderson, Mr. Poirier said the sidewalk along Raceway Drive was Harvey's on-site requirement. Mr. Poirier said there will be three entities in the extension of sidewalks: the State, the Town and the developer. Funds from the developer will include curbing and the pavement, and State funds will be used for drainage and other costs. Ms. Butler-Bailey confirmed with Mr. Poirier that a developer is not paying for a specific section of sidewalk, but will be paying into a fund that goes toward all the sidewalk construction down Narragansett Street.

Mr. Fox confirmed that the Board has the ability to waive on-site sidewalks.

Jamie Wright, Gorham Bike and Ski, said they have no interest in a sidewalk along Narragansett and instead would like instead to use the funds for a trail connection and crosswalk with flashing lights. Ms. Butler-Bailey said she believes the sidewalk should be constructed. Mr. Grassi concurred with Ms. Butler-Bailey, as did Mr. Fox, noting that if every applicant chose not to build a sidewalk, then it would never happen. Ms. Eyerman noted that the trail is not necessarily a requirement, but the sidewalk is.

Ms. Eyerman read the specific sidewalk requirements in the ordinance that apply to this proposal. She suggested that the application be tabled so that staff and the applicant can go through the ordinance, line by line, in order to come back with a better understanding as to what is required.

The Board concurred that the landscaping requirements in this zone as quite specific. Mr. Anderson said he does not need another reviewer to go over the proposed landscaping. Mr. Taylor confirmed that the landscape plan was stamped by a Maine registered landscape architect.

In reply to Mr. Taylor, Ms. Eyerman said she wants to make sure that any building material proposed is of a matte finish with no reflectivity. The applicant's landscape architect came to the podium and said Mr. Taylor's comment was for clarification.

George Fox MOVED and Vincent Grassi SECONDED a motion to table further review of Gorham Bike and Ski, Inc.'s request for subdivision amendment and site plan review approval pending responses to remaining issues and finalizing revisions to the plans. Motion CARRIED, 6 ayes (Scott Firmin absent).

ITEM 5 Public Hearing - Gravel Pit Amendment - Brandy Brook Quarry - Grondin Aggregates, LLC - a request for approval to add a salt storage shed and stump and brush processing facility.

Postponed at applicant's request.

ITEM 6 Pre-Application - Cross Town Energy Storage, LLC - Battery Storage Facility -
a request for approval of a 174 MW battery energy storage system located at 61
Hutcherson Drive.

Ms. Eyerman described the battery storage facility as a series of small utility cabinets set on individual concrete pads, to be located at the end of Hutcherson Drive, right where the Cross Town Trail ends at a fence. The proposed facility is next to the CMP corridor.

Norman Chamberlain, Walsh Engineering Associates, came to the podium, and introduced Allyson Sand and Georgia Meisler.

Allyson Sand, Cross Town Energy Storage, LLC, told the Board the project is located within the Gorham Industrial Park and gave the Board an overview of the company, Plus Power Company, a transmission connected battery energy storage developer. The company is American owned with offices in Houston, Texas and San Francisco, California and was founded in 2018 by storage and renewable energy veterans. The company has over 7,000 mega watts of developments in place across the country. Ms. Sand told the Board that facilities such as being proposed in Gorham are called stand-alone and are not co-located or adjacent or connected to any renewable resource, and in this case are directly connected to the existing electrical infrastructure. The purpose of a storage facility is to manage variations in power supply, so this project would be able to charge during periods of over supply and then basically discharge that electricity back on to the system when there are periods of peak demand. This type of project can keep the electrical grid functioning properly and manage the system as it evolves.

Georgia Meisler gave the Board a slide presentation describing the site, at 61 Hutcherson Drive in the Gorham Industrial Park, just over 13 acres and located next door to the Mosher Substation. Delineated wetlands are present on the site, along the western and northern edges. Studies have been done already, looking at endangered species and cultural resources, with no areas of concern identified. The site is not located inside a flood plain. Ms. Meisler pointed out a significant stand of mature trees located on the eastern property line, which will remain as providing as good visual buffer to abutters on the east.

Ms. Meisler said the proposed development will sit on approximately 5 acres out of the 13 on the site, designed primarily to avoid all of the wetlands located within that area. Proposed are 240 enclosures, housing the individual battery cells that actually store the energy. The rest of the facility is made up of the electrical and mechanical equipment that converts that energy into electricity that is fed into the grid. A line is proposed at the back western corner of the site connecting to the substation next door. There are 24 foot wide roads both for access to the site and for internal circulation, provided for maintenance vehicles and designed for emergency vehicle access. Ms. Meisler showed a proposed street view, showing buffering along the southern fence line to act as buffering not only along the trail but Hutcherson Drive and neighboring businesses as well.

In reply to Ms. Butler-Bailey, Mr. Chamberlain said they would like to know the Board's feedback on the project, noting that they are already working with the Fire Department and with the DEP on stormwater. Mr. Chamberlain said that some blasting will be needed on site, basically to create a flat pad, collecting stormwater underneath, treating it, and discharging it.

PUBLIC COMMENT PERIOD OPENED: Ed Montalvo, president of the Montalvo Corporation at 50 Hutcherson Drive, said he will see this site out of his office window. His concerns involve the safety issue of lithium ion batteries and would like to hear more about the discussions with the Fire Department. Mr. Montalvo asked about proposed landscaping to buffer this site, will there be a wall around it and will the trees be there and will they grow. PUBLIC COMMENT PERIOD ENDED.

Ms. Sand said they will give more detail in their next presentation relating to thermal safety. Stationery storage must meet certain codes from the Underwriters Laboratory UL codes, NFPA standards, all of which are different from the consumer electronic standards and are more stringent. In reply to Ms. Butler-Bailey, Ms. Sand said they will also provide a landscape plan, which will include the proposed trees to be planted along the fence line along the southern edge of Hutcherson Drive.

Mr. Fox asked how long the equipment is expected to last. Ms. Sand said the technology today typically lasts about 20 years, but the battery cells will continue to degrade over time so there will be periods of augmentation over that 20 year useful life. They do expect to either re-use the batteries or continue to operate the project past the 20-year life, but throughout that 20 year period there is augmentation and maintenance to make sure the batteries are operating at maximum capacity. In reply to Mr. Fox, Ms. Sand there is a decommissioning requirement in their land contract with the land owner, which they will discuss with the Board during the permitting process. Ms. Sand answered a question from Mr. Grassi that typically the noisiest increment to a battery storage system like this is from the HVAC units helping to control and maintenance temperature, and there will be some noise from the substation equipment connecting the project to the substation to the west. She said they will be compliant with the standards in the Gorham Industrial zone. Mr. Chamberlain said they have data showing that there will be 84 decibels of noise at one meter, with 60 decibels at 75 feet. He said the batteries themselves don't make any noise.

Mr. Anderson and Mr. Chamberlain discussed elevations, which the proposed screening will take into account. In reply to Mr. Fox, Ms. Sand said a specific lighting plan will be prepared, with the lighting being for safety and security and limited to just the perimeter of the site and is motion detected. Mr. Hughes asked if there are any other sites in Maine where this kind of project has been done. Ms. Sand said there are no operational projects in the state of Maine but they are starting construction on a project in Hawaii.

Ms. Sand and Mr. Fox discussed the financial business model for such a project.

Ms. Butler-Bailey asked if any Board member is interested or feels the need for a site walk. Ms. Eyerman suggested a doodle poll to determine Board interest in a site walk.

Stretch Break until 9:05 p.m.

ITEM 7 Pre-Application - Town of Gorham - Chick Property Skate Park - a request for approval of a 10,000 square foot community skate park on existing Chick property off Chick Drive.

Ms. Eyerman advised the Board that the skate park location is behind the police station, proposed at this time to be 10,000 square feet in two phases. Details will be nailed down during a public hearing process later in the month with people in the community.

Owens McCullough, P.E., Sebago Technics, came to the podium on behalf of the Town and introduced Tom Poirier, Director of Community Development. Mr. McCullough said sidewalks have been installed up to Bouchard Drive, right in front of this project. Mr. McCullough said that in 2013 work was done for recreational facilities, which the Council approved and included the Chick property. This project has come about in the last year and a half, a community initiative, for a skate park which Gorham does not have at this time. Tom Dupris, Skatepark Coalition, has developed a good portion of the funding for the project, and brought it forward to the Town Council, sought RFPs for a design-build skatepark, with a company chosen called Pillar Design Studios, LLC to design the skatepark with some input from the public.

Mr. McCullough showed the Board views of the location of the skatepark, directly across the street from Bouchard Drive to the new sidewalk with flashers at that point. Design for the skatepark is still in process, with phase one being about 7,500 square feet and then there will be an addition at some point to take it to about 10,000 square feet, basically a 100 by 100 box. There would probably be some benches, a shade canopy, some lighting perhaps in summertime and early evenings.

Because the design is still developing, they would like the Board to give some flexibility on the concept, but allow them to work with the Coalition, Mr. Dupris and the skatepark designers to ratify that into a non-specific skatepark design to provide the contractor with the flexibility to design and construct the skatepark responsive to the allotted budget and community coalition. The project will need site plan approval and the DEP site location permit will have to be amended.

Tom Dupris came to the podium and told the Board about the community response supporting the project, as well as from Town Council and Town staff. The Town Council voted unanimously in their August meeting to support the project and authorized up to \$125,000 in matching recreational impact fee funds.

Tom Poirier, Director of Community Development, said detailed stormwater information will be provided, showing how stormwater will get from the skatepark to where it needs to be treated, lighting requirements can also be provided, but details about the skatepark itself such as where the bowl will go do not have relevance regarding the Land Use Code.

In addition to flexibility, Ms. Butler-Bailey asked if there is anything the Board should discuss

regarding this project. Mr. Poirier replied the flexibility for the park, the actual location, stormwater, lighting plan which can be included in the next submission.

PUBLIC COMMENT PERIOD OPENED: None offered.
PUBLIC COMMENT PERIOD ENDED

Mr. Anderson said he believes a photometrics plan would be useful. Mr. McCullough said they would provide a dark sky photometric plan, but once the final design is worked out, they may want to go back to staff with some minor tweaks so long as they fit within the framework criteria for the approval. Ms. Butler-Bailey asked about bike racks; Mr. McCullough agreed that it is probably a good idea. Mr. Fox asked if there will be controlled hours of operation or if it will be available at any time. Mr. McCullough replied that it will be seasonal. Cindy Hazelton, Recreation Department, replied that she envisions this to be a dawn to dusk playground. Mr. Fox noted that questions will come up about noise and lighting from abutters, but if these parameters are the same as those being applied to any other recreational facility in town, then he believes that is reasonable.

Mr. Anderson said he is comfortable in looking at the box in which the skatepark would be built and letting them come up with a design that works within the parameters of the Land Use Code. Ms. Butler-Bailey agreed. In reply to Mr. Grassi, Mr. McCullough told the Board that the design-build contractor was chosen through the RFP process to determine who would be the most qualified and best fit for the Town. The Board concurred that it is amendable to granting the flexibility required to move forward with the design.

ITEM 8 Pre-Application - Shirley Newton, LLC - Shirley Lane Subdivision - a request for approval of 12 residential lots and an extension of Shirley Lane on 38 acres at the end of Shirley Lane.

Ms. Eyerman said this project is for 13 lots. Currently the site is zoned Suburban Residential, and is part of the Village Expansion area. Having decided on whether to use the current zoning or to utilize the standards of the Village Expansion area, the applicant has designed this as if it were rezoned. The applicant has proposed a paved road, individual domestic wells and subsurface septic systems.

Charles Burnham, P.E., with Shirley Newton LLC, came to the podium and described the project as coming in for the first phase off Newton Drive, thirteen 40,000 square foot lots, consistent with the Village Expansion district. Mr. Burnham said they are willing to wait out the rezoning process. Stormwater will be directed down to the lower corner, where there is a larger lot. Mr. Burnham pointed out proposed connectivity in this phase, as well as phase 2 connectivity, with the hammerhead functioning as it is. Ms. Eyerman confirmed with Mr. Burnham that a sidewalk conversation is not necessary.

PUBLIC COMMENT PERIOD OPENED: Richard Foley, 14 Newton Drive, spoke of concerns with well water quantity and bringing water into the development. Mr. Foley spoke to the condition of Newton Drive, with the potential for the road to take a beating and will probably

have to be rebuilt. Mr. Foley and Mr. Burnham discussed the construction of his water line.

Richard Blake, 27 Newton Drive - expressed concerns about the positioning of test pits.

PUBLIC COMMENT PERIOD ENDED

In reply to Ms. Butler-Bailey, Mr. Burnham replied that it would not be feasible to run water to the development.

In reply to Ms. Butler-Bailey, Ms. Eyerman replied that one of the standards in the subdivision ordinance is that the quantity and quality of groundwater cannot be affected. Ms. Eyerman said a study will need to be done to determine gallons per minute, and that there is enough for existing neighbors and any new construction. It is in the ordinance as a requirement.

Ms. Butler-Bailey said she does not feel she has enough information to make a decision on waiving a high intensity soil survey at this time. Mr. Fox said he sees nothing of particular concern in waiving the high intensity soil survey, but it is going to be different from the subsurface septic design. Mr. Anderson asked Mr. Burnham to show well exclusion zones on each lot.

Mr. Fox asked if it would be appropriate to ask the Public Works Department whether anything needs to be done due to construction of the development. Ms. Eyerman said Public Works will provide comments in the review memo to which the Board can refer. Mr. Burnham asked if they might be responsible for rebuilding Newton Drive. Ms. Eyerman said that could become their responsibility.

Referring to the connectivity issue in an ordinance change that has not yet occurred, Ms. Butler-Bailey said she feels like this is a legal question. Ms. Eyerman said that as this is a pre-application, a recommendation would be to wait until the zoning matches the plan. Zoning at this point is that lot sizes are being downsized in the area where review is underway now, it is anticipated that this area will look the same but that cannot be guaranteed, and in terms of a legal plan, it needs to follow whatever is current. Ms. Eyerman recommended that the applicant wait and work on some of the other issues, such as sitting down with the Public Works Department, and wait until the zoning process marches through.

Mr. Burnham and Ms. Butler-Bailey discussed the time line process involved in getting the ordinance changed.

ITEM 9 Remote Hybrid Policy - to consider adopting a remote and hybrid meeting policy

Ms. Eyerman referred to the Board's question if there was an ability for a hybrid meeting to "remote in" the public. The Town Council has said that is not possible. The policy before the Board this evening is the same one that it has seen before, and the question now is if the Board chooses to adopt this policy by a formal vote.

Remote meetings can be held under certain weather conditions, with the Town Planner and the

Board chairman deciding on whether a remote meeting should be held.

After discussion, the Board agreed not to adopt the policy.

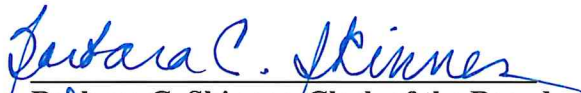

ITEM 10 Discussion - Land Use and Development Code Amendment - Performance Guarantee and Site Plan Review Process - a proposed amendment to the Land Use and Development Code to streamline the performance guarantee and site plan review processes.

George Fox MOVED and James Anderson SECONDED a motion to refer the item to the Board's Ordinance Committee for review and recommendations. Motion CARRIED, 6 ayes (Scott Firmin absent)

ADJOURNMENT

James Anderson MOVED and George Fox SECONDED a motion to adjourn. Motion CARRIED, 6 ayes (Scott Firmin absent).

Respectfully submitted,


Barbara C. Skinner, Clerk of the Board
 2021