

**PLANNING BOARD MEETING MINUTES
APRIL 4, 2022**

MEMBERS PRESENT

**SUSAN DURST
VINCENT GRASSI
THOMAS HUGHES
DAVID BURROWS
RUSSELL FRANK
SEVEN SIEGEL**

STAFF PRESENT

**CAROL EYERMAN, TOWN
PLANNER**

MEMBERS ABSENT

JAMES ANDERSON

Interim Chairman Vincent Grassi called the meeting to order at 7:00 p.m. The roll was called with James Anderson absent.

APPROVAL OF THE MARCH 7, 2022 MEETING MINUTES

Susan Durst MOVED and Thomas Hughes SECONDED a motion to approve the March 7, 2022 meeting minutes as written and distributed. Motion CARRIED, 1 aye (James Anderson absent, Vincent Grassi and Thomas Hughes abstaining as not having been present at the meeting; David Burrows, Russell Frank and Seven Siegel abstaining as not having been Board members at the March 7, 2022 meeting).

ELECTION OF OFFICERS

Susan Durst MOVED and Thomas Hughes SECONDED a motion to nominate James Anderson for the position of Chairman. Motion CARRIED, 6 ayes (James Anderson absent).

Susan Durst MOVED and Thomas Hughes SECONDED a motion to nominate Vincent Grassi for the position of Vice Chairman. Motion CARRIED, 6 yes (James Anderson absent).

Ms. Eyerman explained the role of the Board's two subcommittees, saying that the Comprehensive Plan Implementation Committee works on ordinance amendments to implement items in the Comprehensive Plan. The other subcommittee, the Ordinance subcommittee, deals with those ordinances that are not in the Comprehensive Plan, such as items noticed in other ordinances, as well as things in the Land Use ordinances which are not mentioned in the Comprehensive Plan but which should be changed.

COMMITTEE MEMBERS:

- A. Ordinance Subcommittee: Susan Durst, Thomas Hughes, Seven Siegel**
- B. Comprehensive Plan Implementation Committee: Vincent Grassi, Russell Frank, David Burrows**

Each subcommittee will elect a chairman at its first meeting.

CHAIRMAN'S REPORT: No report

COMMITTEE REPORTS

A. ORDINANCE SUBCOMMITTEE: No report

B. COMPREHENSIVE PLAN IMPLEMENTATION COMMITTEE: No report

ADMINISTRATIVE REVIEW REPORT: Ms. Eyerman reported that there are no new administrative review applications at this time.

ITEM 1 Public Hearing - Site Plan - Cross Town Energy Storage, LLC - Battery Storage Facility - a request for approval to develop a 175 MW battery energy storage system located at 61 Hutcherson Drive, zoned I, Map 12, Lot 22-1

Ms. Eyerman described the project, noting that the lot at 61 Hutcherson Drive is zoned Industrial and is approximately 13 acres. A study done by the applicant has revealed some wetlands and possible vernal pools. The project was before the Board in December as a pre-application, and a site walk was held on December 16, 2021, attended by abutters who have provided comments to the Board and the applicant. She noted that there are four waiver requests from submission requirements, as well as several comments by the Planner, Fire Department and peer review engineers that need to be addressed. Those comments could be addressed as conditions of approval to the plan, with new plans and all required documentation being provided for staff review prior to the Board signing the plans.

Andrew Hamilton, Esquire, Eaton Peabody, introduced Bill Walsh, principal of Walsh Engineering, and Norman Chamberlain and Randee McDonald, also of Walsh Engineering, and said he is appearing as counsel to introduce the Plus Power team. Mr. Hamilton thanked the Planning Board, Thomas Poirier, Director of Community Development, and Carol Eyerman, Town Planner, for guiding the project through the very careful, deliberate, specific and applicable submittal and review standards of the Gorham Land Use ordinance and the site plan review provisions in particular. Mr. Hamilton said that having had experience with many Planning Board meetings across Maine, he believes Gorham is fortunate both with its facilities and personnel, quality in both regards.

Mr. Hamilton described the project as the Cross Town Energy project, located at 61 Hutcherson Drive in the Gorham Industrial Park. The applicant is Cross Town Energy Storage, LLC, a Delaware corporation registered with the Maine Secretary of State to do business in Maine. Cross Town is being assisted by Walsh Engineering, with Randee McDonald who will walk through the slides this evening with project applications both before the Town of Gorham and the Maine Department of Environmental Protection. Mr. Hamilton said a conference call was held with representatives of Maine DEP, Mr. Poirier and Ms. Eyerman to discuss the desire to do a fairly simultaneous review both for DEP and the Town of Gorham because of the timing considerations involved in moving forward in the May time frame. A letter of financial capacity has been provided from the investor, who is ready to proceed with the financing aspect.

Mr. Hamilton said their presentation this evening is designed to inform the Board and the public with detailed and final information in quick, efficient, uninterrupted fashion with good pace and with time to allow for Board and public questions. The three questions raised by Ms. Eyerman in her staff notes regarding 1. site distances on Hutcherson Drive; 2. financial capacity, already discussed, and 3. the proposed landscape plan will be addressed. He said that information has been provided dealing with abutters' correspondence about the project.

Mr. Hamilton introduced the following individuals for Plus Power: Allyson Sand, Georgia Meisler, Chris

Quaranta, and Ben Weisel, and for Walsh Engineering: Bill Walsh, Norman Chamberlain and Randee McDonald. Also present is Casey Grant of Energy Safety Response group. Mr. Hamilton asked Allyson Sand to speak to the Board about the project.

Allyson Sand, Plus Power Market Lead for the development, working on the Gorham project, came to the podium to discuss Plus Power, an American-owned company, founded in 2018, by former industry executives at Tesla, NextEra and Sovereign Energy. The company is an industry leader in large scale transmission-connected stand-alone storage projects. There are developments of over 7,000 megawatts across 20 states, with a team of some 60 experienced professionals from both the oil, gas and renewable energy industries. She said the company is dedicated to developing, building and operating quality projects, with safety being of paramount importance as projects such as these are being developed across the country. Ms. Sand described how battery storage can help provide safe and reliable energy, with electricity being provided on a constant basis. High level battery storage systems allow for the temporary storage of electricity, so during periods of over supply on the electrical grid when there is excess capacity available, batteries can essentially charge and hold on to that electricity temporarily and then during periods of peak demand, when most needed, a battery project like Cross Town would be able to discharge that electricity back on to the system. In addition, projects similar to this one essentially enable more renewable energy to come on line, such as wind or solar. So as more renewable energy generation replaces coal, natural gas, other carbon producing generation on the system, battery storage will help balance the variability of electricity as intermittent sources come on line. Ms. Sand said that storage also provides flexibility for the grid, ensuring uninterrupted power to consumers and also supporting the efficient delivery of electricity. In addition, stand-alone energy storage offers the potential value to the State of Maine, as well as the Gorham community, in contributions to the State's de-carbonization and energy reliability goals, as well as providing economic gains during the construction period estimated for this project.

Georgia Meisler, Plus Power project developer, told the Board that the Cross Town Energy project includes construction of a 175 megawatt battery energy storage system on an undeveloped 13.2 acre industrially zoned property located at 61 Hutcherson Drive, within the Gorham Industrial Park. Ms. Meisler noted existing industrial development to the north, northeast and south of the site, with the CMP Mosher Substation abutting the western property boundary. The proposed development area occupies less than half of the property, with development clustered within the southeast portion of the property to minimize impacts to wetlands on the northern and western entrances of the property. She said the site was chosen for its unique location next to the existing CMP Substation in a critical section of grid transmission infrastructure that delivers electricity from renewable sources in northern Maine to population centers in southern Maine, and to the New England grid at large. In addition, the site is located in an industrial park and offers ample space for the proposed facility, while still in compliance with all development standards.

Ms. Meisler said the project will consist of about 200 battery enclosures with associated inverters and transformers to convert stored energy into usable form for transmission into the grid. An internal project substation and a short overhead generation tie line will connect the project to the Mosher Substation next door. Once operational, the project will help accelerate the integration of readily available renewable energy by supplying energy and capacity services to the New England grid.

Ms. Meisler said that as a result of feedback received from the Board and Industrial Park neighbors during the December 2021 sitewalk, changes were made to the site plan to provide a landscape plan in front of and along the eastern side of Hutcherson Drive and the eastern side of the property boundary. The setback along Hutcherson Drive has been increased on the west side of the driveway to make space for restoration of an existing disturbed wetlands area that is already starting to regrow. In response to questions from neighbors during the site walk, the services of Dudek Environmental were retained to conduct a noise study. The study, submitted as part of the site plan application, confirmed that the project would be in full compliance with even the more stringent nighttime standards of 60 decibels.

Chris Quaranta, Plus Power, director of engineering and construction, came to the podium to speak about battery energy storage equipment and construction methods. He said the main components will be self-contained battery enclosures, voltage transformers and bi-directional power inverters, all manufactured by Sungrow, a leading battery energy storage provider. The Sungrow product is designed and tested to meet both the required and adopted standards of the State of Maine, as well as industry leading safety standards. In addition to all the work done by Walsh Engineering, they have also met with the Gorham Public Works and Fire Departments to review the project in depth, which allowed for the identification of specific requirements for discussion and review, such as approval criteria for clear routes of access for emergency vehicles. This allowed the submitted plan sets to meet the specific technical needs of all involved. He said they are working with their consulting partners, ESRG, to draft and review an emergency response plan for the entire site, to ensure that all parties are prepared for any safety incidents that might occur from construction through to operation of the site. This document will continue to be updated and enhanced as they progress through the project.

Bill Walsh, Walsh Engineering, described the site's characteristics, with the rise in the site where the majority of the development will occur, with the northern and western sections of the property being mildly sloping and primarily wetland areas. To the north and west are existing wooded scrub shrub wetlands, as well as some wetland fingers that parallel Hutcherson Drive. CMP easements run 100 feet parallel to Hutcherson Drive, as well as one that runs south to north on the western side of the property.

Mr. Walsh said that for the proposed development, a pad will be developed in the south central portion of the site. A 24 foot wide access drive will be constructed off Hutcherson Drive, through the CMP easement, rising about 8 feet in grade from Hutcherson Drive to the relatively flat pad. Within the development are some roadway systems that help vehicles access the site; these systems are 20 feet wide on the internal side of the property. The project meets all required setbacks on both front, side and rear, and there is a 50 foot Gorham Industrial Park setback off the side lines. Drainage throughout the site is toward the center, with pervious pavers, with the stormwater pitched to those locations. Drainage will hit those pervious pavers, which will be below grade with a treatment system through which water will filter, and then be discharged to the wetlands primarily on the western side and a small amount on the northern side of the property. The pavers will also detain the runoff to help meet the peak flow rates. A DEP Site Location of Development Permit is necessary, as well as a NRPA permit because of the wetland impacts associated with the site.

Mr. Walsh said this is an unmanned site, operated remotely, so there are few needs for utilities. Communication and electrical services will go underground, adjacent to the access drive. There will be no need for sewer and water services for this project. Lighting for the site will consist of a light at the entry way, which will be the primary light on the site; the rest of the lights within the development will be security lighting on poles, but will be off the majority of the time. If there is a need for someone to come to the site at night, the lights will be turned on. The lights will be downward directed and dark sky compliant.

Access into the site is the 24 foot wide drive and the 20 foot internal driveway system. All emergency access will be accommodated. Sight distances on Hutcherson Drive are well over 400 feet in either direction, both right and left.

Randee McDonald of Walsh Associates said that the site consists mostly of emergent weeds and brush, with a little bit more of the site to remain in its natural state, retaining existing overall elevation and tree line wherever possible. Grading will be limited to the removal of the rise in the center of the proposed developed area, and these materials will be redistributed to create a flat area on which to build the development. Abutting properties will be protected from any adverse impacts of development as the standard requests, and a landscaping plan that addresses both the landscaping and buffering standards has been designed for the south side along Hutcherson Drive, which is the front and the most visible side; for the east side there will be an infill buffer, where the thin areas of the current tree line will be supplemented with evergreens. The proposed use of the site is a light industrial use within an industrial park, so no transitions between different

uses are necessary, but between the natural elevation of the site, the existing mature trees and the infill plants proposed the east side will be well buffered.

Mr. Walsh returned to the podium to talk about the four waivers being requested on the site, most of them due to the fact that this will be an unmanned site. A waiver is requested from Chapter 4, Section 4-8 C.d.1 Groundwater Protection because there will be no septic systems and there will be nothing which would impact groundwater. A waiver is also requested from Chapter 4 Section 4-8 C. d. 2 Traffic Impact Analysis as only about 5 vehicle trips per month are anticipated so traffic use will be very low on this site. A waiver has been requested for the driveway entrance grade under Chapter 4 Sec 4-9, C.2 Maximum Driveway Grades, as the drive will come up only slightly quicker than 3% coming off Hutcherson Drive. The last waiver is from the requirement of Chapter 4 Sec 4-9, I Sewage Disposal as this will be an unmanned facility with no need for sewage disposal.

Mr. Walsh said he believes the comments noted in the staff memo will be easily addressed and they have no issues with any of the comments.

Mr. Hamilton returned to the podium to thank the Board and the Town Planner for the opportunity to present this evening and will be happy to answer any questions the Board may have or any comments from the public. Mr. Hamilton said he believes they have demonstrated that they comply will each and every one of the review standards.

PUBLIC COMMENT PERIOD OPENED: Nicholas Hodgkin, State Street, asked if CMP power line is lost, is this battery storage supposed to keep the Town on line, and if so, what percentage of the Town would benefit.

PUBLIC COMMENT ENDED

Chris Quaranta, Plus Power, said there are two components to the electricity grid, one of which is the transmission grid which takes the power from the large generation stations, delivers it to the wide regions around the state and New England, and then it is transformed down to the distribution network, which is what is on the streets on the poles. The type of service that this system will provide is not directly related to the Town of Gorham, but is related to the reliability of the entire grid within the New England states, and is providing reliability services and capabilities to the grid to maintain it as a whole operating for all of us day in and day out. He said that grid reliability means that if a power plant goes out somewhere, that takes away a percentage of energy that the grid is expecting to keep all lights on. In addition, if there is wind or solar that is operating and the wind stops for a moment or clouds go by, there is a very quick change in that capability. A system like this battery system can provide instantaneous support either as a load or a generation system to compensate for that change, so it helps give the grid overall reliability, which in turn then in essence keep the lights on for all of us, everywhere in New England.

Mr. Grassi asked if the Board had any questions. A member of the Board asked about the battery life and are they easily replaceable. Mr. Quaranta replied that typically the batteries will degrade over time, with an expected 20 year life cycle on this kind of system, maintained by what is installed initially and what is supported over time with small additional modules added to the existing enclosure that help maintain the capacity over the life of the entire system. A member of the Board asked if there are any other places in Gorham where this project would also work. Ms. Meisler said this site was found several years ago through a detailed analysis done of critical points on the electrical grid where it makes the most sense to install a system like this, so currently this is the only development they are looking at it in Gorham. Seven Siegel confirmed that the site will be unmanned, with Ms. Meisler replying that it will be remotely monitored with no employees on site.

Mr. Grassi asked if the Board has any comments about the four waiver requests. A member of the Board said he believes all the waivers are appropriate, with reasons given for each request.

1. The applicant requests a waiver from Ch. 4 Section 4-8 C.d.1 Groundwater Protection - not to submit a groundwater impact analysis for projects with a capacity of 2000 gallons per day or greater since there will not be any sewage disposal facility needs at this unmanned facility.

Susan Durst MOVED and Thomas Hughes SECONDED a motion to approve the requested waiver from Chapter 4 Section 4-8 C.d.1 Groundwater Protection - not to submit a groundwater impact analysis for projects with a capacity of 2000 gallons per day or greater since there will not be any sewage disposal facility needs at this unmanned facility. Motion CARRIED, 6 ayes (James Anderson absent).

2. The applicant requests a waiver from Ch. 4 Section 4-8 C. d. 2 Traffic Impact Analysis – not to submit an analysis for projects that provide parking for 50 or more vehicles or generate more than 100 vehicle trips since the traffic at this facility is proposed to be 5 vehicle trips per month.

Susan Durst MOVED and Russell Frank SECONDED a motion to approve the requested waiver from Chapter 4 Section 4-8 C.d.2 Traffic Impact Analysis - not to submit an analysis for projects that provide parking for 50 or more vehicles or generate more than 100 vehicle trips since the traffic at this facility is proposed to be 5 vehicle trips per month. Motion CARRIED, 6 ayes (James Anderson absent).

3. The applicant requests a waiver from Ch. 4 Sec 4-9, C.2 Maximum Driveway Grades – to exceed the standard by allowing a minimum of 20 feet at less than 3% grade rather than the required 40 feet at 3% grade.

Susan Durst MOVED and Thomas Hughes SECONDED a motion approve the requested waiver from Chapter 4, Section 4-9 C.2 Maximum Driveway Grades - to exceed the standard by allowing a minimum of 20 feet at less than 3% grade rather than the required 40 feet at 3% grade. Motion CARRIED, 6 ayes (James Anderson absent).

4. The applicant requests a waiver from Ch. 4 Sec 4-9, I Sewage Disposal – to allow no sewage disposal rather than require it since this is an unmanned facility.

Susan Durst MOVED and Seven Siegel SECONDED a motion to approve the requested waiver from Chapter 4 Section 4-9 I Sewage Disposal - to allow no sewage disposal rather than require it since this is an unmanned facility. Motion CARRIED, 6 ayes (James Anderson absent).

There being no other comments or questions from the Board,

Susan Durst MOVED and Russell Frank SECONDED a motion to grant Cross Town Energy, LLC's request for site plan approval to construct a 175 megawatt battery storage system, associated substation equipment and a short generation tie line to the existing 115 KV Mosher Substation located at 61 Hutcherson Drive on Map 12, Lot 22-1 in the Industrial zoning district with findings of fact and conditions as approval as written by the Town Planner. Motion CARRIED, 5 ayes (James Anderson absent and Seven Siegel abstaining).

-
- ITEM 2 Public Hearing - Site Plan Amendment - Town of Gorham - Chick Property Skatepark - a request for approval of a 10,000 square foot community skatepark located on the existing Chick property, off Chick Drive, zoned UR, Map 26, Lot 4.**

Ms. Eyerman gave the Board an overview of the project, saying that this is a request for approval of a two-phased project for a 10,000 square skatepark, to be located on the Chick Property off Chick Drive at 284 Main Street near the Narragansett School, and Police and Fire Stations. The property is owned by the Town of Gorham, and the zoning is Urban Residential and Office Residential, Map 26, Lot 4. This is the second time the project has come before the Board and is an amendment to a master plan done for the entire parcel, including the School, Police and Fire Stations, and recreational facilities both existing and proposed. Ms. Eyerman noted that there are several tweaks the Town's review engineer is recommending to the plans, and any remaining staff comments are easily addressed as a condition of approval.

Owens McCullough, Sebago Technics, appeared on behalf of the Town for the project. He said the project was brought before the Board on December 6, 2021 at the sketch plan review schedule and was a community initiative, the coalition represented this evening by Tom Dupuis. Mr. McCullough said the Town Council has endorsed the project. Mr. McCullough said that Thomas Poirier, Director of Community Development, and Cindy Hazelton, Director of Parks and Recreation, are also present this evening.

Mr. McCullough pointed out the project location on the site, right across from Bouchard Drive. Sidewalks and some flashers have been installed, creating direct pedestrian access to the area, with the ultimate goal of providing better to and from the Narragansett School. Another sidewalk will be constructed to the skatepark. Two phases are proposed for the skatepark, with phase 1 about 7,500 square feet and phase 2 is another 2,500 square feet. The location now is an open, multi-use field, next to some future basketball courts. A significant portion of the cost will be funded by private donations, with Gorham Sand and Gravel volunteering some of the earthworks to help with the project. The Town selected Pillar Design, who is responsible for both the design and construction of the skatepark.

Mr. McCullough gave a history of the Chick property, saying that a master plan process occurred in 2009, part of an overall evaluation looking at baseball fields, parking, a community center, a through road to Libby Avenue. Some years after that, a referendum for a synthetic turf field on the property failed to be approved by the voters. In 2014 a Town-wide recreational master plan was considered but it was decided to pursue a more traditional approach to this site, with basketball courts, a skating pond, and a 90-foot baseball diamond. No stormwater analysis is necessary as the existing stormwater pond is oversized and more than adequate for this project.

Mr. McCullough said that the Pillar Design is for two phases and is designed as a gravity skatepark, set up to be fluid and flow back and forth to allow the users to come and go. He described proposed plantings, concrete features such as ramps, and amenities such as shade areas, with a parking lot to the south side of the lot to accommodate users who don't walk. There will be a bike rack on the site. Timing initially will be daylight hours, with lighting proposed in the future for the shoulder seasons of fall and spring. There is no water or sewer associated with the site. A fence will be installed between the skatepark and the basketball court when built. If the project is approved this evening, Gorham Sand and Gravel is interested in starting the earthwork and then Pillar Design will come in with their construction team and put all the facilities in place, with a July completion date at the latest.

Tom Dupuis, community project lead for the skatepark, told the Board about the level of interest in the skatepark from the community level perspective. The skatepark is envisioned as an inclusive place to go for children and adults to enjoy the outdoors, it seen as a perfect complement to team sports and it will provide a safe outlet for children to learn social skills and risk taking in an environment that encourages physical activity. Skateboarding and scooting are easily accessible, growing in popularity and cutting across ages in a wide demographic. With over 40 skateparks in the State of Maine, many communities have come to appreciate the value of a skatepark and what it adds to a community in terms of its outdoor activities. Local communities investing in skateparks include Kennebunk, Old Orchard Beach, Freeport, and Windham. There is an amazing amount of community interest and support, among them the Gorham Conservation Commission, the Village Alliance, the Business Exchange, the Economic Development Corporation and the

Outdoors Club, who have provided letters of support. Overwhelming interest has been shown by the Gorham student population, as evidenced by a survey conducted last year. School superintendent Heather Perry and the Town Council all support the project. Multiple local businesses also support the project, including Gorham Sand and Gravel, Gorham Savings Bank and USM, which have all lined up meaningful support for the project. Mr. Dupuis said he hopes this project will serve as a catalyst for other projects at the Chick site to be a recreational hub for the community.

PUBLIC COMMENT PERIOD OPENED: Cynthia Simon, 85 Barstow Road, asked for information about restroom facilities and sanitation. Mr. McCullough said there is no access for public toilets at the site, but the school is located nearby and the Town may consider portable toilets on site if the need rises. Trash and other debris will be policed by the Parks and Recreation Department.

Nicholas Hodgkin, State Street, asked who is responsible if someone gets hurt on the site. Mr. McCullough said that under state statute, there are some laws which protect against recreation facilities and lawsuits against the Town.

PUBLIC COMMENT PERIOD ENDED

Mr. Hughes asked for confirmation that the Board will be voting on both phases of the project. Ms. Eyerman replied that both phases will be voted on this evening. Mr. Siegel asked how many children use neighboring skateparks. Cindy Hazelton, Gorham Parks and Rec, replied that the Windham park will have 25 to 30 people at a time, which seems to be a good number for a park of this size, but when people are coming and going the number will vary. She said that when the skatepark is new it will be very busy. Mr. Hughes asked if providing lighting in the future will require a separate review. Ms. Eyerman asked Mr. McCullough if lighting was approved during the master plan process. Mr. Poirier replied that it was approved as part of the master plan and as part of a previous site plan, so lighting has already been approved for that portion of the site, but it is not anticipated that lighting for this project would involve any substantive change from what has already been approved.

Susan Durst MOVED and Seven Siegel SECONDED a motion to grant the Town of Gorham's request for site plan amendment approval to construct a 2 phase skate park located on Chick Drive off Main Street on Map 26 Lot 4 in the Urban Residential and Office Residential zoning district with Findings of Fact and Conditions of Approval as written by the Town Planner. Motion CARRIED, 6 ayes (James Anderson absent).

ITEM 3 Subdivision - Jack Riley - 69 Brackett Road - a request for approval to divide the existing lot to create a duplex lot on Day Road, zoned SR, Map 28, Lot 3.

Ms. Eyerman advised the Board that in the case of subdivision review there are three steps: pre-application, preliminary and final plan approval, but sometimes there are only two steps: preliminary and final plan approval. In this case, there are two steps involved, a preliminary plan which has been submitted and is under review this evening. The project is to divide the existing lot, about 3.6 acres, to create a duplex lot on the property, located on the Day Road and is zoned Suburban Residential. The original parcel was split in 2019, so the creation of this third lot requires subdivision approval because under state law, the creation of a subdivision is three or more lots in a 5 year period. She called the Board's attention to some of her and the Town's review engineer's outstanding comments in the review memo.

Andrew Morrell, BH2M, came to the podium and introduced Jack Riley, the applicant. He said the parcel contains an existing residence and a fire pond. This was a parcel split in 2019 by the landowner, so the applicant is looking to do an additional split on his parcel, which would trigger state subdivision law, which is why they are before the Board this evening. The proposed lot is 80,000 square feet, served by a drilled well, subsurface wastewater disposal and overhead utilities from Day Road. Mr. Morrell said he believes the

outstanding comments can all be addressed as they move forward into the final subdivision stage.

Mr. Morrell said that the applicant is currently working with Mark Hampton, Associates to get the wetlands and soils information together, financial capacity will be provided by the applicant, and information on the building and grading of the driveway will be provided to the Town's review engineer as requested.

Ms. Eyerman explained that Mr. Morrell's reference to the "PRC meeting" means a staff committee of the department directors and herself who review an application with the applicant and the applicant's engineer two weeks prior to coming before the Planning Board to give initial comments and review. Many of those department comments and any subsequent additional ones go into the review memo provided to Board members about an application.

Ms. Durst asked if the highlighted items in the staff memo are still outstanding. Ms. Eyerman explained that those items are required under preliminary plan review and are still outstanding, but said it is possible to grant preliminary plan approval with outstanding items, knowing that on the final plan they will all have to be taken care of. In reply to a question from Mr. Grassi, Mr. Morrell said he believes all the outstanding comments can be addressed, and their intent is that the final plan submission will include all the outstanding information. Mr. Hughes confirmed with Mr. Morrell that the proposal is for a conventional subdivision.

Susan Durst MOVED and Russell Frank SECONDED a motion to postpone further review of 69 Brackett Road's request for preliminary subdivision approval pending responses to remaining issues and finalizing revisions to the plans. Motion CARRIED, 6 ayes.

ITEM 4 Pre-Application - Grondin Corporation - Mountain Trail Meadows - a request for approval for a residential cluster subdivision of approximately 50-60 lots, zoned R, Map 87, Lot 28-1.

Ms. Eyerman told the Board that this application comes under review under the cluster subdivision ordinance. The applicant is Ken Grondin or the Grondin Corporation and the current property owner is Thomas Smilie and RWS Associates. The parcel is 103 acres off Westcott Road, and currently consists of field, wetlands and forest.

Ms. Eyerman said that the project has been through sketch plan stage and a workshop on how the cluster ordinance works. New language has been created under the cluster ordinance, and this is the first project to be reviewed under that ordinance language. At this time, under review is the conceptual open space plan, which is required under the ordinance to contain certain elements, one of which is natural resources. Other items include historic resources and sites or structures, and rare or endangered species habitat. She said her review memo includes items to be commented on or answered by the applicant because they are not addressed in accordance with the ordinance.

In summary, Ms. Eyerman said this is the first step in an iterative process, looking for what the Planning Board wants to see in the open space. How much open space is limited by the ordinance, but the Board is allowed to ask for up to 50% of entire site in open space, with 40% being a hard and fast number. However, if there are enough natural resources, the Board can ask for the extra 10% to bring up the open space to 50%. Because there are areas now identified, the applicant can provide a percentage calculation of the estimate of open space currently proposed. The step tonight is for the Board to agree on where the open space is, what it has in it and how much of it the Board wants, both for this project and reviewing the next one on tonight's agenda.

Jayson Haskell, DM Roma Consulting Engineers, came to the podium and introduced Regina Leonard, RS Leonard Landscape Architecture. He said Ms. Leonard helped define some of the features they want to keep in the open space, whether it is natural resources, scenic vistas, things of that nature. Mr. Haskell pointed out

the proposed open space area, primarily in the southern and southwestern portion of the property, a 44.5 - 45 acre parcel, about 43-44% of the total lot size, mostly because of the natural resources. He pointed out a stream and Westcott Brook running along the southern property boundary. A trail is also proposed, and some high value conservation areas have been identified that should be addressed, one of them being trails that connect into existing off-site trails. There are no trails on the site now, but there are a number of logging roads, and the Mountain Division Trail runs along the northern part of the property, to which a connection is proposed to run through the open space. There are several areas of existing native healthy forested areas of over 5 acres. They have run the US Fish and Wildlife Information Planning and Consultation data base to determine if there are any critical habitats within the property limits, but none came up, except some potential effects of tree clearing with the northern long-eared bat. That will be addressed with actual lot development. No significant wildlife habitats were identified in coordination with Maine's IF&W. There are several scenic overlooks that which will be utilized in the trail design and will be included in the open space. There were no historical sites identified by the Maine Historic Preservation Commission, and no historic buildings and structures were found on site. Mr. Haskell pointed out areas classified as prime farmland and others identified as farmland of state-wide importance, based on soils type, but there are no farmland activities on the site at this time.

PUBLIC COMMENT PERIOD OPENED:

Dennis Morton – 10 Hard Wood Lane - expressed concern about the deer wintering yards on two different areas on the property and said it is also a prime nesting area for bird life such as whippoorwill and an endangered sparrow on the state list.

Joseph Cerny - 94 Wescott Road - said he believes there is a building foundation across his driveway that might be checked out and expressed concern about pollution to the watershed on the property.

Peter Bump – 19 Goodall Road - said he hears coyotes, has seen deer, moose, bears; knows there are trout in the brook, fisher cat presence, foxes, racoons, porcupines, owls, eagles, and wonders about the impact of the project on wildlife. He expressed concern about supporting this level of growth and about the impact of the development on the town.

Nicholas Hodgkin – State Street - expressed concern about Gorham's growth and trying to conserve as much of the Town's natural beauty.

Heidi Palmer – 73 Barstow Road - expressed concern about loss of Gorham's "charm," potential traffic going by her property and safety hazards on Barstow Road due to current road conditions.

Tyler Stanley – 2 Goodall Road - spoke about the potential to more than doubling the amount of traffic on Westcott Road. The Mountain Division Trail crosses Westcott Road, which is also a safety concern. He pointed out where the streams on site originate and said there should be a survey done to identify any vernal pools on site. He pointed out an existing trail off the Mountain Division Trail which could possibly be an historic area. He said the Board should not approve the project with less than 50% of the site dedicated to open space. He spoke to the ownership of the property, clear cutting of certain areas and DEP wetlands criteria.

Chris Scott – Allison Lane - said he needs there needs to be a walk through during wet weather to determine where water sits and settles as it is most definitely a wetland area.

James Schram – 80 Wescott Road - spoke about needing an assessment of the location of any vernal pools, specifically before there is any approval of the open space. He asked about possible septic locations in very wet areas.

John Palme – 46 Allison Lane - said there are two streams not represented on the plans with brook trout in both of them which he believes means the streams are sustaining aquatic habitat. He said he does not believe the people who use the Mountain Division Trail will want to use it with a large development on site and preserving the rural characteristic of the site is essential to keeping the spirit of the neighborhood. He expressed concern about the adequacy of the Town's police and safety services in an area so far away from the center of town.

Nancy Legere – 82 Barstow Road - said during the site walk, not one car came through in the hour they were there. She spoke about current overcrowding school bus conditions, safety issues due to road conditions.

Cynthia Simon - 85 Barstow Road - her property is at the intersection of Westcott and Barstow, which means her house is the entrance and exit for the residents of the subdivision. She said the rural character of the area will be completely changed and will not be in compliance with the Comprehensive Plan, such as those sections that "The Town should work to maintain the integrity of large unfragmented habitat blocks in the norther portion of the Town by limiting development;" "To minimize the impact of vehicular traffic on established residential neighborhoods;" "To encourage development in appropriate areas of the community in order to protect that state's rural character," which would be southern parts of the Gorham villages. She said this project does not meet with the goals of the Comprehensive Plan. Ms. Simon also expressed concern about traffic issues caused by the number of proposed residents and the impact of that traffic on Barstow Road.

Joe Staples – 85 Barstow Road - spoke about possible pollution of the Westcott stream habitat from such sources as pesticide runoff and the valuable wildlife corridors that will be impacted.

Mr. Haskell said that while the purpose of tonight's meeting was to address the open space, he understands the concerns expressed about traffic, stormwater, offsite road improvements, all of which will be addressed through the review process in a subsequent submission. Ms. Eyerman asked if the applicant intends to flag vernal pools on the site; Mr. Haskell replied that the wetlands scientist doing the original delineation will go out in the peak season, within the next couple of weeks, and if he finds any vernal pools with egg masses in them, he will count them and recount them again in another week. Mr. Haskell said that is the process to determine significant vernal pools and the information will be included in the next submission.

Mr. Haskell said the open space will be conveyed to the Presumpscot Regional Land Trust, which will provide public access to utilize the proposed trail system which will run along Westcott Brook and will be buffered from the development. As the project moves forward through the required natural resources permitting, it will also be reviewed under a more stringent level, a Site Location Development Act permit, which requires additional review from Maine IF&W, Maine Natural Areas program. Those entities may request that wildlife studies be done with their recommendations. The Site Location permit is one of the most stringent in the state for management of stormwater, including flooding and stormwater treatment, filter basins and rain gardens to filter out harmful contaminants. He said there are no low value wetlands on this property. A wet pond is proposed uphill of the Westcott Brook, and the Presumpscot Regional Land Trust is also looking for the protection of the Brook, which is why the Brook is proposed to be included in the open space.

PUBLIC COMMENT PERIOD ENDED

Ms. Durst confirmed that this meeting is to discuss the open space, but she believes there cannot be a meaningful discussion on the open space until the vernal pools have been delineated to locate the open space and possible trails. Mr. Haskell said if there are any vernal pools to be protected the open space will have to be fluid to accommodate the 250 foot buffer around a pool that is required. A member of the Board asked if the trails being considered for the open space are to be connected; Mr. Haskell replied that the plan proposed by Mr. Grondin to the Presumpscot Regional Land Trust is to make the connection to the Mountain Division Trail, loop back around up to Westcott through the property, and then the Land Trust would make future

connections where they can. Ms. Durst asked if there will be any cleanup of the logging roads to make the trails go through. Mr. Haskell said it would not be a finished surface, such as one of gravel, it would just be cleaning them up so the Land Trust can help in the layout of the trails. A member of the Board asked if house lawns count toward the open space percentage; Mr. Haskell replied they did not, but would be anything outside of the lot limits. A member of the Board confirmed the total acreage of the property with Mr. Haskell as being 103 acres. A member of the Board asked if coordination had occurred with the Historic Preservation Commission. Mr. Haskell said that will be addressed and they will talk to the Commission. Mr. Grassi asked if there was any evaluation done on endangered or rare species on the property. Mr. Haskell replied that other than the vernal pools, there was no specific species looked for, other than coordinating with Maine IF&W and the US Fish & Wildlife to discuss the possibility of critical habitats for endangered or threatened species.

A member of the Board asked if creating the proposed open space could impact tick populations. Mr. Haskell replied that he does not know the answer to that but they can look into the question if the Board wants. A member of the Board commented that if there is 50% open space, it will probably bring more people from Gorham to the site, and asked if they have looked at the impact of increased traffic as a result. Mr. Haskell said that has not yet been addressed. A member of the Board said it might be part of a greater traffic study. A member of the Board asked if any consideration has been given to the proposed lots being wooded, rather than grass, with a more natural environment in the lots themselves. Mr. Haskell said all the lots will be on septic, so there will have to space for those systems a certain distance away, so some areas of lawn will be needed, but they are trying to keep it as rural as possible for a clustered subdivision. They can add a proposed tree line on a future plan brought before the Board, and if that seems acceptable to the Board they can move forward with that design. A member of the Board said he was thinking of ground cover, shrubs, so that less fertilizer and pesticides would be needed.

A member of the Board and Mr. Haskell discussed showing the proposed trails on the plan. A member of the Board asked for confirmation of the number of proposed lots. Ms. Eyerman replied that if there is 50% open space, based on what is left over for lot size, what is roughly the number of lots possible, given road requirements. She said that if more than 25 are anticipated, active open needs to be provided as well, so the number of lots may need to be minimized even more. Mr. Haskell replied if the figure is 50%, it would be less than 40 lots. A member of the Board said consideration may have to be given to not having detached single family homes to create an increased density. Mr. Haskell said that the allowed use may only be for single family houses. A member of the Board said that if that is the case, then consideration could perhaps be given to contract zoning.

Ms. Eyerman asked if the Board wants to do a site walk. In reply to Ms. Durst, Ms. Eyerman said the site walk referred to by the abutters was for the DEP application but not for Gorham Town staff. Ms. Durst said she showed this property to a possible buyer some three years ago, but it was not this same developer. A member of the Board said he walked the property and spoke to some people in the neighborhood but heard nothing new outside of the comments this evening. Consensus of the Board is that a site walk should be scheduled. Mr. Haskell asked if the Board wanted the site walk after getting the results about the vernal pool. In reply to Ms. Durst, Mr. Haskell said it is difficult to mark a vernal pool because they are usually within a wetland. Ms. Eyerman asked if the locations of any vernal pools could be mapped on a physical plan so the Board can look at those, as well as every single resource possible. Ms. Eyerman asked that the stone culvert, black ash trees be located, as well as any other important species, be shown on a plan. Ms. Eyerman said that all abutter comments will be provided to Mr. Haskell.

Mr. Haskell asked for direction on what the Board is looking to see in the open space. A member of the Board said it would be difficult to do so without seeing the site first. Ms. Eyerman asked how much of this acreage is high value conservation and what percentage of the land is the rest of what the ordinance asks for. She said the Board needs to know where those high value areas are, circle them on a plan, and provide the percentage. Mr. Haskell asked if the Board would like to see potential farmland in the open space or natural

resources; they can try to put something together so the Board can see where high value conservation areas are on the lot versus other areas. A member of the Board asked if the ordinance allows only 50% of open space; Ms. Eyerman replied that the ordinance allows up to 40%, unless there are high value conservation areas in excess of 40%, then it allows the Board to go to 50%.

A member of the Board asked if the next meeting would be a site walk or another open space meeting. Ms. Eyerman said the vernal pools should be on a plan, so when the Board attends the site walk, there should be a resources map with the vernal pools added to it, so perhaps a calculation of the agricultural high value, and everything else as high value. Then the Board can decide based on that and the location of the vernal pools because that will help sort out all the high value areas from one another and give areas on which to focus on. Ms. Durst said it would be useful to have for the site walk, depending on the timing. Ms. Eyerman said that vernal pools will "blossom" in the next 3 weeks, so if the pools are determined, Mr. Haskell should let Ms. Eyerman know so that a site walk can be scheduled. Mr. Haskell can then provide digital images and paper maps for the Board to have during the sitewalk. Ms. Eyerman said abutters will get notice of a site walk as they do for Planning Board meetings, notices are also put on the Town's website on the Planning Board webpage and sent to the newspapers, and posted in the lobby of the Municipal Center. Abutters can email the planning office to be added to an email list to receive agendas.

Mr. Haskell asked what the Board would like to see marked for the site walk. A member of the Board said it would be useful to see trail connections, the stone culvert. Mr. Grassi suggested that the center line of the road be marked. A member of the Board suggested showing where the streams start. Ms. Eyerman asked that a legend be put on the next plan.

Susan Durst MOVED and Russell Frank SECONDED a motion to postpone approval of the open space layout design and configuration for the Mountain Trail Meadows Subdivision, located on Map 87, Lot 28-1 in the Rural zoning district, pending responses to remaining issues. Motion CARRIED, 6 ayes (James Anderson absent).

In view of the fact that it is now after 10:00 p.m., Ms. Eyerman advised the Board that there is a standing Board policy of never beginning any other application discussion after 10:00 p.m. The usual procedure is to table any item not heard this evening, which would be Item 5, to the next available meeting date, which in this case is April 11, 2022, next Monday night.

ITEM 5 Pre-Application - Subdivision - Ricky Jones - 36 Middle Jam Road - a request for approval of a 5-lot clustered residential subdivision at 36 Middle Jam Road, zoned SR and Shoreland, Map 97, Lot 37.

David Burroughs MOVED and Susan Durst SECONDED a motion to table the item to the next available Planning Board meeting, which is on April 11, 2022. Motion CARRIED, 6 ayes (James Anderson absent).

OTHER BUSINESS

ANNOUNCEMENTS None

ADJOURNMENT

Thomas Hughes MOVED and Seven Siegel SECONDED a motion to adjourn. Motion CARRIED,

6 ayes (James Anderson absent). [10:21 p.m.]

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Barbara C. Skinner", written over a horizontal line.

Barbara C. Skinner, Clerk of the Board

April 4 2022