

**Town of Gorham
 Planning Board Meeting
 July 10, 2023**

ITEM 4 – Public Hearing - Site Plan - Cross Town Energy Storage, LLC – Battery Storage Facility – Site Plan Review: Cross Town Energy Storage LLC. – a request for site plan review amendment for a 175 MW battery energy storage system, associated substation equipment, and a short generation tie line to the existing 115KV Mosher’s substation at 61 Hutcherson Drive in the Gorham Industrial Park. The lot is currently zoned Industrial (I). The lot is shown on Map 12, Lot 22-1. The property totals approximately 13.2 acres.

The current property owner is Peter Holmes. The applicant is Cross Town Energy Storage, LLC. The applicant is represented by Norm G. Chamberlain II, P.E. of Walsh Engineering, Inc.

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PROJECT TRACKING

DESCRIPTION	COMMENTS	STATUS
Pre-Application (optional)		December 6, 2021
Site Walk	The Planning Board held a site walk.	December 16, 2021
Public Hearing	The Planning Board approved the plan.	April 4, 2022
Public Hearing		July 10, 2023

The following staff notes are written to assist the Applicant with compliance to the Town of Gorham Land Use Development Code and may not be all inclusive of project requirements. Staff notes are review comments and recommendations prepared by the Town Planner and, if applicable, the Town’s peer review consultant, regarding applicability to The Gorham Land Use Development Code and standard engineering practices.

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

Jim Anderson, Chair, Gorham Planning Board

1. OVERVIEW

The applicant had a pre-application meeting with the Planning Board on December 6, 2021 and a site walk was held on December 16, 2021. The Board approved the Site Plan on April 4, 2022.

This is the first time this amendment has come before the Planning Board. The amendment is proposed due to the need to pre-load the site because of the soil conditions. The slope created will increase the footprint of the project.

As a reminder, private utility projects are reviewed under Chapter 4: Site Plan Review. The item has been advertised as a public hearing. The applicant is represented by Norm G. Chamberlain II, P.E. of Walsh Engineering, Inc.

2. ITEMS OF NOTE

- a. An amendment to the Site Location of Development permit will be submitted to Maine DEP as well as a Tier 3 NRPA wetland permit.
- b. Area is located in the MS4 ME DEP regulated urbanized area.
- c. Staff has included an aerial photograph for the Planning Board's review of the project. The aerial photograph is from Google Earth and was taken in May of 2016.

3. AERIAL PHOTO

An aerial photo sourced from Google Earth showing the project area is included below.



4. STAFF REVIEWS

Assessing Department: No Comment

Code Department: No Comment

Fire Department: 6/26/2023

I have reviewed plans that were submitted dated June 16, 2023

No New requirements

Gorham Fire may have more requirements as this project progresses in Planning process.

Planning Department: No comment

Police Department: No Comment

Public Works Department/ Stormwater: No Comment

Engineering - Wright Pierce: 07/05/2023

As requested by the Town of Gorham, Wright-Pierce has reviewed the Major Site Plan Amendment Application for the proposed Battery Energy Storage System project by Cross Town Energy Storage, LLC. The Applicant proposes to construct a Battery Energy Storage System (BESS) to be located on a 13.2± acre industrially zoned parcel known as 61 Hutcherson Drive, within the Gorham Industrial Park. The property is identified by the Town of Gorham Tax Assessor's as Map 12, Block 22, Lot 1. The Cross Town Energy Storage Project will consist of a 175 MW BESS, associated project substation equipment, and a short overhead generation tie-line to the existing Central Maine Power (CMP) 115kV Moshers substation. The review included reviewing applicable comments/responses from our first review back in February 2022, which were included in a response from Walsh dated March 12, 2022. We had previously held our review of Walsh's response because we were waiting on additional responses related to Stormwater Management (they had indicated they would respond to our comments after the receipt of comments from Maine Department of Environmental Protection, DEP).

Documents Reviewed by Wright-Pierce

Major Site Plan Amendment Application with Supporting Documents - Prepared by Walsh Engineering Associates, Inc. (June 16, 2023), including Site Plans - Prepared by Walsh Engineering Associates (stamp dated June 9, 2023)

Review Comments

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

General/Completeness

1. The Applicant has noted an amendment to the existing Site Location of Development (SLODA) permit and Natural Resource Protection Act (NRPA) permit will be submitted to the Maine DEP.
2. Applicant to forward permit approvals to the Town upon receipt.
3. Snow storage locations should be shown on the plans.
4. On Sheet C2.3, there are references to Cross-section 1 and Cross-section 2 on Sheet C2.4; however, there is no Sheet C2.4 in the plan set.

General Standards of Performance

No comments.

Site Plan Review

1. Stormwater Management

- a. Access to the underdrain at the bends is recommended in the form of clean outs, in particular the bend with an invert of 119.15.
 - b. A Stormwater Report Executive Summary has been submitted. While the project is subject to review by the Maine DEP for conformance with Chapter 500 Basic, General, and Flooding Standards, we would still like an opportunity to review the full stormwater management plan and calculations since it appears the proposed amendment substantially changes stormwater management at the site.
 - c. The site is located within the MS4 Urbanized Area and is therefore subject to Chapter 2 Post-Construction Stormwater Management of the Town's Stormwater Ordinance. The Stormwater Management Report (revised June 13, 2023) indicates an Inspection and Maintenance Plan is included as Appendix D of the Stormwater Management Report. Appendices of the Stormwater Management Report were not included in the Applicant's June 2023 submittal; therefore, the Inspection and Maintenance Plan could not be reviewed for compliance with the Stormwater Ordinance.
2. The surface shading/hatching on Sheet L1.1 should be updated accordingly to show areas to be paved versus areas to be gravel.

**TOWN OF GORHAM PLANNING BOARD
SITE PLAN REVIEW AND FINDINGS OF FACT
For
CROSS TOWN ENERGY STORAGE**

July 10, 2023

Property Owner: The property owner is Peter Holmes, 60 Hutcherson Drive, LLC, 401 Warren Avenue, Portland, Maine 04103.

Applicant: The applicant is Cross Town Energy Storage, LLC, 1237 9th Avenue, San Francisco, CA 94122.

Property: The lot is identified in the assessor database as Tax Map 12, Lot22-1, and is located at 61 Hutcherson Drive, Gorham, Maine 04038.

Consultant: Norm G. Chamberlain II, P.E., One Karen Drive, Suite 2A, Westbrook, Maine 04092.

Project Description: The applicant is proposing a 175 MW battery energy storage system, associated substation equipment, gravel drive, and a short generation tie-line to the existing 115KV Central Maine Power Mosher's substation.

Site Description: The site is approximately 13.20 acres in size with wetlands located on the north, west and south sides of the parcel. The vegetation on the lot is a mix of canopy trees and understory shrub type brush.

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

Zoning: Industrial (I)

Variances: None required at this time.

Pursuant to the Application:

Sketch Site Plan Review was held on December 6, 2021. A site walk was held on December 16, 2021. A Site Plan Review public hearing was held on April 4, 2022. The Site Plan Review Amendment hearing was held on July 10, 2023.

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:

Plan sheets:

Sheet 1 – Cover Sheet, Dated 2/18/2022; Revised through 6/16/2023; Received 6/16/2023
C1.1 – Site Plan, Dated 1/27/2022, Revised through 6/9/2023; Received 6/16/2023
C1.2 – Existing Conditions and Removals Plan, Dated 1/1/2022; Revised through 6/9/2023;
Received 6/16/2023
C2.1 – Erosion Control Plan, Dated 1/17/2022; Revised through 6/9/2023; Received 6/16/2023
C2.2 – Utility Plan, Dated 1/17/2022; Revised through 6/9/2023; Received 6/16/2023
C2.3 – Grading and Drainage Plan, Dated 1/17/2022; Revised through 6/9/2023; Received
6/16/2023
C3.1 – Site Details, Dated 1/17/2022; Revised through 6/9/2023; Received 6/16/2023
C3.2 – Site Details, Dated 1/17/2022; Revised through 6/9/2023; Received 6/16/2023
C3.3 – Site Details, Dated 1/17/2022; Revised through 6/9/2023; Received 6/16/2023
L1.1 – Landscape Plan, Dated 1/17/2022; Revised through 6/9/2023; Received 6/16/2023
D1.0 – Pre-Development Drainage Plan, Dated 1/17/2022; Revised through 6/9/2023; Received
6/16/2023
D2.0 – Post-Development Drainage Plan, Dated 1/17/2022; Revised through 6/9/2023;
Received 6/16/2023
D3.0 – Stormwater Treatment Plan, Dated 1/17/2022; Revised through 6/9/2023; Received
6/16/2023

Other documents submitted consist of the following:

Sketch Plan Application – 06/6/2019, 11/02/2021
Site Plan Review Application – 02/14/2022
Updates to the Site Plan Application – 02/23/2022
Site Plan Review Amendment Application – 06/16/2023
Plans – Received; 07/06/2019; 11/02/2021; 02/14/2022; 02/23/2022; 06/16/2023
Stormwater Management Report – 02/23/2022; 06/16/2023
Planning Board Letter, Response to Site Walk Questions – 03/22/2022
Gorham Town Planner Comments – 11/22/2021; 03/28/2022
Gorham Assessor Comments – No comments received.
Gorham Fire Chief Comments – 11/10/2021; 06/26/2023
Gorham Code Enforcement Officer – No comments received.
Gorham Public Works Director – No comments received.
Conservation Commission – No comments received.
Legal Review – No comments received.
Wright-Pierce Comments – 02/28/2022; 07/05/2023
Abutter Comments – E. Montalvo, 02/21/2021

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

The Planning Board, following review of the Site Plan 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 is proposing to construct a 175 MW battery storage facility with associated infrastructure on a site that is zoned Industrial and which has been recommended with the Town's Comprehensive Plan as a place appropriate for this type of construction.

The plans and written materials describe the location for construction as that of being away from areas that do not support this type of development.

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 Hutcherson Drive in the industrial park off Main Street. There are 5 vehicle trips per month proposed with this application. Both streets have the capacity to accommodate this level of increase in traffic.

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 proposed paved driveway is 24 feet wide and is located on the southern corner of the lot.

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 site provides for a two-way vehicle access throughout the parcel utilizing a 24 foot wide paved entrance and 20 foot wide lanes within the site. There is no parking proposed since there will be no employees onsite daily. The applicant states that the occasional maintenance vehicle will park along the internal network.

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 occasional maintenance personnel will utilize the internal paved network to walk around the site.

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

The Stormwater Management Report as revised through June 13, 2023, Sheets D1.0 and D2.0 show that stormwater quantity and quality will be treated via subsurface treatment utilizing crushed stone across the surface of the site, catch basins and drain-piping for emergency overflow, and natural attenuation via the existing wetland on the west side of the parcel.

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 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.

C2.1 shows a stabilized construction entrance, silt fencing, turf reinforcement matting, and catch basin inlet protection as methods to control sedimentation and erosion.

Finding: *The plan utilizes 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.

This project does not require drinking water since it will be unmanned.

Finding: *The development does not require drinking water and therefore this section 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.

This project does not require sanitary sewer since it will be unmanned.

Finding: *The development does not require sanitary sewer and therefore this section does not apply.*

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

As shown on C1.1, the project will utilize electrical distribution to serve auxiliary facilities such as heating and cooling equipment. The project will also require connection to internet and

telecommunications within Hutcherson Drive.

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.

Grading and blasting are limited to the eastern portion of the site to limit encroachment into the wetlands, as much as possible. The preload will require additional trees to be cut and wetlands to be filled adjacent to the previously proposed areas.

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 project will not utilize onsite sewage disposal or drinking water since it is an unmanned facility.

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.

Exterior lighting will be limited to security lighting at the access gate and limited fixtures within the facility for minimal lighting. The proposed lighting will be downward directed, dark sky compliant, motion sensor lighting in locations to limit neighboring adverse impacts.

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.

Construction debris will be disposed of in a rented roll-off container and will be removed and replaced as necessary. The everyday trash receptacles after construction will not be needed since this facility is unmanned. The occasional trash that collects onsite from neighboring properties will be removed as needed.

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.

L1.1 shows landscaping along the frontage of the parcel and neighboring parcels.

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.

This project is not located on the shoreline of a water body.

Finding: *The development is not located on the shoreline of body of water. Therefore, this section does not apply.*

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.

Financial capacity has been demonstrated.

Technical capacity is demonstrated by the hiring of Walsh Engineering Associates, Inc. for civil engineering, as well as Albert Frick Associates for wetlands delineation and functional assessments.

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 development will be buffered using landscaping along Hutcherson Drive and will plant addition vegetation within the wetland area that was removed previously.

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 Dudek noise analysis dated February 18, 2022 and received on February 23, 2022 states that the noise emission from operation of the total suite of proposed equipment as modeled at each corner of the property boundaries as well as at least one point along each side of the property boundaries will not exceed the ordinance requirements.

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 or Site Plan Review Committee, 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. This parcel is located within the DEP MD4 Urbanized Area and the applicant will need to provide yearly inspection reports to the town;
4. Map and Lot number shall be added to the bottom right corner of each plan.
5. All staff and peer review comments will be addressed prior to the Planning Board's signature;
6. All conditions of approval shall be listed on the site plan to be recorded;
7. That any proposed use on the site shall meet the sound level requirements outlined under Chapter 4, Section 9, T. Noise;
8. An Emergency Response plan that meets the needs of Gorham Fire and Police Departments will be developed prior to pre-construction meeting;
9. A Lock Box will be installed on the access gate;
10. The project needs to meet NFPA 855 - Standard for the insulation of energy storage Systems (2020 ed.) including all appendixes, as well as NFPA 1 (2018 ed.);
11. That prior to the pre-construction meeting, the applicant will establish the following: an escrow for field inspection meeting the approvals of Town Staff;
12. That prior to the pre-construction meeting a decommissioning bond will be established;
13. 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;
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 site plan shall not be released for recording at the Registry of Deeds until the required performance guarantee 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;
16. That the Planning Board Chairman is authorized by the Planning Board to sign the Findings of Fact on behalf of the entire Board; and
17. 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.

SUGGESTED MOTIONS:

FOR SITE PLAN APPROVAL:

Move to grant Cross Town Energy LLC request for site plan amendment approval to construct a 175 MW battery energy storage system, associated substation equipment, and a short generation tie-line to the existing 115KV Mosher's substation located at 61 Hutcherson drive on Map 12 Lot 22-1 in the Industrial zoning district with Findings of Fact and Conditions of Approval as written by the Town Planner (and modified this evening by the Planning Board).