

12/16/20

STAFF REVIEW COMMITTEE NOTES

Staff present: Jay Astle, Public Works Director; Matt Panfil, Director of Planning and Development; Jared Woolston, Town Planner; Julie Erdman, Codes Enforcement Officer, Ryan Barnes, Town Engineer; Rob Pontau, Sewer District Engineer; Jeff Emerson, Deputy Fire Chief; Taylor Burns, Director of Assessing

Non SRC Staff Present: Fran Smith, Town Clerk; Ryan Leighton, Assistant Town Manager

Applicants Present: Joe Marden, Sitelines

Public Present: Greg Hastings and Tom Dunham, co-owners of abutting former Times Record Building

Case #20-065 BR31 Solar Project: The Staff Review Committee will review and provide a recommendation to the Planning Board on a **Sketch Plan** application submitted by Walsh Engineering Associates, Inc. for TPE ME BR31, LLC for a renewable energy generating facility on Old Portland Road (Map 13, Lot 12). The subject parcel is located within the **Rural Mixed Use (RM) Zoning District** and contains the **Shoreland Protection Overlay Stream Protection Subdistrict (SPO-SP)**.

Silas Canavan: Michele Carpenter and Jordan Belknap are also here they are part of the Turning Point Venture group.

Jordan Belknap: Director of Development with Turning Point Energy. We are the applicant on this project. Turning Point does ground mounted solar. We have a number of projects we are working on in Maine. We do primarily community solar projects where customers of the utility can sign up and save on their electrical bill by participating in the project. Michelle is also with us.

Michelle Carpenter: Yup, here as well, working on this project.

Silas: The parcel is located on the Old Portland Road, the site of the old Brunswick Drive-In. The site itself is about 16.6 acres in size. It is accessed off of Old Portland Road. It abuts residential projects to the east and open space to the north. It abuts some residential parcels to the northwest. There are not many trees on the site, there are some mature trees around the edges. Those trees will be cleared for the array to prevent shading. The hatched lines indicate some drainage that was constructed for the drive-in theater. There are also a few wetlands that are scattered throughout the site. There is also a stream that is just north of the property to the north., That stream creates a shoreland zone that is 75 feet that you can see indicated on the map. Stormwater generally flows away from Old Portland Road and some of the site enters ditches and flow of the back. There is not much for ditching and drainage on the Old Portland road so most of that runoff comes onto the site. The proposed site is a large-scale ground-mounted solar which is a conditional use in this zone. Each of these rectangles is a ground mounting racking system for the panels. The panels fill the majority of the site. The panels and the electrical equipment will be completely surrounding by chain link fence. We are proposing some vegetative buffering along the east side and along the Portland Road. We are proposing green giant arborvitae which is beneficial because they are year-round trees, deer resistant, and fast-growing. They are able to be hedged at the top, so that they can be prevented from getting too tall and throwing shade on the array. There will be some wetland impact. The black hatched areas are where wetlands will be impacted to make the project feasible. However, they are relatively small areas and a small part of the project. There will be no shoreland zone impacts by the area; however, there will be some tree cutting done in the shoreland zone. We will follow the zoning and point system for cutting trees in the shoreland zone. From a stormwater prospective, we have not entirely dug into that but we are starting the process of our stormwater modeling. Generally, the site will be stripped, there will be some minimal regrading. It will promote more sheet flow and we will flatten out these ditches. The area will be returned to meadow conditions,

being mowed twice a year. It is our opinion that the meadow is self-treating for storm water treatment as per DEP standards. Once we dig into, if there is a requirement to treat the area around the pad and the road, will do that and provide additional vegetative buffer and a small level spreader. So a pretty basic approach. And stormwater flows away from Portland Road so we don't see it being an issue with stormwater flowing into the road. In terms of utilities, we will tie into the overhead electrical system. It will be a three-phase system by CMP. That is typically done by CMP. We can try to find information on how soon that will be done. That's about it for utilities, there is no sewer, no water, no site lighting and no signage proposed. Other permits required: a DEP stormwater permit by rule because we are above an acre of disturbance but less than one acre of impervious. We will need a DEP tier-1 NERPA permit because we are above 4,300 square feet of wetland impacts. In this we have about 9,000 square feet of wetland impacts. We likely have to file a NERPA PBR for the tree clearing in the shoreland zone. Requires an Army Corps of Engineers general permit for the wetland impacts and a Maine DOT entrance permit for access off of Route 1. We did have a preliminary conversation with the Town Engineer, Ryan, and provided information to him, but we will continue that discussion as design progresses. We also reached out to the fire department and they did not have any comments. We are happy to work with any department on the project going forward.

Jared: This is a Sketch Plan, when they come back for final they will have to submit a conditional use permit for this renewable energy generating facility for a large scale solar array. That's the only comment I had. Staff comments?

Taylor Burns: I don't have anything further, I have already worked with someone on addressing.

Matt Panfil: No comments, it looks like the equipment pads will be pretty well screened and there's sufficient buffering between the residential units.

Dennis Wilson: I did have a concern about your evergreen choice, they are not salt tolerant. Especially along route 1, they will burn with any kind of salt spray that comes off the highway there, so you might want to think about a different choice there. They are also a food source, especially on the lower branches for rabbits and mice, so you might want to think about putting shrubs in front of them to mask that.

Silas: Ok, thank you.

Jared: If you want to bounce some of the landscaping plans over here, we can run them by Dennis.

Silas: Ok, great.

Chief Stewart: No comment.

Julie Erdman: I will just want to see a copy of the cutting plan in the shoreland zone.

Jeff Emerson: Access off of route one, would it be gated?

Silas Canavan: Yup, it would be gated and there would be a Knox Box for police or the fire department to be able to access.

Jeff Emerson: Yeah any of the Knox appliances would work and are fine for us. Another question more than a concern. I wonder what the codes say about access within the site, do they require access lanes of travel of specific dimensions within the site?

Silas Canavan: Yeah, so typically we provide 10-foot lanes of travel around the site. As far as I know there are no codes requirements for circulation within the site. Typically, we use gators and thing to access the site for maintenance. Jordan, anything to add?

Jordan Belknap: As far as the electric codes goes, there is a requirement that the racking and electrical panels are 10 feet away from the fence. All the panels that you are seeing are 10 feet away from the fence and you don't need to ground the fence essentially. That will always be observed, typically we will leave a little more room on one side, so even though we are not building a full road, there is the ability to maneuver within the site.

Jeff Emerson: How much space is there between the panels from row to row?

Silas Canavan: I think it's 6 to 7 feet.

Jordan Belknap: Yeah you can check that Jordan. We are trying to fill the space with as much power producing equipment as possible. Typically, there is 7 or 8 feet between the rows.

Jeff Emerson: It just looks like there's a lot of space that's being taken up without the ability to break through. I don't know if the electrical code addresses this, but sometimes when there's a density like this there is sometimes a requirement for a fire lane. I just want to make sure we aren't missing anything

Jordan Belknap: Ok, we'd be open to having a conversation off line about that with you, let us know.

Jay Astle: Silas, can you take a little more about the vegetation along the road right-of-way? Is the intent to clear right up to your property line and you would leave any vegetation up to there in the road right of way. Have you looked at that and is there any concern that the vegetation in the road right of way would prevent sun from reaching the panels? Is that going to be an issue?

Silas: We haven't nailed that down specifically yet. We need to go out there and look at tree height. There are a lot of white pines out there that are tall and that will have to come down, particularly on the southern side. We will need to survey the trees further to see exactly which trees need to come down.

Jay Astle: I'm just wondering so we don't get surprised after the fact. I don't see any issue with it really, and you do have the benefit of the utility lines being on that side of the street, so CMP will keep that vegetation low.

Ryan Barnes: Piggy backing on Jay's comment, it would be nice to know because we are the ones that get called when CMP starts clearing starts along that corridor. Looking at how the single-phase is set up right now, I don't see how they're not going to have to clear a good chunk of it. So, we just like to know what's going to happen so that at least had an opportunity to know about it. It is a pretty substantial run they'll have to do out there and a lot of it is pines that are pretty much right up to the single-phase. I'll just read into the record my comments that I had emailed you, I know you have already addressed some of them. Old Portland Road is a MaineDOT road, so entrance permits will have to go through them. If the project increases stormwater runoff to Route 1 then stormwater would have to be coordinated with MaineDOT, it's an old rule, but they are actually starting to enforce it. And I'd like to see a grading plan to see what you're planning for those sheet flow areas. I haven't had a chance to look at the most recent application, but I will get comments to you by the end of the week. DOT will be paving Old Portland this summer, so if you have any utility work to do under the road, you will want to coordinate with DOT prior to the end of the winter to not mess up new pavement.

Silas: Thanks, Ryan. That's good to know.

Rob Pontau: Well, they're going to have to extend a twelve-inch main up from Pleasant Street to the site of the project. Just kidding, I've got nothing.

Jared Woolston: This is a lot of information but good information for Planning Board.

Case #20-067 Brunswick Landing CDP Expansion: The Staff Review Committee will review and provide a recommendation to the Planning Board on a **Final Plan Common Development Plan (CDP) Amendment** application submitted by Sitelines for Anchor Property Holdings LLC to extend the Brunswick Landing CDP boundary across Map 40, Lot 80 (aka Brunswick Landing Subdivision Lot 28) and Lot 8. The subject parcel is located within the **Growth Mixed-Use 7 (GM7) Zoning District**.

Jared Woolston: I talked with Curt a little and he'd like to mix up the order of things on the agenda here and start with the CDP expansion. This is all for the same project.

Curt Neufeld: So I am representing the projects on behalf of a couple applicants at this point really. The properties are owned by one of Jim Howard's companies. The applicant for the self storage has a purchase-and-sale agreement, but before he can do his project, there would be a subdivision and we would like to extend the common development plan from the Admiral Fitch Side. The property has a housing area on the east side that also allowed for single-story homes, er-buildings. That's one of the reasons, we are proposing to extend the CDP, is because it would allow a single story building on that parcel which is allowed all the way up and down Admiral Fitch and on the other side. Since the use of the parcel is self storage that was a ready mechanism. I understand that there were some concerns from staff and Steve Levesque about introducing self storage which are generally plain looking buildings out there. But you will see from the application that the applicant is willing to set aside some areas for buffering and natural areas.

Jared Woolston: I see Roger jumped back on the call.

Rob Pontau: I'm sure that was for the last project because he lives in the subdivision right by the last project.

Jared: I will get in touch with him and see if he had any questions and try to get him to Planning Board.

Curt: So this is a google map aerial of the property. It is a wooded parcel and has storm drain and electrical on Anchor Drive, but it does not have water or sewer, so self-storage is kind of a good use without having to extend a lot of utilities. It's heavily wooded, so in lieu of having to dress up the building, we could maintain a nice buffer. I talked to Jared early today about doctoring up this plan. On this map, the areas that are in green are where we plan to maintain a wooded buffer, and this shape here would be a stormwater retention facility. Where necessary we can supplement on the border with homes with all season plantings. On the front of the project, we are planning to widen the area for access to the site and do some street tree plantings to create a miniature boulevard effect. There would be a monument sign out front which is consistent with the CDP signage, typically, those granite posts with signage in between. There would be security fencing, but where there is that dashed blue line, there would be a good-looking ornamental fence. And to the extent that they are visible, building one and two there could have an improved design there facing the road. Most of the building would not be visible, but we could make those as good looking as self-storage could be. The streetscape is natural vegetation right now, and we are planning to leave it that way partially because it is wetland and partially because it is an effective screen. So that ties into the project, but also addresses how the Common Development Plan would be stretched over here to provide some commonality in terms of signage and vegetation selections. So before we go further, I'd like to get feedback from staff with regards to the CDP extension, since that is what we are trying to do here.

Jared: So we are going with the CDP with some context since we are looking at the potential to bring in these storage buildings into the CDP to allow the project to go forward with the single story buildings in the form of

self-storage. To give you a little background on the CDP, before the 2017 ordinance, CDPs were only allowed in Brunswick Landing. Steve would know a little more about that since he was here. The CDP provides a framework to have common elements of design, landscaping, and some basic architectural consistency, characterized by a brief narrative outlining “new England style” architecture. For this project, the Staff guidance was basically that the project off of Admiral Harry Rich isn’t really a gateway type project, and I think that was the original intent of the CDP, to have that consistency along the gateways along Admiral Fitch and even along the Bath Road. And this project is set back from Admiral Fitch, so the guidance from staff was to maintain a nice buffer. If this is the type of project that you want to bring in that has a lesser architectural design standard then was envisioned for those gateway areas, and do everything you can to enhance the entrance to maintain some consistency. That said if you look at the amendments to the CDP over the years, there are several footnotes to the dimensional requirements for this type of activity. So, a project that was contemplated that wanted to be in the CDP could be considered for consistency but might need some nuance, a little different treatment, to further that common development goal. So, with that in mind, we are talking about reducing the requirements to allow single story buildings and to also get some consistency with design standards. So, who would like to take the first bite?

Steve Levesque: From MRRA’s perspective, we don’t have any objections to extending the CDP around Admiral Harry Rich, the name of which we changed from Anchor Drive because people kept stealing the signs. I think it makes sense, given the situation to extend the Common Development Plan. The only issue we have is design and visual impact, so if we can shield the facility from our roadways so that it is not visible, we would be supportive.

Matt Panfil: Yeah, once it’s in the CDP, it’s going to be subject to the other standards in the CDP, including roofline and siding standards, the landscaping discussion as well as the lighting standards. So as long as they’re aware of the additional design elements that need to be accounted for by entering the CDP and intend to meet those, I agree with Steve. The visual impact of self-storage is usually negative through it’s blank walls, but if they are willing to mitigate those, then I don’t see any particular issues.

Dennis Wilson: I like the landscape sketch plan, I think that you will need more than ornamental trees at the entrance to keep that buffer, such as elms, oak, things of that nature. If you’re going to keep that screen, when the construction starts and wind starts hitting those trees, you might start to see some fall down. You might want to think about keeping a few to maintain that border just in case that happens.

Curt Neufeld: Good point, thank you.

Julie Erdman: I don’t have any comments as it relates to the CDP.

Jared: As far as dimensional standards go, and I don’t know that you agree with this, I’d say that as of now, the buildings must meet the height requirements of the zoning district unless it is brought into the CDP.

Julie Erdman: Yup, I agree.

Chief Stewart: I don’t have anything.

Taylor Burns: I’m good.

Jay Astle: I’m good.

Jeff Emerson: I’m all set, same comments on access once it’s built.

Ryan Barnes: I don’t have anything on the CDP.

Rob Pontau: Nothing as far as the CDP.

Chief Stewart: What about security cameras?

Jared: ~~Yup.~~

Curt: Yes.

Curt: I think that answers my concerns. We are still going to work with staff in terms of implementing the CDP. In terms of the frontage and the entrance, you'd have the same signage and the commonality of the street trees. The CDP talks about **consistent** lighting, and we've gone with LEDs so I think we can meet those. The only area where we would have a little bit of discussion, **since, my thought it not to clear the frontage to the street – to maintain as much natural frontage as we can – certainly have street trees where it is clear – don't envision clearing existing vegetation just to create a vegetated front.**

Jared: That came up for the blue dog daycare – do we need to clear out the woods to create street tree consistency? – I think the decision came down to allowing the project to maintain an existing buffer but for the developed portion to require street trees – anybody else remember that or have other guidance for this?

Matt: If I remember correctly I think in general the emphasis has been on maintaining what is there and augmenting as necessary – I think certainly there is room for discussion – as far as lighting, I don't necessarily know what would be visible from the street but once inside that area there is room to work. I can't recall, but I think the general preference is that unless there is an undesired invasive species is to maintain what is there and try to augment wherever you can find areas.

Jared: Noticed the fence on the sketch plan – is that like the fences (i.e. granite and iron) on the other projects?

Curt: that was a fence for the key code for security. The others in the CDP are about 4-feet high and this would be 6-feet and pushed back into the site to allow cars to get into the site and use key code. Envision this being the same kind of fence: black ornamental.

Matt: The rod iron ornamental fence is only required along Bath Road. Obviously if you want to continue that theme onto this area, more than supportive, but only required on Bath Road.

Curt: talked to owners about upgrading the entrance but any security fence around the back would probably be chain link but the intent is to have an attractive façade / presentation, and then hide the rest with as much trees as we can.

Case #20-066 Self Storage Facilities: The Staff Review Committee will review and provide a recommendation to the Planning Board on a **Sketch Plan** application submitted by Sitelines, PA for Carmel Electric for self-storage facilities at Admiral Harry Rich Drive (Map 40, Lot 8). The subject parcel is located within the **Growth Mixed-Use 7 (GM7) Zoning District**.

Steve: Same comments for CDP. Screen from Admiral Fitch, that is the important part for us (MRRA)

Curt: We will give MRRA an opportunity to see the proposed buildings.

Steve: Matt (Panfil) is our new member on the MRRA design review committee

Matt: As far as expanding the CDP it makes sense. I think as long as we get the intent out of the CDP additional design elements, as far as self storage goes, this will be a product that doesn't have the same visual impact as we

see in town. Sounds like the applicant is willing to work to make the project as attractive or nonvisible as possible. I think that will be valuable.

Dennis: Nothing

Julie: Vernal pool? Will state look at that prior to development?

Curt: We are designing as if it is a significant vernal pool. We will work with Tim Forrester who observed it and if we are within an area that would impact it will get a permit by rule. We certainly won't know with final determination until the spring. The design is based on worst case scenario. We would file that PBR at the time of determination. Still need to design stormwater as well.

Julie: You want a chain link fence around the whole property and then an ornamental in the front?

Curt: Yes, pretty much.

Julie: Neighborhood protection standards apply here. You are in GM7 and GR1 is next door so you are supposed to have a 6-foot buffer along the lot line unless the Planning Board approves an alternative equivalent – that would be for 200 feet. I don't know if they would be okay with doing something wooded instead but it didn't look like there are a lot of plantings going along that property boundary line.

Curt: Okay thanks – will look into that.

Julie: Neighborhood protection hours of operation 7-11. And net site area calculated? Not sure it matters but density would be reduced.

Jared: There is a note on the subdivision plan with all reductions.

Julie: A public hearing at final is required which needs an extra fee.

Curt: A stormwater law permit will be required from DEP with a little over 2 acres

Steve: Obviously DEP is taking a harder look at these projects and want 100% mitigation – is that your plan?

Curt: We will not increase the flow from the site and keep within Chapter 500 rule.

Jared: What does that mean 100% mitigation?

Curt: Folks from the BACSE committee and others from the public have taken exception to any increase to the stormwater system and have appealed 1 project on a minor increase. Moving forward we are towing the line on no increase in peak flows from projects. We haven't calculated out how that will work on this site but that is the intent.

Jared: With no infiltration? That gets some of the environmental groups fired up even though it is LID (low impact development) – is that the intent as well?

Curt: Yes – and I don't know that we would get infiltration out there anyway there is shallow groundwater and wetlands.

Taylor: No address needed but we can go out when it is getting closer.

Ryan: Echo what Steve said. I think the concern is as part of the stormwater permit the receiving entity, whether it is the municipality or state, or in this case private, that the entity approves the increase. In this case, they (MRRA) are asking not be done. Typically we do not allow an increase to the town system just because it is not designed for that.

Do you know which way it will be graded yet – drainage direction?

Curt: Harry Rich is on assuming drainage goes that way. When DEP permitted Woodland Village it was modeled as heading out there and the stormwater calculations will probably be out there. When we have a soil scientist look at it these are either A or D soils.

Ryan: These may be A soils with D limits (sand with high water table). Infiltration may not be an option.

Point out the agent letter only authorizes CDP and subdivision line you may want to look at the subject line. I ended up in court for that.

Curt: Will look at that. Part of the reason is the applicant had not setup the LLC but has now.

Curt: In terms of traffic, any interest in doing something more than breaking out the ITE manual?

Ryan: These have such minimal and off-peak development I'm not worried about traffic generation from it.

Rob: It's actually a perfect spot for self-storage because utilities in that area are not great. That works for us.

Curt: There is water out there and a hydrant so that is covered.

Steve: we just put in a new hydrant.

Jeff: Looked at road widths and will work with you.

Case #20-068 Brunswick Landing Subdivision Amendment: The Staff Review Committee will review and provide a recommendation to the Planning Board on a **Final Plan Subdivision Amendment** application submitted by Sitalines for Anchor Property Holdings LLC to adjust the lot dimensions in the Brunswick Landing subdivision between Map 40, Lot 80 (aka Brunswick Landing Subdivision Lot 28) and Lot 8. The subject parcel is located within the **Growth Mixed-Use 7 (GM7) Zoning District.**

Julie: Meets dimensional requirements

Steve: Supports it

Other staff: all set.

Jared: Anything else needed from SRC before Planning Board?

Curt: Do you prefer I add my color plans with street trees for planning board?

Jared: I don't think it's important for sketch plans but you are asking for final plan for the CDP – for the CDP yes. And clarify what you are doing for the fence. I thought you were doing fancy fencing and it sounds like maybe not.

Curt: Will clarify and will get net site area on the plan.

Jared: I think the net site area is on the plan – Melissa, is that on there?

Melissa: Yes, it is on the very last page of the package in the subdivision plan.

Meeting Adjourned.