

PLANNING BOARD MEETING

June 1, 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 18, 2020 MEETING MINUTES

James Anderson MOVED and Molly Butler-Bailey SECONDED a motion to approve the minutes of the May 18, 2020 meeting as written and distributed. Motion CARRIED, 7 ayes.

CHAIRMAN'S REPORT

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

ADMINISTRATIVE REVIEW REPORT

Ms. Eyerman said there is no administrative review report tonight.

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, which will go before the Board for public hearing at the July meeting.
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ITEM 1 Site Plan Review – Gorham Solar, LLC (formerly, Nexamp, Inc.) – 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, zoned Rural, Map 64, Lot 4-1.

Ms. Eyerman advised the Board that this solar ground-based array will be constructed off Fort Hill Road. There will be a gravel access road, widened at the mouth where it meets with Fort Hill Road, extend into where it intersects with the start of the arrays, and then go both left and right to the mechanical equipment associated with the arrays, with fencing along the perimeter where it directly abuts residences to the south. At the request of the Board, the applicant made an adjustment to the proposed fence so that it is a 6-foot tall stockade fence in addition to proposed vegetated buffering. Ms. Eyerman noted that the Board at its May 18, 2020 meeting viewed the drone sitewalk done by Gorham Access. Ms. Eyerman said that comments have been received from the peer review engineer which are minor in nature and which can be worked out before the Board signs the final plans.

Christopher Ryan, Meridian Associates, introduced Ben Axelman from Nexamp. Mr. Ryan said that the plans have been revised to address the Fire Department's concern about the width of the gravel access road entry and to modify the fencing along the boundary with the abutters to the south of the project. That fence has been changed to a solid stockade fence with a 6 inch gap underneath as a wildlife corridor; the fence will be combined with the proposed plantings already discussed with the Board. Mr. Ryan referred to the two additional comments received from the Town's peer reviewer, one of which deals with the SLODA application to ensure that it is consistent with what was presented to the Town. The other comment deals with a miscommunication on Mr. Ryan's part involving the pervious surface under the solar panels. Mr. Ryan believes he can clear up any confusion between him and the review engineer.

Mr. Fox confirmed with Mr. Ryan that once he clarifies the question regarding gravel, peer reviewer Milone & MacBroom will accept that explanation or does it seem that they believe the gravel pad is a necessity. Mr. Ryan said he believes he can clear up any misconceptions.

Mr. Ryan said they are also addressing DEP comments, so all changes will be completed so that both the Town and the DEP receive the most current revised plan sets.

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

Mr. Anderson confirmed that the question of the impervious surface of the panels has been dealt with by the peer review engineer. Mr. Fox asked if the Town's peer review engineer would need to see this again. Mr. Poirier replied that any changes would be worked out between the applicant and the review engineer through Condition of Approval #8 before the Board signs the final plans. Mr. Fox confirmed that the 6-foot stockade fence along the southern portion of the solar farm is in addition to the proposed plantings.

Mr. Anderson asked if the Board could approve the application this evening so long as all the minor issues can be resolved as already stated between the applicant and the review engineer under Condition of Approval #8, or should the item go on a future consent agenda pending those changes. Ms. Eyerman said that staff is comfortable either way, but it is the Board's preference.

Mr. Hughes confirmed that the width of the gravel access road will be 20 feet and not 12. Mr. Ryan replied that the width was increased for all of the areas that the Fire Department would need to access the equipment for the array.

Ms. Eyerman noted that the applicant address in the staff notes should have been “Boston, MA” and not “Boston, ME.”

A consensus of the Board indicated that approval this evening would be appropriate.

James Anderson MOVED and Molly Butler-Bailey SECONDED a motion to grant Gorham Solar, LLC’s request for site plan approval with Findings of Fact and Conditions of Approval as written by the Town Planner. Motion CARRIED, 7 ayes.

ITEM 2 Discussion – Gorham Savings Bank – Contract Zone Amendment and Site Plan Pre-Application – proposed amendment to the Contract Zone to allow a ground-mounted solar array and to relax the buffering and setback requirements, zoned Urban Residential/Contract Zone, Map 46, lots 9 and 9-1.

Ms. Eyerman told the Board that this solar array is proposed to be ground mounted on bank property on Wentworth Drive. The applicant is applying for an amendment to its contract zone to allow this particular use and to relax the buffering and setback requirements, reducing the required 100 foot minimum buffer required in the contract zone.

Nate Niles, Revision Energy, appeared on behalf of the applicant. Mr. Niles said the proposal is for an 860 kw array, approximately 1/6 the size of the array just approved. The site is proposed to be 4 acres on an undeveloped lot to the west adjacent to Gorham Savings Bank Operations Center on Wentworth Drive. A new gravel road is proposed, trees will be cleared for the project’s footprint, and there would be a perimeter chain link fence. The solar panels are intended to offset the electricity costs for the Bank’s adjacent Operations Center and also different branch locations across southern Maine. Also involved is the merging of Lot 9, on which the Operations Center is located, and Lot 9.1, the undeveloped parcel where the bulk of the array would be housed.

Mr. Niles said he is joined this evening by the following representatives of Gorham Savings Bank: Steve DeCastro, President, Dan Hunter, COO, and Alden Joy, VP of Facilities, and the Bank’s attorney, Phil Saucier.

PUBLIC COMMENT PERIOD OPENED: None offered
PUBLIC COMMENT PERIOD ENDED

Mr. Anderson asked if the proposed use is permitted in the zone and if the contract zone needs to be amended to allow the use. Ms. Eyerman replied that the Contract Zone does not allow the use, but the use could be added to the contract zone if the Planning Board and the Town Council approves of the use in the Village.

Mr. Fox asked about the setback requirements, currently 100 feet in the contract zone, which the applicant is asking to reduce to 20 feet on two sides, 60 on another and 90 feet on the 4th side. Mr. Niles replied they are proposing a 40 foot setback to any structure, the edge of the solar panels fencing and the fences might be 15 feet closer. In reply to Mr. Fox, Mr. Niles clarified said that the

40 foot setback is from the array structures themselves to the boundary line, with the fence 15 feet outside of the array structure, with the fence to the lot line being 25 feet in some instances.

Mr. Fox asked about the abutters to the solar array. Mr. Niles replied that to the north and the west of the site, the property is undeveloped Town owned land, directly to the north/northeast is the entrance to the Tannery Brook trail system, and the only privately owned abutting property is due south. Between the proposed array and the abutter to the south is a 100 foot vegetated buffer that will remain. Mr. Fox confirmed that the intent would be to maintain a 100 foot wooded buffer between the array and the private abutter. Mr. Fox asked if the height of the wooded buffer would present the same problem of shading the array as discussed in the previous application. Mr. Niles said that the trees in the vegetated buffer are fairly mature and some of the wooded area is proposed to be kept clear to avoid shading the panels. Mr. Fox confirmed that for the abutters to the south, the 100 foot buffer is expected to stay in place and will not be cleared in the future.

Mr. Fox said he assumes that the reduction in the setbacks is to maximize the size of the solar array and improve the cost benefit analysis of the project. Mr. Niles said that the array size was also determined by the total electric demand of the Bank.

Mr. Poirier commented that the wetland on the abutting parcel is identified as a shoreland wetland, and there is a 250 foot shoreland protection setback on it, so this may eliminate some clearing as part of that setback. Mr. Niles said they will revisit that area, but he believes they are on the right side of that line.

In reply to Mr. Fox, Mr. Niles said that this application involves an amendment to the Bank's contract zone with approval by the Town Council and the Planning Board and then there is a site plan review application to approve the development itself. Mr. Poirier advised the Board that both applications can run concurrently, with the applicant understanding that the site plan approval rests on the amending of the contract zone, so it will be the applicant's comfort level with moving ahead with both at the same time. Mr. Poirier said that this project is for Gorham Savings Bank to assist them offset their electrical costs, and the Town Council referred this item to the Board unanimously. Mr. Niles said that the applicant wants to move forward with the two applications concurrently.

Mr. Anderson asked about the impact of the solar array on the Tannery Brook trail parking, as it appears that the trail parking turnaround becomes the access into the solar array area. Mr. Niles told Mr. Anderson that the solar array is about 4 acres in total. Mr. Niles said they have not addressed the issue of the trail parking but they will address it if parking for trail access becomes an issue. Mr. Fox commented about the aerial photograph provided by the Conservation Commission delineating proposed new parking spaces.

In reply to Mr. Hughes, Mr. Niles said that the panels will be fixed tilt systems, facing due south, with a 35 degree pitched. Ms. Durst asked about the proposed impact on the wetland on the north side of the site. Mr. Niles replied that the panels are pile driven, with the foundation involving no concrete and with the footings being more like those of a fence than a building, so the direct impact on wetlands is incredibly minimal. Mr. Niles said they may need to obtain a DEP NRPA Tier 1 permit by rule if they exceed the 4300 square feet permitted, and they will need a Stormwater Permit by Rule because they are adding some impervious surface.

Mr. Fox noted that it appears the project will have limited abutter issues and asked the Board if it finds any other changes to the contract zone to be necessary as a result of the solar project. A consensus of the Board indicated that the setbacks could be reduced as long as the abutter to the south is still buffered by the 100 foot setback. The Board also agreed that the proposed use was appropriate.


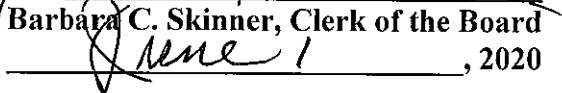
Mr. Niles asked what the next steps in the process will be. Mr. Poirier said that the applicant should draft the proposed contract zone amendment language and the Planning Board will forward it to the Town Council for public hearing. Review of the site plan can move forward as normally done by the Board. Mr. Poirier said that the Town Attorney should review the proposed amendment language, and the Board will make a recommendation back to the Council. The applicant will submit its site plan application for public hearing.

OTHER BUSINESS	None
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ANNOUNCEMENTS	The Planning Board's July 6, 2020 meeting date remains unchanged.
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ADJOURNMENT	8:08 P.M.
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Respectfully submitted,


Barbara C. Skinner, Clerk of the Board
 June 1, 2020

ITEM 1 GORHAM SOLAR, LLC – SITE PLAN

CHAPTER 4, SITE PLAN REVIEW, SECTION 9 – Approval Criteria and Standards

The Planning Board, following review of the Site Plan Amendment Application, makes these findings based on the Site Plan Review criteria found in Chapter 4, Section 9 – Approval Criteria and Standards of the Town of Gorham Land Use and Development Code.

A. Utilization of the Site: The plan for the development will reflect the natural capabilities of the site to support development.

The applicant has provided detailed site plans that describe the use of the land as it relates to the proposed Solar Ground-Base Photovoltaic Array with associated equipment, gravel access, and perimeter fencing showing that the lot can support the proposed improvements.

Finding: The plan for the development reflects the natural capabilities of the site to support the development and the natural features and drainage ways are preserved to the greatest extent possible.

B. Access to the Site: Vehicular access to the site will be on roads which have adequate capacity to accommodate the additional traffic generated by the development.

The site is accessed from Fort Hill Road. The proposal is for very few access requirements per year onto this site.

Finding: Vehicular access to the site will be on roads which have adequate capacity to accommodate the additional traffic generated by the development.

C. Access into the Site: Vehicular access into the development will provide for safe and convenient access.

The existing property is accessed from a 12 foot gravel driveway entrance off Fort Hill Road.

The driveway has a sight distance of 500' looking north and 350' looking south and will provide for safe and convenient access into the site.

The grade of the drive will be a -2.0% for a minimum of five (5) feet from the existing pavement edge or of the existing drainage swale.

Finding: The plans provide for safe and convenient vehicular access into the development.

D. Internal Vehicular Circulation: The layout of the site will provide for the safe movement of passenger, service and emergency vehicles through the site.

The existing gravel driveway will be utilized throughout the site with minor modifications to accommodate emergency vehicle access as shown on Sheet C-201.

Finding: *The layout of the site provides for the safe movement of passenger, service, and emergency vehicles through the site.*

E. Pedestrian Circulation: The development plan will provide for a system of pedestrian circulation within and to the development.

The gravel driveway will be utilized for pedestrians, since the traffic will be extremely limited.

Finding: *The plans provide a system of pedestrian circulation within the development.*

F. Stormwater Management: Adequate provisions will be made for the disposal of all storm water collected on streets, parking areas, roofs or other impervious surfaces through a storm water drainage system and maintenance plan which will not have adverse impacts on abutting or downstream properties.

The applicant has submitted a Site Location of Development Application (-SLODA) to the Maine Department of Environmental Protection, which states the proposed stormwater management system designed for this project will consist of the installation of vegetated buffer strips and stone pads around proposed concrete pads. The vegetated buffer strips are designed to infiltrate stormwater runoff from the gravel access roads. The installation of the stone pads and dedicated buffer strips will allow no increase in peak rate of stormwater runoff during 2, 10, and 25 year design storms.

Finding: *The site has adequate provisions for the disposal of all storm water collected on driveways, parking areas or other impervious surfaces through a stormwater drainage system and maintenance plan which does not have adverse impacts on abutting or downstream properties.*

G. Erosion Control: For all projects, building and site designs and roadway layouts will fit and utilize existing topography and desirable natural surroundings to the fullest extent possible.

The applicant has submitted a Site Location of Development Application (SLODA) to the Maine Department of Environmental Protection, which states the project will be periodically inspected by an erosion and sedimentation control specialist. The SLODA and grading and erosion control plans C-300 and C-301 include provisions and locations for filter barriers, straw bales, silt fencing, sediment traps, diversion swales, vegetated buffer strips, stone pads, and surface stabilization.

Finding: *The plan utilizes existing topography and desirable natural surroundings to the fullest extent possible. Filling, excavation, and earth moving are kept to a minimum.*

H. Water Supply: The development will be provided with a system of water supply that provides each use with an adequate supply of water meeting the standards of the State of Maine for drinking water.

No structures are proposed that will require connection to a water supply. A fire hydrant is located along Fort Hill Road to serve the site with Fire Protection.

No water supply improvements are proposed.

Finding: *The development provides a system of water supply that provides for an adequate supply of water meeting the standards of the State of Maine for drinking water.*

I. Sewage Disposal: A sanitary sewer system will be installed at the expense of the developer if the project is located within a sewer service area as identified by the sewer user ordinance. The Site Plan Review Committee or Planning Board may allow individual subsurface waste disposal systems to be used where sewer service is not available.

No structures are proposed that will require connection to a sanitary sewer system.

Onsite septic system is not proposed for this development.

Finding: *The development provides for sewage disposal for the anticipated use of the site.*

J. Utilities: The development will be provided with electrical and telephone service adequate to meet the anticipated use of the project.

The applicant states that 3 phase power will serve this site utilizing overhead power and telephone lines.

Finding: *The development will provide for adequate electrical and phone service to meet the anticipated use of the project.*

K. Natural Features: The landscape will be preserved in its natural state insofar as practical by minimizing tree removal, disturbance and compaction of soil, and by retaining existing vegetation insofar as practical during construction.

The applicant has shown on the site plans that very little vegetation will be removed or disturbed; existing vegetation will be preserved as much as possible.

Finding: *The development of the site will preserve existing vegetation to the greatest extent practical during construction.*

L. Groundwater Protection: The proposed site development and use will not adversely impact either the quality or quantity of groundwater available to abutting properties or public water supply systems.

The solar array is not proposed to impact the groundwater table on the site.

Finding: *The proposed development will not adversely impact either the quality or quantity of the groundwater available to abutting properties or public water supply systems.*

M. Exterior Lighting: The proposed development will provide for adequate exterior lighting to provide for the safe use of the development in nighttime hours.

No exterior lighting is proposed for the site.

Finding: *The proposed development provides for adequate exterior lighting to provide for the safe use of the development during nighttime hours.*

O. Waste Disposal: The proposed development will provide for adequate disposal of solid wastes and hazardous wastes.

No waste or hazardous materials are proposed to be stored on site.

Finding: *The development will provide for adequate disposal of solid wastes and hazardous waste.*

P. Landscaping: The development plan will provide for landscaping to define street edges, break up parking areas, soften the appearance of the development and protect abutting properties from adverse impacts of the development.

The applicant has submitted a Landscape Plan & Details Sheet: Sheet C205, which shows planting locations, species, sizes, and details for installation of the proposed plantings. The applicant is proposing to install a landscape buffer along the southern property line that varies in species with height ranging from 24 inches to 60 inches.

A 6' tall stockade fence is proposed to be installed near the solar array to break-up the appearance of the project from the residential properties located on Norway Road.

Finding: *The proposed plan will provide landscaping to soften the appearance of the development.*

Q. Shoreland Relationship: The development will not adversely affect the water quality or shoreline of any adjacent water body. The development plan will provide for access to abutting navigable water bodies for the use of occupants of the development.

A portion of the back of the lot is located in the Shoreland Overlay District. The applicant is proposing development in the areas outside of the shoreland overlay, vernal pool and wetlands, so the development will not adversely affect the water quality or shoreline of any adjacent water bodies.

Finding: *The development will not adversely affect the water quality or shoreline of any adjacent body of water.*

R. Technical and Financial Capacity: The applicant has demonstrated that he has the financial and technical capacity to carry out the project in accordance with this Code and the approved plan.

The applicant has stated and provided documentation in Section 3 of the SLODA that MUFG Bank, Ltd. will provide financing, Nexamp will be the contractor; J&J Contractors, Inc. will provide decommissioning expertise; and Meridian Associates is providing engineering.

Finding: *The applicant has the financial and technical capacity to complete the project in accordance with Gorham's Land Use and Development Code and the approved plan.*

S. Buffering: The development will provide for the buffering of adjacent uses where there is a transition from one type of use to another use and to screen service and storage areas. The buffer areas required by the district regulations will be improved and maintained.

The applicant has submitted a Landscape Plan & Details Sheet: Sheet C205, which shows planting locations, species, sizes, and details for installation of the proposed plantings. The applicant is proposing to install a landscape buffer along the southern property line that varies in species with height ranging from 24 inches to 60 inches. A 6' tall stockade fence is proposed to be installed near the solar array to break-up the appearance of the project from the residential properties located on Norway Road.

The western, northern, and eastern portion of the parcel is to remain wooded and unchanged.

Finding: The development provides buffering to screen service and storage areas.

T. Noise: The applicant has demonstrated that the development will comply with the noise regulations listed in Table 1 – Sound Level Limits and the associated ordinances.

The uses at the site are required to meet the A-weighted hourly equivalent sound level limits of 70 dBA daytime (7am-7pm) and 60 dBA nighttime (7pm- 7am).

Finding: The development will comply with the A-weighted hourly equivalent sound level limits of 70 dBA daytime (7am-7pm) and 60 dBA nighttime (7pm-7am).

Conditions of Approval

1. That this approval is dependent upon, and limited to, the proposals and plans contained in this application and supporting documents submitted and affirmed by the applicants and that any variation from the plans, proposals and supporting documents is subject to review and approval by the Planning Board, except for minor changes which the Town Planner may approve;
2. That prior to the commencement of construction of the site plan, the applicant is responsible for obtaining all required local, state and federal permits;
3. That all relevant conditions of approval from past Site Plan approvals shall remain in effect;
4. That any proposed use on the site shall meet the sound level requirements outlined under Chapter 4, Section 9, T. Noise;
5. That prior to the pre-construction meeting, the applicant will establish the following: an escrow for field inspection meeting the approvals of Town Staff;
6. That prior to the commencement of any site improvements, the applicant, its earthwork contractor, and the design engineer shall arrange a pre-construction meeting with the Town's Review Engineer, Public Works Director, Fire Chief, Code Enforcement Officer and the Town

Planner to review the proposed schedule of improvements, conditions of approval, and site construction requirements;

7. That all site construction shall be carried out in conformance with the Maine Erosion and Sediment Control Best Management Practices, Maine Department of Environmental Protection, latest edition and in accordance with the erosion and sedimentation control information contained in the application;
8. That the applicant shall address staff and peer review engineer's comments prior to Planning Board's endorsement of the final plan;
9. That not less than one (1) Fire Department key box shall be installed at a location or locations determined by the Fire Department;
10. That an E-911 address shall be established for the project and the address shall be properly posted;
11. That the site plan shall not be released for recording at the Registry of Deeds until the required performance guarantee for that phase has been posted meeting the approval of Town Staff, and the site plan is required to be recorded within one year of original approval or the approval becomes null and void;
12. That the Planning Board Chairman is authorized by the Planning Board to sign the Findings of Fact on behalf of the entire Board; and
13. That once the site plan has been recorded at the Cumberland County Registry of Deeds, a dated copy of the recorded site plan shall be returned to the Town Planner prior to the pre-construction meeting.

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