

PLANNING BOARD MEETING

May 18, 2020

Zoom Webinar Meeting

**MEMBERS PRESENT**

GEORGE FOX, CHAIRMAN  
SCOTT FIRMIN, VICE CHAIRMAN  
JAMES ANDERSON  
MOLLY BUTLER-BAILEY  
SUSAN DURST  
VINCENT GRASSI  
THOMAS HUGHES

**STAFF PRESENT**

THOMAS POIRIER, DIRECTOR OF  
COMMUNITY DEVELOPMENT  
CAROLYN EYERMAN, TOWN PLANNER  
BARBARA SKINNER, CLERK OF THE BOARD

George Fox, Chairman, called the zoom Webinar meeting to order at 7:00 p.m. The Clerk of the Board called the roll, noting that all members were present.

---

**APPROVAL OF THE MAY 4, 2020 MEETING MINUTES**

**James Anderson MOVED and Thomas Hughes SECONDED a motion to approve the minutes of the May 4, 2020 meeting as written and distributed. Motion CARRIED, 7 ayes.**

---

**CHAIRMAN'S REPORT**

Mr. Fox said there is no Chairman's report this evening.

---

**COMMITTEE REPORTS**

- A. Ordinance Review Committee - Mr. Grassi reported that this committee has not met since the Board's last meeting.
  - B. Comprehensive Plan Implementation Review Committee - Ms. Butler-Bailey reported that this Committee met this evening via Webinar to discuss the proposed amendment to the Roadside Commercial zoning district. There will another workshop before the Board's June 1, 2020 meeting.
- 

**ADMINISTRATIVE REVIEW REPORT**

Ms. Eyerman said the status of the Administrative Review projects reported on at the Board's May 4, 2020 meeting remains unchanged.

**ITEM 1 CONTINUED FROM MAY 4, 2020 MEETING**

**Site Plan Review – Gorham Solar, LLC** – a request for approval of a PV Solar Ground-based Array with associated equipment, gravel access and perimeter fence, located south of 412 Fort Hill Road, Map 64, Lot 4-1

Ms. Eyerman advised the Board that this application is for a ground-based solar array off Fort Hill Road, along with associated equipment, gravel access, perimeter fence and buffering. She said there is a drone site walk video done last week by Gorham Cable Access Media which will be shown to the Board.

Christopher Ryan, Meridian Associates, representing the applicant, described the various views of the site as shown in the drone video. He said there will be no tree cutting with this project, the existing gravel access road will remain and will be widened at the request of the Fire Department, and pointed out the area they are proposing to flatten to make more of a rolling field to accommodate the panels.

Ben Axelman, Nexamp, gave the Board an overview of the project, noting that they secured a lease from the land owner 6 months ago. They will develop the project as a community solar project under the state's upcoming community solar program. It will be a 5 megawatt AC solar project, roughly 6 and ½ megawatts DC, tying in to the substation on the adjacent property to the site. A study by Central Maine Power found that the costs to tie in to the substation are very low, with no major upgrades required, and they will be tying into the 3-phase line along Fort Hill Road.

Mr. Ryan showed the Board the plans as they were revised based on the Town's peer engineer's minor change requests. Mr. Ryan pointed out on the plans a small possible vernal pool, yet to be confirmed, but said the project will not impact that area as they plan to observe the Army Corps of Engineers' required buffer. Mr. Ryan again reiterated that the project will stay inside an existing field area and no tree cutting is proposed. Mr. Ryan pointed out the existing gravel road, which he said will be widened to 16 feet wide to provide easy access for fire department vehicles to the cluster of equipment pads and to the system shutoffs. The gravel road that accesses the rear building will be left as is.

Mr. Ryan said that the solar array will be split into two halves, north and south of the road, and the system will be comprised of single access trackers, not fixed panels, oriented east-west because they will slowly turn with the sun as it crosses the sky and will therefore vary throughout the day. He pointed out on the plans the access paths for each half of the array for maintenance vehicles after construction. He pointed out the cluster of interconnecting poles moving down to the street and then on to connecting to the substation to the north. The arrays would be surrounded by perimeter fencing, which will not be chain link fence but will be more of a fixed knot farm fence with wooden poles. Mr. Ryan said they would be happy to hear any thoughts from the Board about another fencing preference. There would be two separate fences in order to allow for the road to stay open, with access gates at different points around the arrays for maintenance and/or landscaping crews.

Mr. Ryan pointed out an area to the south of the project where they could "beef up" the vegetation to provide more natural screening for the two closest homes on Norway Road. Mr. Ryan showed the Board a proposed planting plan for that area, which is several hundred feet long. He said that a lot of the proposed plantings would be understory native plantings, which will vary in mature height from 3 to 4 feet to 10 to 15 feet, the idea being that a visual buffer would be provided from ground

and first floor level of the neighboring homes. The buffer, however, will not totally block the array from sight, as it is not desirable to shade the array with any higher mature growth.

Mr. Ryan pointed out on the plans the equipment pads for the battery storage unit locations. These units will feed more power into the grid and will smooth out peaks and valleys in the current load as it ties into the grid. There are other pads for converters and transformers. A ladder fire truck turning template has been provided; Mr. Ryan noted, however, that he has not had feedback comments from the Fire Chief. The sight distance for the site is 500 feet to the north and 350 feet to the south.

Mr. Ryan showed the Board where some grading will be required on the site where currently slopes are a little too steep for the racking systems to traverse. Normally slopes of 15 to 20 – 25% can be traversed but because these are single access trackers and connected mechanically, 15% is the maximum slope. Erosion control barriers will be installed and some reseeding will be needed. Test pit locations have been added to the plans.

In reply to Mr. Fox, Mr. Ryan replied that the size of the contour flattening will occur in an area of 200 by 200 feet, some 40,000 square feet.

**PUBLIC COMMENT PERIOD OPENED:** Mr. Poirier said that anyone who wishes to speak should raise his hand; if his hand is not raised, then he is not considered as having any public comment. There was no one wishing to comment.

**PUBLIC COMMENT PERIOD ENDED**

Mr. Anderson referred to the question sent to the Board from a member of the public of “How will Gorham benefit from this installation?”

Mr. Axelman replied that the benefit to Gorham will be threefold: (1) this project will be eligible for personal property taxes which will be paid to the Town of Gorham; (2) it is intended that the project qualify as a community solar project which will allow individual households and small businesses in Gorham to purchase electricity from the project and receive a 10% discount on their electric bill; and (3) power can be sold from this project to the Town to offset the Town’s electric load.

Mr. Firmin asked how long will it take the proposed buffer between the project and the neighbors to grow and become a decent buffer. Mr. Ryan said that most of the sizes at planting will be anywhere between 2 to 4 feet in height; they will achieve their mature height within 7 to 10 years, with some species reaching 12 feet and others 15 feet in height. He said they are open to discussing with the Board if any additional species and/or quantities would be preferred.

Mr. Grassi asked if the panels make noise as they rotate and will that change over time. Mr. Ryan said there are motors on each of the racks that move them, and the noise output is very small. What makes the most noise on the site are the inverters and transformers on the electrical pads, but they are set further back and even that noise dissipates very quickly and is very negligible at the property line. Mr. Axelman said the racking system is warranted for much of the life of the project, and Nexamp has been operating and maintaining these systems for 10 years. Typically the projects are monitored on line on a regular basis. In reply to Mr. Grassi, Mr. Axelman said the lease is up to 40 years and they have a 20 year production guarantee on the panels, and 20 years on the racking and

electrical equipment. The electrical equipment typically is the most likely to break down, and they carry a budget for funds to replace that if it were to break in year 20 or 21.

Mr. Grassi asked if the discount of 10% is unlimited or if there is a limit. Mr. Axelman said that they would determine what percentage of the solar array would need to be allocated to offset most of someone's electric usage, so it could be 1% of the solar array. Once the project comes on line, the utility company would be told to allocate 1% of the output to that account resulting in energy credits showing up on a bill. Once the project is fully subscribed there will be a wait list but a project of this size can support about 900 homes' electric usage, with discounts offered first to the residents of the town where the project is located.

Mr. Hughes asked about the location of the nearest fire hydrant. Mr. Ryan replied that there is one directly across the entrance driveway off Fort Hill at the corner with Wolfe River Run Road. Mr. Ryan told Mr. Hughes that the battery enclosures are 14 by 55 feet, approximately the size of a shipping container, on concrete pads and are essentially self-enclosed steel containers. Cooling and fire suppression systems are built in so there is an HVAC unit attached and automatic fire suppression. The batteries are lithium ion. Mr. Ryan said they will conduct a first responder training on the site to walk them through the system and discuss what to do in case of an emergency. This will be done when the project is close to being finished but before it is turned on. Mr. Ryan told Mr. Hughes that none of the soils testing revealed any ledge and he believed that the land owner also said he has never encountered any ledge on the site.

Mr. Fox asked what the battery enclosures, inverters and transformers look like. Mr. Ryan said they can provide some pictures, but essentially the battery storage container looks like a shipping container, the inverters and transformers look like metal boxes, are about 6 or 7 feet tall and are usually white. They will be located some 500 feet away from Fort Hill Road and a significant distance from the neighbors to the south as well.

Mr. Axelman told Mr. Fox that the deadline to qualify for the solar program is June 11 to have a permit in hand and they hope to resolve any outstanding issues to come back before the Board in two weeks. Mr. Fox confirmed that no water supply or onsite septic system is needed for the site, no permanent structures are proposed on the site, no lighting is proposed, and no waste hauler will be required.

The Board and Mr. Ryan discussed the question of adding some kind of fencing in addition to the proposed buffering along Norway Road. Mr. Ryan noted that planting native Maine species of a type that could grow to 60 feet is not an alternative because of the shadow casting issue on the arrays. Mr. Firmin asked if the Board would need to approve the fence; Mr. Poirier advised the Board that it cannot direct staff to approve the fence design but needs to provide the applicant with a direction for a specific type of fencing. A 6 foot wooden stockade fence was the Board's fence of choice in addition to the proposed plantings along the Norway Road abutters.

Mr. Hughes asked if there is any need for approval from the Zoning Board of Appeals to allow this use in the zone. Mr. Ryan said that there is a special exception for allowed for public and private utility facilities and it was agreed that this project would fall into that classification. Ms. Eyerman confirmed that she and the Code Enforcement Officer decided that all of the solar projects that may come before the Board will qualify under the public and private utility facilities special exception.

In reply to Mr. Fox, Ms. Eyerman said it would be possible to get this application on the agenda for the June 1, 2020 meeting. Mr. Axelman said that in order to comply with the June 11 PUC deadline all they would need is a site plan approval.

**James Anderson MOVED and Molly Butler-Bailey SECONDED a motion to postpone further review of Gorham Solar, LLC's request for site plan approval pending responses to outstanding requirements and finalizing revisions to the plan. Motion CARRIED, 7 ayes.**

Mr. Ryan expressed concern that they still have not yet had feedback from the Fire Chief about the Fire Code requirement for a 20 feet width for a gravel road. Ms. Eyerman indicated that staff can work to facilitate that exchange.

---

**ITEM 2 Public Hearing – Zoning and Land Use Map Amendment** – a proposed amendment to the Zoning Map to expand the Development Transfer Overlay District to include the area in the vicinity of Mosher's Corner.

Mr. Poirier said this was last before the Board on January 6, 2020, was discussed by the Board's Comprehensive Plan Implementation Committee on February 3, and is now on the agenda as a public hearing. The amendment will expand the Development Transfer Overlay District to encompass as well the Mosher Corner mixed use district, and the CPIC decided that it made sense to include an area along the Westbrook line, now zoned Suburban Residential and having access to sewer and water, with the option to be included in the Development Transfer Overlay District. Included with the Board's packet is a draft zoning map showing the revised boundary of the DTO zoning district with both the new Mosher Corner district as well as the additional Suburban Residential district along the Westbrook line. Mr. Poirier said that the draft zoning map also applies to the next item on the Board's agenda, as the map also shows the proposed amendment in the Harding Bridge area being zoned from Rural to Suburban Residential.

Mr. Fox commented that the Board's CPIC has reviewed the proposed amendment and has come forward with its recommendation to the Board. Mr. Hughes asked if he should recuse himself as he was not a Board member for the initial discussions on the proposed amendment. Mr. Poirier replied that Mr. Hughes did not need to recuse himself from discussions on zoning amendments.

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

**James Anderson MOVED and Molly Butler-Bailey SECONDED a motion to recommend adoption by the Town Council of the revised Development Transfer Overlay District boundary as shown on the draft zoning map provided. Motion CARRIED, 7 ayes.**

---

**ITEM 3 Public Hearing – Zoning and Land Use Map Amendment** – a proposed amendment to the Zoning Map in the area of Harding Bridge Road to match the Future Land Use Map in the Comprehensive Plan currently zoned as Rural to Suburban Residential.

Ms. Eyerman said that the Board's CPIC had previously discussed the area surrounding Harding Bridge being considered for amendment and recommended that the area be trimmed back, almost in half. She prepared a power point presentation which shows the area now being recommended which is also on the draft zoning map discussed in the previous item this evening. The Comprehensive Plan also refers to changes to some of the allowed uses and development standards, which have not yet been discussed by the Board. Ms. Eyerman suggested that perhaps the Board would consider adopting the zoning map amendment and then work on the uses and development standards at a later time.

Mr. Fox asked Mr. Poirier what the Council's expectations were in asking the Board to review this amendment. Mr. Poirier replied that the Council asked the Board to look at rezoning the area around Harding Bridge Road. The Council did not ask the Board to look at the district standards yet, but Mr. Poirier said he believes the Board could send the map on and then identify for the Council that the Board is willing to begin reviewing the standards for the Suburban Residential zoning district. If it wishes, the Council could then direct the Board to undertake that review.

PUBLIC COMMENT PERIOD OPENED: None offered  
PUBLIC COMMENT PERIOD ENDED

**Scott Firmin MOVED and Vincent Grassi SECONDED a motion to recommend adoption by the Town Council of the proposed amendment to the Land Use Code and shown in the draft zoning map provided. Motion CARRIED, 7 ayes.**

---

**ITEM 4 Public Hearing – Land Use and Development Code Amendment** – a proposed ordinance to amend the Land Use Code to adopt a Marijuana Cultivation or Manufacturing Licensing Ordinance and add Permitted Uses in the Rural, Industrial and Olde Canal zoning districts.

Ms. Eyerman told the Board that the proposed ordinance will allow the Town an "opt in" approach and provides ordinance parameters for both business models. Some suggestions are also made as to fees, not connected with the ordinance. The fees information would go forward to the Council as a recommendation.

Mr. Anderson asked what provision is contemplated for odor mitigation. Ms. Eyerman replied that during discussions with the Town Council, they were advised that there are odor mitigation systems available. The proposed ordinance contains a provision that requires an odor mitigation be in place.

In reply to Mr. Fox as to the next step for this proposed ordinance, Ms. Eyerman said that the Board would vote to send this on to the Town Council as it is currently written.

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

**Scott Firmin MOVED and Thomas Hughes SECONDED a motion to recommend adoption by the Town Council of the proposed amendment to the Land Use Code. Motion CARRIED, 7 ayes.**

---

**OTHER BUSINESS**                **None**

---

**ANNOUNCEMENTS**        **None**

---

**ADJOURNMENT**

**Molly Butler-Bailey MOVED and Susan Durst SECONDED a motion to adjourn. Motion CARRIED, 7 ayes. [8:40 p.m.]**

Respectfully submitted,

---

Barbara C. Skinner, Clerk of the Board  
\_\_\_\_\_, 2020