

**Town of Gorham  
Planning Board Meeting  
November 2, 2020**

**ITEM 3** – Public Hearing - Site Plan Review – Gorham Solar 1, LLC - a request for approval to construct a 5.0 MW solar energy generating array with associated equipment, and gravel access drive. Zoned Suburban Residential (SR), Map 8, Lot 40. Applicant is self-represented.

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**PROJECT TRACKING**

DESCRIPTION	COMMENTS	STATUS
Pre-Application (optional)	<b>The Planning board discussed parking requirements, solar power, looped road and the appearance of the new building looking into the site from School Street.</b>	<b>November 2, 2020</b>
Public Hearing		<b>November 2, 2020</b>
Site Walk	<b>None held</b>	

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.

*George H. Fox, Chairman, Gorham Planning Board*

**PLACE MAP AND LOT NUMBER IN 1/4" HIGH LETTERS AT LOWER RIGHT BORDER OF ALL PLAN SHEETS.**

## **1. OVERVIEW**

The applicant is requesting approval to construct a Solar Ground-Base Photovoltaic Array with associated equipment, a chain link fence and gravel drive access.

The applicant is self-represented.

## **2. WAIVER REQUEST**

No waivers are requested.

## **3. ITEMS OF NOTE**

1. Public Hearing: This item is on for a public hearing, which will require the Planning Board to open the item for public comment.
2. The sight distance for the access driveway has not been provided.

## **4. STAFF REVIEWS**

**Planning Department:** October 28, 2020

- Application complete 10-2-2020
- Detail on how electrical will be buried is needed
- Detail sight distance on site plan of existing drive
- Detail of existing “road”
- Wetland located on property
- Future Land Use Map = South Gorham Crossroads
- Currently Zoned Suburban Residential (SR)
- Contact the Gorham Conservation Commission about trail access across the site

**Assessing Department:** No comments

**Code Department:** October 7, 2020

1. Make sure that the wetlands and vernal pools are clearly marked.
2. Must maintain all BMPs measures
3. Must see all underground electrical before backfilled.
4. Must have a building permit for all the parcels.
5. The driveway has two dwelling units. They will need to name the driveway.

**Fire Department:** October 2, 2020

### **MAP 8 Lot 40**

I have reviewed the submitted plans 135 Brackett Street Solar Project and have the following requirements or Questions

1. NFPA 1 - 18.2.3.5.1.1 requires an unobstructed width of not less than 20' road way. This appears to be met at this time.
2. The proposed turn arounds need to be 50' long 20' Wide there are 2 of them
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. The plans show cabinets at this time. If changes will need to look at.
4. Gate? If a lock is placed on the gate to the access road there shall be a Lock Box attached to the gate and a key in the box for Fire Department access to the site. Cost of lock box \$ 90.00 +/- app.
5. Any hazardous materials used or stored on the project we need MSDS sheets for any product. IE: Battery Acid.
6. Have we resolved to Name of the Driveway to the Houses and solar farm? It is not showing on the plans.

No other comments at this time.

**Police Department:** No comments

**Public Works Department/Stormwater Compliance Officer:** September 8, 2020

Site plans indicate that no wetlands will be filled in as part of the project and impervious surface calculations are based on the solar panels, which still allows water to drain into the ground. A watershed assessment of the site indicates that the wetlands found on the west side of the property drain into a branch of Indian Camp Brook. Please make sure all stormwater/erosion control BMPs are followed as per the plans and the Maine Erosion Control Manual, to avoid any sediment from entering these sensitive areas. Filtration barriers (ie. silt fences and berms) may be needed on the west side of the gravel access driveway, adjacent to the wetlands.

Matt LcCroix

**Woodard & Curran:** October 23, 2020

Woodard & Curran has reviewed the Site Plan Application for the Brackett Road Solar Project to be located at 135 Brackett Road, in Gorham, Maine. We have reviewed the project for compliance with the applicable Town of Gorham Land Use and Development Codes and General Engineering practices. The proposed development will consist of a 4.990-Megawatt (AC) ground-mounted solar electric generating facility. The following documents were reviewed:

- Site Plan Application and attachments, dated September 28, 2020, prepared by Gorham Solar 1, LLC, c/o Borrego Solar Systems, Inc.
- Engineering Plans, Sheets 1-4, dated September 28, 2020, prepared by Borrego Solar Systems, Inc.

We provide the following comments:

### **General Civil Engineering**

- The Applicant has indicated that a Stormwater Permit By Rule (PBR) Application will be submitted to the Maine Department of Environmental Protection (DEP). However, from our experience, it is common for area under the solar panels to be considered developed area as defined by Maine DEP Chapter 500 Stormwater Rules, which would cause the project to need further permitting to meet the requirements of the Maine Stormwater Law. The Applicant should confirm the requirements that are applicable to this project with Maine DEP and provide documentation to the Town that the DEP requirements have been met.
- No wetland disturbances are proposed in this project. However, solar panels are proposed within 250 feet of a vernal pool as shown on Sheet C-2.0. According to the Significant Wildlife Habitat Rules (Chapter 305) of the Maine Natural Resources Protection Act (NRPA), a PBR is required for any activity occurring in, on, or over a significant vernal pool habitat (including the area within 250 feet of the spring or fall high water mark of the vernal pool depression). The applicant should provide the Town with a copy of the wetland and natural resources assessment completed for the parcel. The Applicant should confirm the requirements that are applicable to this project with Maine DEP and provide documentation to the Town that the DEP requirements have been met.

### **Chapter 4 – Site Plan Review**

#### **Section 4-9 – Approval Criteria and Standards**

- Please provide the following information regarding Stormwater Management (Section 4.9 F):
  - The Applicant has provided engineering calculations demonstrating pre-development and post-development cumulative runoff curve numbers are similar, and therefore, expected stormwater runoff from the site under proposed conditions will be similar to the existing conditions. The Applicant should provide engineering calculations demonstrating post-development peak runoff rates do not exceed pre-development rates. If post-development peak runoff rates exceed pre-development runoff rates, the Applicant should provide onsite stormwater detention or written easements from the abutting property owners receiving increased stormwater discharge from the Site.

Please contact our office if you have any questions.

**Portland Water District:** No comments

**Town Attorney:** No comments

**TOWN OF GORHAM PLANNING BOARD  
SITE PLAN AND SUBDIVISION AMENDMENTS REVIEW REPORT AND  
FINDINGS OF FACT  
For  
Gorham Solar 1, LLC**

**November 2, 2020**

Applicant/ Property Owner: The property owners are Eugene C. & Shirley Bibber and the applicant is Gorham Solar 1, LLC, Borrego Solar Systems, Inc., 55 Technology Drive, Suite 102, Lowell, MA 01851.

Property: The lot is identified as Tax Map 8, Lots 40, and located at 135 Brackett Road, Gorham, Maine 04038.

Consultants: Borrego Solar Systems, Inc.; David M. Albrecht, Licensed Engineer #10729.

Project Description: This proposal is to construct a Solar Ground-Base Photovoltaic Array with associated equipment, gravel access, and perimeter fencing.

Site Description: The site is approximately 99.19 acres in size and has road frontage along Brackett Road. The lot is served by overhead utilities.

The site currently has two houses on it.

Applicability: The applicant's proposal requires site plan review because it involves new non-residential construction.

Zoning: Suburban Residential (SR), Public and private utilities are allowed within this zoning district.

Variances: None required.

Waivers: None requested.

Pursuant to the Application:

A Pre-application discussion was held on November 2, 2020.

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:

Borrego Solar Systems, Inc. plans (the plans) prepared by David M. Albrecht P.E. consist of the following:

Sheet T-1 – Title Page – 09/29/20  
Sheet C-1.0 – Existing Conditions Plans – 09/29/20  
Sheet C-2.0 – Layout and Materials Plan – 09/29/20  
Sheet C-3.0 – 09/20/20

Other documents submitted consist of the following:

Sketch Plan Application – 09/29/20  
Stormwater Management Plan – 09/29/20  
Letter of Financial Capacity – James Kim, Vice President, Bank of the West – 09/29/20; Thad Garrison, Director, Citibank – 09/29/20  
Letter of Technical Capacity – CES, Inc. – 09/29/20  
Maine Department of Inland Fisheries & Wildlife – Becca Settele, Wildlife Biologist – 09/29/20  
Maine Department of Agriculture, Conservation & Forestry - Kristen Puryear, Ecologist – 09/29/20  
Maine Historic Preservation Commission, Kirk F. Mahoney – 09/29/20  
Erosion and Sedimentation Control Plan – 09/29/20  
Major Component Data Sheets – 09/29/20  
Gorham Town Planner Comments – 10/28/20  
Gorham Assessor Comments – No comments  
Gorham Fire Chief Comments – 10/02/20  
Gorham Code Enforcement Officer – 10/07/20  
Gorham Police Chief – No comments  
Gorham Public Works – 09/08/20  
Woodard & Curran – 10/23/20  
Abutter Comments – 10/26/20, owner of Map 8, Lot 39 (on Google drive)

#### **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 Brackett Road. The proposal is for a very limited number of vehicles accessing the site per year.

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 20 foot gravel driveway entrance off Brackett Road.

The driveway has a sight distance of [redacted] looking north and [redacted] 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 Permit by Rule Application to the Maine Department of Environmental Protection. The applicant will comply with the Town of Gorham's requirements for stormwater management.

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 Civil Detail plan that includes provisions for mulch tube, erosion control berm, and silt fence.

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.

A water supply is not proposed nor is it necessary for this development. Therefore, this requirement does not apply.

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.

Onsite septic system is not proposed for nor is it necessary for this development. Therefore, this requirement does not apply.

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 underground and overhead power.

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 plan, C-2.0, removal of much of the canopy and understory necessary for the construction. Minor grading will occur to construct the gravel access drive and electrical equipment pads. The location of the solar racks will follow the topography of the site.



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.

The applicant has not provided a lighting plan nor is it necessary for this type of development. Therefore, this requirement does not apply.

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.

The waste disposal hauler has not been determined nor is it necessary for this type of development. Therefore, this requirement does not apply.

No 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 not submitted a landscaping plan per se, since there are existing canopy trees and understory. The applicant states they are leaving a buffer along the property lines to define street edges and protect the abutting property owners for adverse impacts.

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.

The development is not located near a water body or shoreline. Therefore, this requirement does not apply.

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 Appendix C that Bank of the West and Citibank will provide financing, and CES Inc. has provided site plan preparation assistance.

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 not submitted a landscaping plan per se, since there are existing canopy trees and understory. The applicant states they are leaving a buffer along the property lines to screen the abutting property owners.

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 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. 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. The site plan will be amended to add the sight distance in both directions along Brackett Road.
9. The driveway shall be named.
10. 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;
11. That the Planning Board Chairman is authorized by the Planning Board to sign the Findings of Fact on behalf of the entire Board; and
12. 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:**

**TO POSTPONE APPROVAL:**

**Move to postpone further review of Gorham Solar 1, LLC request for site plan approval pending responses to outstanding ordinance requirements (and finalizing revisions to the plan or application).**

**TO PLACE THE ITEM ON THE CONSENT AGENDA:**

**Move to place the item on the consent agenda pending the submission of responses to outstanding ordinance requirements.**