

**Town of Gorham  
 Planning Board Meeting  
 January 8, 2024**

**Item 4 - Public Hearing – Site Plan - Novel Energy Solutions – Dyer Road Solar Facility** – a request for approval to construct a 700 kW community solar array and associated infrastructure. Map 69, Lot 1-1. Zoned UREXP. The applicant is self-represented.

<b>INDEX OF PACKET ENCLOSURES</b>	
<b>DESCRIPTION</b>	<b>PAGE NUMBER</b>
<b>1. Overview</b>	<b>2</b>
<b>2. Items of Note</b>	<b>2</b>
<b>3. Aerial Photos</b>	<b>3</b>
<b>4. Staff Review</b>	<b>4-12</b>
<b>5. Findings of Fact, Conditions of Approval and Motions</b>	<b>13-21</b>

**PROJECT TRACKING**

<b>DESCRIPTION</b>	<b>COMMENTS</b>	<b>STATUS</b>
Major Site Plan Review		June 5, 2023
Major Site Plan Review		January 8, 2024

The following staff notes are written to assist the Applicant with compliance to the Town of Gorham Land Use Development Code and are not necessarily inclusive of all project requirements. Staff notes contain review comments and recommendations from Town Staff and may include comments from any of the Town’s peer review consultants, regarding applicability to the Gorham Land Use and Development Code and standard engineering practices.

The Planning Board refers to staff notes during the review process; however, it should be noted that staff recommendations are noncommittal and all final decisions are those of the Planning Board and not Town Staff.

*Vincent Grassi, Chair, Gorham Planning Board*

## 1. OVERVIEW

This is the second time the item has come before the Planning Board with a submission for Major Site Plan review. The project was first before the Board at its meeting on June 5, 2023.

The applicant is self-represented.

## 2. ITEMS OF NOTE

### Resolved Issues

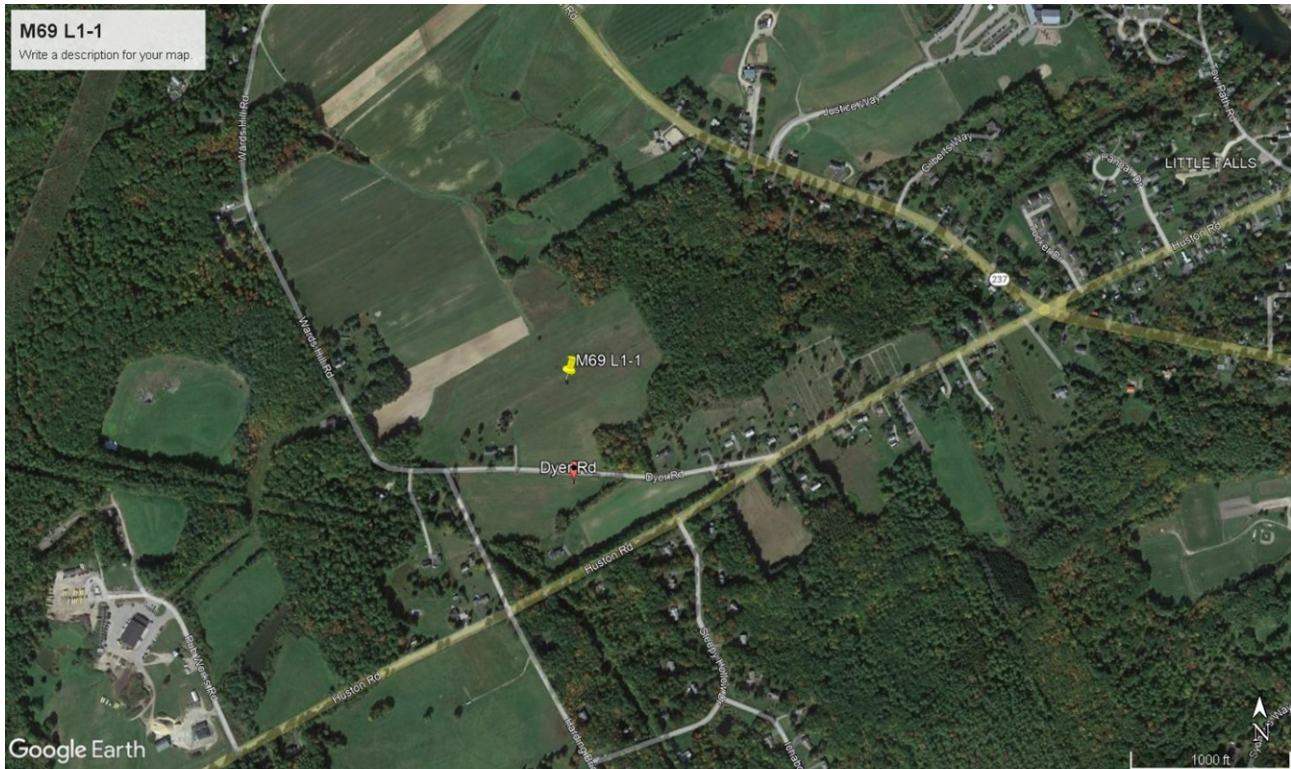
- The applicant has secured access to the property via a 30 foot wide deeded utility access easement that will allow a driveway connection to be built to Dyer Road.

### Outstanding Issues

- Wildlife gates need to be installed. This has been partially addressed by the applicant but earthen ramps to facilitate wildlife passage are still needed.
- The site plan does not conform to standards for recording by the Registry of Deeds. The signature block should be added to the site plan.
- The Site Plan does not show grading, and does not tie into existing grade of Dyer Road.
- Road details need to be updated to use Maine DOT standards - “crushed limestone” is not a standard in use.
- Engineering details needed for the fire department access lock box at the entrance gate.
- State and Federal Permits: A stormwater permit (permit by rule) and Army Corp of Engineers wetland permit are pending.
- Underground utilities are required.
- Stormwater Management
  - Silt fence needed on east side of access road (downgradient)
  - 12” culvert at entrance not modeled. Low spot at station 3+50 has no culvert. Additionally, a minimum culvert size of 15” is required.
  - Discrepancies in HydroCAD model output should be addressed – Area is 5.67 acres predeveloped and 6.02 acres post, but same size shown on plan. Also need explanation on pre- vs. post-development drainage curve changes.

### 3. AERIAL PHOTOGRAPH

Staff has included an aerial photograph for the Planning Board’s review of the project. The aerial photograph is from Google Earth.



### 4. STAFF REVIEWS

**Assessing Department:** No comments

**Code Department:** No comments

**Fire Department:** 03/22/2023, 04/18/2023, 12/21/2023

**03/22/2023**

I have reviewed the submitted plans for Daigle Solar Project and have the following requirements or Questions

1. There needs to be a compliant turn around at the end of the access road. The turnaround needs to be a Min. 20’ wide and Min. 50’ long. Please show on the Plans with the dimensions.

2. NFPA 1 - 18.2.3.5.1.1 requires an unobstructed Road width of not less than 20'. (Please show this on the Plans)
3. The building (If there is one) will meet all applicable sections of the NFPA 101 Life Safety Code and the NFPA Fire Prevention Code 1. All buildings shall be properly numbered in accordance with E911 standards including height, color and location.
4. If there is a gate placed on the access road it shall have a Lock Box attached to the gate and a key in the box for Fire Department access to the site.
5. If you have Personnel gates and have locks on them the key in the lock box for the main gate will fit this lock's as well.
6. Any Hazardous Materials on site, GFD will need a Material Data sheet for the Chemical.

As this progress through the planning process I may have more requirements.

**04/18/2023**

I have reviewed the submitted plans for Daigle Solar Project Stamped date of April 11, 2023

All my requirements from Memo dated 3-22-2023 are shown on the plans.

**12/21/2023**

I have reviewed the submitted plans for Daigle Solar Project plans stamped Dec. 20, 2023

1. NFPA 1 - 18.2.3.5.1.1 requires an unobstructed Road width of **not less than 20'. (Please show this on the Plans)**
  - a. Sheet E100 shows a 12' road.
  - b. Sheet C3.01 IFP shows a 20' road.
2. The building (If there is one) will meet all applicable sections of the NFPA 101 Life Safety Code and the NFPA Fire Prevention Code 1. All buildings shall be properly numbered in accordance with E911 standards including height, color and location.
3. There shall be a sign on the gate stating the E-911 Address, as well as emergency contact information for this location. Shown on Sheet C3.01 IFP

**Planning Department: 1/3/2024**

1. Site Plan specifications
  - a. Unless the applicant intends to record all sheets in the plan set, it is recommended that the recording and zoning information be placed on the site plan itself. Note: the

conditions of approval are required to be placed on the same sheet that gets recorded.

- i. Original comment “Sheet 1 - The signature block is incorrect for the major site plan review process. Approval Block Space shall be provided on the site plan for the seven (7) signatures of the Planning Board and the date, together with the following words, "Approved: Town of Gorham Planning Board". The block should be on a plan that is recordable by the Cumberland County Registry of Deeds and must be black and white.”
  - b. The site plan ordinance requires the following be on the site plan that is to be recorded and other sheets: bearings and distances of all property lines, location of all setbacks, boundaries of all property in the same ownership, names, and map/lot numbers of abutting properties, name, registration number and seal of engineer who prepared the plan, location of existing electric utilities, in both Dyer Road and onsite; location, names, and width of existing streets, rights-of-way and easements; location of drainage courses, etc.;
2. Sheet C3.01 - The performance standards for the Urban Residential Expansion Zoning District requires onsite underground utilities. Overhead power poles into the site would not be allowed. A variance from the Board of Appeals would be required from this section.
3. The sight distance for the accessway needs to be shown on the site plan.
4. The grade of any proposed drive or street will be a -2.0% for a minimum of five (5) feet from the existing pavement edge or to the centerline of the existing drainage swale. From the above control point, a grade of not more than -3% shall be required for a minimum of two (2) car lengths or forty (40) feet.
5. The applicant may want to request a waiver from the pedestrian requirements “to” the site.
6. The Stormwater Management Plan refers to the Kennebec River, which is in a different County in Maine.
7. The applicant needs to provide information regarding technical capacity.

**Police Department:** No comments

**Public Works Department:** No comments

**Stormwater Compliance:** 12/28/2023

Stormwater comments for this project are as follows:

1. While not a requirement, the Town would like the applicant to consider utilizing Low Impact Development techniques. If the applicant chooses not to implement LID practices, please show why this is not feasible for this project.
2. A reminder that the Winter Construction season has begun, **and runs through May 1st**. Winter Construction erosion and sedimentation controls / BMP's have a different set of standards than the rest of the year. Please refer to the Maine DEP's Erosion and Sediment Control Practices Field Guide for Contractors for specific requirements during winter construction.

Thank you,

Ethan Moskowitz  
Stormwater Compliance Officer/ GIS Technician

**Wright-Pierce: 4/24/2023, 12/28/2023**

**04/24/2023**

As requested by the Town of Gorham, Wright-Pierce has reviewed the Major Non-Residential Site Plan. Application submission for the proposed 700 kW solar array on an undeveloped lot in Gorham (Map 69, Lot 1-1). The 8.77-acre parcel is within the Urban Residential Expansion District.

**Documents Reviewed by Wright-Pierce**

- Site Plan Application Package– prepared by Novel Energy Solutions (April 5, 2023)
- Civil Plan Set - prepared by Novel Energy Solutions (February 16, 2023)

**Review Comments**

Applicant should provide written responses to the review comments recommending clarification or further information to be provided by the Applicant.

**General/Completeness**

1. Agent Authorization form was blank.
2. The Applicant indicated a Stormwater PBR and Maine Construction General Permit are required, and US Army Corps of Engineers approval/permit is pending the PNR field survey. What is the status of these approvals? Verification of approval should be submitted to the Town when available.
3. The detail for Woven Wire Fence indicates to “maintain gap of 5 to 6 inches to accommodate migration of wildlife”. Is there a reason why the recommendation of a minimum of 7 inches of clearance per the Maine Department of Inland Fisheries and Wildlife (MDIWF) letter was not proposed?
4. Was consideration given to the MDIWF’s recommendation related to deer becoming trapped inside the facility?

**General Standards of Performance**

1. Environmental
  - a. We recommend silt fence or other filter barrier be proposed along the easterly side of the access road from the site to Dyer Road. It is likely that sediment will be tracked through this easement to the construction entrance, which would wash away to the easterly property during storm events.
  - b. The proposed project is not located in a Shoreland Zone, floodplain, or other known sensitive natural resource area.
2. Parking, Loading, and Traffic
  - a. Town to provide comment on whether any parking is required. No parking is proposed.
  - b. Town to provide comment on whether a traffic analysis is required. An estimated number of vehicle trips has not been provided; however, we do not anticipate that the proposed use would generate much traffic.

**Site Plan Requirements**

1. Proposed contours for the access road and any other site grading showing proposed changes in topography should be shown on the site plan. Refer to Section 4-9, Paragraph C.3 of the Gorham LUDC for access requirements.
2. What will the “equipment area” consist of? Show additional information on the site plan and detail sheets.
3. The site plan notes: “Lock box, proper lighting, and contact signage (min 11x22) at gate per fire department” at the entrance. Additional information should be shown on the site plan and detail sheets regarding these proposed items.
4. It is assumed that the access road does not need to meet typical private way or road design standards due to the nature of the project. Town to provide comments on what standards the access road should meet, if any, and if a paved apron is required. At a minimum, we recommend the access road consist of at least 12 inches of gravel instead of the proposed 8 inches. The gravel access road detail should also indicate the proposed type of aggregate base material.
5. The proposed landscape screening appears to appropriately screen the solar array from the abutting residential properties based on a cursory review. Native trees are proposed along the westerly side of the site and existing woodlands exist on the southerly and easterly sides of the site. The northerly side of the site abuts farmland and appears to be far from residential property.

#### **Stormwater Management Requirements**

1. We recommend proposing culverts along the access road and entrance off Dyer Road to maintain drainage connectivity. Please also submit stormwater calculations per Section 4-8, Paragraph C.1.c.8.d of the Gorham LUDC which requires calculations showing the drainage system can convey runoff from the 25-year, 24-hour storm.
2. Stormwater calculations comparing the peak runoff rates from the site in the pre- and post-development condition should be submitted to verify the project will not cause substantial adverse environmental impacts such as erosion or alter existing drainage patterns.
3. A preliminary Stormwater Management Plan was submitted as part of the application. A final Stormwater Management Plan should be submitted for review. Section 4.4 Re-certification does not appear applicable, since the project appears to only trigger Chapter 500 Basic Standards.
4. The proposed work is not located within the Town’s MS4 Urbanized Area so is not required to comply with Chapter 2 of the Town’s Stormwater Ordinance.

#### **12/28/2023**

As requested by the Town of Gorham, Wright-Pierce has reviewed the Major Non-Residential Site Plan Application resubmission for the proposed 700 kW solar array on an undeveloped lot in Gorham (Map 69, Lot 1-1). The 8.77-acre parcel is within the Urban Residential Expansion District.

#### **Documents Reviewed by Wright-Pierce**

- Cover Letter RE: Site Plan Application Supporting Documents for Planning Board Review, ME Gorham Daigle, CSG LLC prepared by Novel Energy Solutions (December 18, 2023)
- Civil Plan Set – prepared by Novel Energy Solutions (date signed June 13, 2023, Revision 1 dated June 27, 2023)
- Updated Narrative – Novel ME Gorham Daigle CSG, LLC 700-Kilowatt Solar Garde prepared by Novel Energy Solutions (December 15, 2023)
- Stormwater Management Plan prepared by Novel Energy Solutions (December 7, 2023)

- Pre- and Post-Development HydroCAD Model Output prepared by Novel Energy Solutions (printed June 27, 2023)

### Review Comments

Wright-Pierce’s original comments are in standard text, followed by the applicant’s response in italics, and our follow-up response in bold. Comments from the previous review memo that did not require a response or clarification or that were addressed are not listed. Applicant should provide written responses to the review comments recommending clarification or further information to be provided by the Applicant.

### General/Completeness

WP Original Comment 1: Agent Authorization form was blank.

*Applicant Response: None*

**WP Follow-up Response: An updated application was not submitted.**

WP Original Comment 2: The Applicant indicated a Stormwater PBR and Maine Construction General Permit are required, and US Army Corps of Engineers approval/permit is pending the PNR field survey. What is the status of these approvals? Verification of approval should be submitted to the Town when available.

*Applicant Response: None*

**WP Follow-up Response: The narrative was updated to indicate the Maine DEP permits have been submitted and they are awaiting the approvals from the Maine DEP. What is the status of the US Army Corps of Engineers approval/permit? Verification of approval should be submitted to the Town when available.**

WP Original Comment 4: Was consideration given to the MDIWF’s recommendation related to deer becoming trapped inside the facility?

*Applicant Response: None*

**WP Follow-up Response: The narrative was updated to include a section titled “Deer Wintering”. While this partially addresses our comment, we were more concerned about the Maine Department of Inland Fisheries & Wildlife’s comment in their letter dated March 23, 2023, as follows: “MDIFW recommends the installation of gates at regular intervals along fenced enclosures to provide nearby exits through which trapped wildlife can be released with minor encouragement, and/or designs that provide for self-release such as one-way gates or, for fences lower than 7 feet in height, earthen ramps on the interior side that allow trapped wildlife to jump out on their own.” The concern is not limited to just deer wintering areas. Please provide comment on how this comment from MDIFW has been addressed and revise accordingly if it has not.**

### General Standards of Performance

WP Original Comment 1a: We recommend silt fence or other filter barrier be proposed along the easterly side of the access road from the site to Dyer Road. It is likely that sediment will be tracked through this easement to the construction entrance, which would wash away to the easterly property during storm events.

*Applicant Response: None*

**WP Follow-up Response: The Erosion Control Plan shows silt fence around the solar array and westerly (upgradient) side of the access road, but not on the easterly**



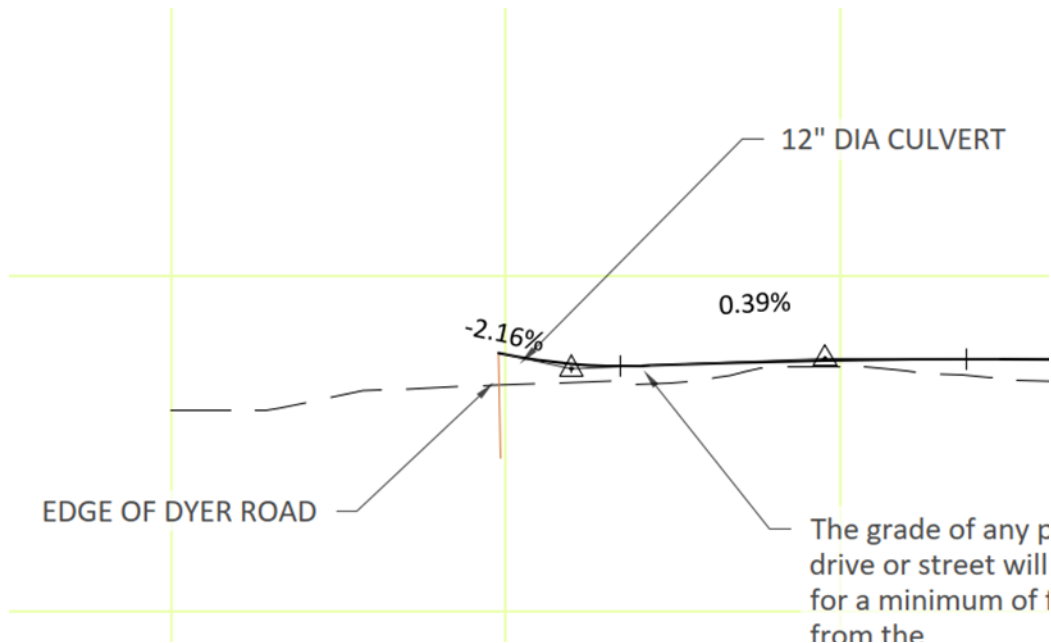
(downgradient) side of the access road. Silt fence should be proposed on the easterly side of the access road to prevent sediment track out on the access road from washing off site, out of the easement area, and to the adjacent wetland. A double row of silt fence is recommended within 75' of the wetland.

### Site Plan Requirements

WP Original Comment 1: Proposed contours for the access road and any other site grading showing proposed changes in topography should be shown on the site plan. Refer to Section 4-9, Paragraph C.3 of the Gorham LUDC for access requirements.

*Applicant Response: None*

**WP Follow-up Response:** The site plan still does not show proposed grading. Additionally, the proposed road profile does not tie into the existing grade of Dyer Road (see below).



WP Original Comment 3: The site plan notes: “Lock box, proper lighting, and contact signage (min 11x22) at gate per fire department” at the entrance. Additional information should be shown on the site plan and detail sheets regarding these proposed items.

*Applicant Response: None*

**WP Follow-up Response:** It does not appear that additional information is shown. There is no detail showing what the lock box, lighting, or sign will be or how they will be mounted. We assume the Town Fire Department would like to see this information.

WP Original Comment 4: It is assumed that the access road does not need to meet typical private way or road design standards due to the nature of the project. Town to provide comments on what standards the access road should meet, if any, and if a paved apron is required. At a minimum, we recommend the access road consist of at least 12 inches of gravel instead of the proposed 8 inches. The gravel access road detail should also indicate the proposed type of aggregate base material.

*Applicant Response: None*

**WP Follow-up Response:** The gravel access road detail now shows 12” of aggregate base. The detail calls out Class 5, 1” crushed limestone as the aggregate base, which does not

appear to be a Maine DOT reference. It is recommended the detail be updated to reflect a Maine DOT gravel type. It is assumed that the Town is okay with the proposed width of 20'. We believe this is adequate for the nature of the project. Town to provide comment on whether a paved apron is required.

### **Stormwater Management Requirements**

WP Original Comment 1: We recommend proposing culverts along the access road and entrance off Dyer Road to maintain drainage connectivity. Please also submit stormwater calculations per Section 4-8, Paragraph C.1.c.8.d of the Gorham LUDC which requires calculations showing the drainage system can convey runoff from the 25-year, 24-hour storm.

*Applicant Response: None*

**WP Follow-up Response:** The proposed 12” culvert at the entrance of the access road was not modeled. The Town requires calculations showing the proposed stormwater features can convey runoff from the 25-year storm. This is the only proposed culvert across the access road. The road profile shows the final grade of the access road will be above the existing grade and shows a low spot at approximately Station 3+50. How will runoff cross the access road?

WP Original Comment 2: Stormwater calculations comparing the peak runoff rates from the site in the pre- and post-development condition should be submitted to verify the project will not cause substantial adverse environmental impacts such as erosion or alter existing drainage patterns.

*Applicant Response: None*

**WP Follow-up Response:** The provided HydroCAD model output shows a reduction in peak runoff rate in the post-development condition; however, we have some questions about the model. See comment 3.

WP Original Comment 3: A preliminary Stormwater Management Plan was submitted as part of the application. A final Stormwater Management Plan should be submitted for review. Section 4.4 Re-certification does not appear applicable, since the project appears to only trigger Chapter 500 Basic Standards.

*Applicant Response: None*

**WP Follow-up Response:** HydroCAD model output for the pre- and post-development conditions have been provided. The pre-development drainage area is 5.67 acres and post-development drainage area is 6.02 acres. The Hydrology plan sheet C3.03 appears to show the same drainage area boundary in both conditions. Please explain why the areas differ. The entire pre-development drainage area is defined as pasture/grassland/range (fair) with a curve number of 69. The post-development drainage area defines the pervious area as meadow, non-grazing with a curve number of 58. Please provide justification for this change in land cover. It is not apparent from our review that a decrease in curve number is warranted. Please show the flow path for the time of concentration calculation in each drainage area on C3.03.

**Jensen Baird Legal Review: 10/31/2023**

I've reviewed the full lease that Novel has on the subject parcel. I'm satisfied with the extent of the access rights to that parcel that are included. If that's all that's required, then this application should be ready to be placed on the next Planning Board agenda.

Please let me know if you need anything further from, or if you have any questions.

Thanks,

Ben

**Benjamin T. McCall, Esq.**  
Attorney

**Gorham Conservation Commission: 6/01/2023, 12/28/2023**

**06/01/2023**

Dear Planning Department and Planning Board Members,

The Conservation Commission has reviewed the Dyer Road Solar Project forwarded to us on 14 April 2023. Here are our comments and questions:

1. What are the property setbacks for a solar project? The setbacks should be more than required for a residential area and natural site buffers should be required on all sides.
2. End-of-life decommissioning needs to be addressed such that assurance is given that the property will not become a new "Brownfield" site.
3. Are there future phases of the proposed solar panel project being considered by this Owner?
4. How will the existing snowmobile trail be preserved?
  - a. It would be great if a permanent easement could be negotiated with the property Owner for the snowmobile trail. An existing trail passes through the proposed solar panel site. The current owner has been very good at allowing the snowmobile trail to pass through their property and in the past has worked with the snowmobile club to modify the trail, as the owner's needs have changed.

Thank you for your time and for considering these comments and questions. Please let us know if you have any questions or would like more information from us.

Novel Energy Solutions – Solar Facility  
Major Site Plan Review  
Dyer Road  
M69 L1-1

---

On Behalf of the Commission,

Bill Moreno  
Chair, Gorham Conservation Commission

**12/28/2023**

Thank you for the opportunity to review the updated Dyer Road Solar Project proposal. We have no additional comments, other than the concern George raised as to whether the projected decommissioning costs warrant further review by the Town Engineer to confirm that they are adequate.

It's good to hear that the Snogoers will continue to have trail access and we appreciate the feedback from the landowner.

Thank you,

Bill Moreno  
Gorham Conservation Commission

**TOWN OF GORHAM PLANNING BOARD**  
**FINDINGS OF FACT**  
**For**  
**NOVEL ENERGY SOLUTIONS – DYER ROAD SOLAR PROJECT, SITE PLAN**

---

January 8, 2024

Applicant: The applicants is Suzanne Rose with Novel Energy Solutions LLC, 2303 Wycliff Street, Suite 300, St. Paul, MN 55114.

Property Owner: The property owners are Claude Jr. and Sandra Daigle, 101 Sebago Lake Road, Gorham, ME 04038.

Property: The lot is identified as Tax Map 69, Lot 1-1, and is located off Dyer Road.

Consultants: None.

Project Description: The applicant is proposing an – a request for approval to construct a 700 kW community solar array and associated infrastructure.

Site Description: The lot is approximately 15.5 acres in size. The vegetation on the property is a mix of grass meadow, coniferous and deciduous trees and shrub type understory.

Applicability: Major Site Plan regulations identify the Planning Board as having review and approval authority.

Zoning: Urban Residential Expansion (UREXP)

Variances: None requested.

Waivers: None requested.

Pursuant to the Application:

Site Plan Review was held January 8, 2024.

The projects and plans and other documents considered to be a part of the approval by the Planning Board in this ruling consist of the following:

The Plans consist of the following:

Sheet C1.01 IFP – Coversheet– Dated, 02/16/2023; Revised through, 06/27/2023; Received, 12/20/2023  
Sheet C1.02 IFP – Notes – Dated, 02/16/2023; Revised through, 06/27/2023; Received, 12/20/2023  
Sheet C2.01 IFP – Existing Conditions – Dated, 02/16/2023; Revised through, 06/27/2023; Received, 12/20/2023  
Sheet C3.01 IFP – Site Plan – Dated, 02/16/2023; Revised through, 06/27/2023; Received, 12/20/2023  
Sheet C3.02 IFP – Road Profile – Dated, 02/16/2023; Revised through, 06/27/2023; Received, 12/20/2023  
Sheet C3.03 IFP – Hydrology – Dated, 02/16/2023; Revised through, 06/27/2023; Received, 12/20/2023  
Sheet C5.01 IFP – Erosion Control Plan – Dated, 02/16/2023; Revised through, 06/27/2023; Received, 12/20/2023  
Sheet C5.02 IFP – Erosion Control Notes and Details – Dated, 02/16/2023; Revised through, 06/27/2023; Received, 12/20/2023  
Sheet C9.01 IFP – Construction Details – Dated, 02/16/2023; Revised through, 06/27/2023; Received, 12/20/2023  
Sheet C9.02 IFP – Landscaping – Dated, 02/16/2023; Revised through, 06/27/2023; Received, 12/20/2023  
Sheet E100 – Overall Site Plan – Dated, 08/01/2022; Revised through, 11/18/2022; Received, 12/20/2023  
Sheet E200 – Oneline Diagram – Dated, 08/01/2022; Revised through, 11/18/2022; Received, 12/20/2023  
Sheet E450 – Labels – Dated, 08/01/2022; Revised through, 11/18/2022; Received, 12/20/2023  
Tax Map – Map 69 – Dated, 04/01/2021; Revised through, no date; Received, 04/07/2023

Other documents submitted consist of the following:

Pre-Application –03/09/2023  
Site Plan Application –04/07/2023, 12/20/2023  
Plans – 03/09/2023, 04/07/2023, 12/20/2023  
Letter of Financial Capacity -04/07/2023  
**Preliminary Stormwater Management Plan – 03/20/2023**  
Gorham Town Planner Comments – 04/25/2023, 12/19/2023  
Gorham Assessor Comments – No comments  
Gorham Fire Chief Comments – 03/22/2023, 04/18/2023, 12/21/2023  
Gorham Public Works Director Comments – No comments  
Gorham Code Enforcement Officer – No comments  
Gorham Stormwater Comments – 12/28/2023  
Wright-Pierce – 04/24/2023, 12/28/2023

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

The Planning Board, following review of the Site Plan Application Amendment, 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.

CHAPTER 4, Section 9 – Approval Criteria and Standards

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

The applicant is proposing to construct approximately 8.77 acres of 700 kW ground-mounted photovoltaic solar array and associated infrastructure including a chain link perimeter fence.

The construction will be on the portion of the property that is outside of the existing woodland and within an existing relatively flat meadow.

*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 practical.*

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.

Access to the site is via Dyer Road, which is off Huston Road. Dyer Road is a public way and Huston Road is considered a collector by the Maine Department of Transportation.

There will be very little additional vehicle trips proposed with this project.

*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.

There is an existing thirty (30) foot access easement to gain access to this parcel.

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

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 parcel has a thirty (30) foot access easement but with no driveway constructed within it.

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 internal gravel drive will be utilized for pedestrian movement onsite.

Finding: *The layout of the site provides for a system of pedestrian circulation within and to the development.*

F. Storm water 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.

Stormwater Management will be carried out in compliance with the Best Management Practices detailed in the Maine Construction General Permit and the Stormwater Management Plan. A Stormwater Permit by Rule will be submitted to the Maine Department of Environmental Protection.

Additional information is needed to demonstrate that stormwater will be adequately managed, including by using a 15” minimum culvert size, and addressing other issues discussed in the 3<sup>rd</sup> party engineering peer review by Wright Pierce.

Finding: *The site has adequate provisions 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.*

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 Erosion Control Plan and associated Best Management Practices will comply with the “Maine Erosion and Sediment Control Handbook for Construction: Best Management Practices,” Maine Department of Environmental Practices.

Additional silt fencing is required on the downgradient (eastern) portion of the access road.

Finding: *The project, building, and site designs and roadway layouts will fit and utilize existing topography and desirable natural surroundings to the fullest extent possible.*

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.



Water supply is not proposed for this project.

Finding: *This development does not require drinking water, so this standard does not apply.*

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.

Sewage disposal is not proposed for this project.

Finding: *This development does not require sewage disposal, so this standard does not apply.*

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

The facility will need to be served by underground electric power. Telephone service is not proposed.

Finding: *The development will be provided with electrical and telephone service adequate 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 proposal requires no clearing of trees to construct the facility, the proposed accessway, or storm water infrastructure.

The existing canopy trees and understory located on the will remain undisturbed.

Finding: *The landscape will be preserved in its natural state insofar as practical by minimizing tree removal, disturbance and compaction of soil, and existing vegetation will be retained insofar as 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 applicant will be treating storm water and the solar array itself should not impact the groundwater table on site.

Finding: *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.*

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: *Exterior lighting is not necessary for this project. Therefore, this standard does not apply.*

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 wastes.*

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.

A row of trees will provide a landscape buffer on the southern and western sides of the project.

Finding: *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.*

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.

The lot is not located in a Shoreland Overlay District.

Finding: *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.*

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

The applicant has submitted a letter from Zach Burdick, Vice President, Business Banking Manager of First Western Bank & Trust dated March 28, 2023 which identifies it has the financial capacity to complete the project.

Finding: *The applicant has demonstrated that it has the financial and technical capacity to carry out the project in accordance with this 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 is proposing to leave the existing trees located to the eastern portion of the property to screen the development from the abutters in that direction. The applicant has provided additional tree buffer along the opposite property line nearest to the residential home.

*Finding: The development will provide for buffering of adjacent uses where there is a transition from one type of use to another use and 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 60 dBA daytime (7 a.m. - 7 p.m.) and 50 dBA nighttime (7 p.m. - 7 a.m.).

*Finding: The development will comply with the A-weighted hourly equivalent sound level limits of 60 dBA daytime (7 a.m. – 7 p.m.) and 50 dBA nighttime (7 p.m. – 7 a.m.).*

### **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 or Minor Site Plan Review Committee, except for minor changes which the Town Planner may approve.
2. Prior to the commencement of construction of the site plan, the applicant is responsible for obtaining all required local, state and federal permits.
3. Any staff and peer review comments shall be addressed prior to the Board signing the plans.
4. That the applicant shall provide property line information and site information in auto-CAD format to the Town Planner prior to the pre-construction meeting.
5. All waivers and variances will be listed on the site plan prior to recording.
6. The map and lot numbers shall be listed in the bottom right corner of all pages of the plan set.
7. That any proposed use on the site shall meet the sound level requirements outlined under Chapter 4, Section 9, T. Noise.
8. That the E-911 address shall be established for the site and the address shall be properly posted.

9. That the underground electric lines shall be inspected by the Code Enforcement Office prior to backfill.
10. The snowmobile trail will be re-routed around the solar array.
11. Prior to the pre-construction meeting the applicant will establish a rider that benefits the town of Gorham to the decommissioning bond required by the State DEP;
12. Prior to the pre-construction meeting the applicant will establish the following: a performance guarantee totaling 150% of the costs to complete any off – site construction and an escrow for field inspection meeting the approvals of Town Staff and the Town’s Attorney;
11. 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
12. That no approved site plan or Decision Document shall be released for recording at the Registry of Deeds until the required performance guarantee has been posted for offsite public improvements.
13. The applicant shall provide a performance guarantee for an amount adequate to cover 125% of the total construction costs of all remaining site improvements not completed prior to issuance of a temporary or final occupancy permit. The applicant shall complete all required improvements as soon as possible but the remaining improvements are required to be completed within a year from issuance of the temporary occupancy permit.
14. 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.
15. That the Planning Board Chair is authorized by the Planning Board to sign the Findings of Fact on behalf of the entire Board; and
16. That these conditions of approval must be added to the site plan and the site plan shall be recorded at the Cumberland County Registry of Deeds within thirty (30) days of the date of written notice of approval by the Planning Board, and a dated copy of the recorded site plan shall be returned to the Town Planner prior to the pre-construction meeting.
17. If the approved plan or Decision Document is not recorded in the Registry of Deeds within one (1) year of the original approval, it shall become null and void.

**SUGGESTED MOTIONS:**

**MAJOR SITE PLAN APPROVAL:**

**Move to grant Novel Energy Solutions, LLC request for major site plan approval for 8.77 acres of 700 kW ground-mounted photovoltaic solar array and associated infrastructure off Dyer Road on Map 69 Lot 1-1 in the Urban Residential Expansion (UR Expansion) zoning districts, based on the Findings of Fact as written by the Town Planner (and modified and conditioned by the Planning Board).**

**TO POSTPONE APPROVAL:**

**Move to postpone further review of Novel Energy Solutions, LLC request for major site plan approval pending responses to remaining issues (and revisions to the plans).**

**TO CONSENT AGENDA:**

**Move to send to the next available Board meeting on Consent Agenda.**