

VASSALBORO PLANNING BOARD  
MINUTES  
OCTOBER 4, 2022  
VASSALBORO TOWN OFFICE  
7:00 P.M.

Board Members Present: Doug Phillips, Ginny Brackett, Marianne Stevens, Dan Bradstreet

Staff: Paul Mitnik, CEO

Public Kevin Reed, Rick Denico, Barbara Redmond, Mike Poulin, Pam Lemieux, Bernard Lemieux, Chris French, Linnea Ash, Jerry Hill, Suzanne Putman, Jenn White, Harla White, Chris Oteness, Kara Moody, Mary Grow

Minutes of September 2, 2022

The September 2nd Minutes were approved by motion of Doug Phillips, second by Marianne Stevens 4-0 with the following corrections:

P1 Change Planning Board name to Dan Bradstreet

P1 Discussion bottom of page Change winding to widening

P2 Standard 1 Seconded Change J Butler to J Phillips

P2 Standard 3 Motion by Change D Butler to D Bradstreet

1) Applications

a) Vassalboro PV, LLC

Kara Moody

Vassalboro Solar Project

Major Site Plan Review

Riverside Dr.

Map 4 Lot 4

Major Changes to PB Approved Site Review

Discussion

- Project scope smaller from 35 to 27 acres and from 4.6 to 3.3 mw and impervious area from 0.9 to 0.8 ac.
  - New short driveway added
  - Will Have fixed panels
  - Construction start spring 22023; completion by fall 2023.
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Application Complete:

A. The Final Plan shall be drawn to a scale of not less than one (1") inch equals (50') feet, and shall contain the following:

1. Name and address of owner and applicant.
2. Scale and north arrow.
3. Location, dimensions, and acreage of parcel to be built upon.
4. Existing contours at intervals of not more than ten (10') feet and proposed contours at intervals of not more than five (5') feet. The Board may require closer contour intervals depending on the nature of the project.
5. The size, shape, and location of all existing and proposed buildings.
  6. The location and dimensions of all existing and proposed parking areas, loading and unloading facilities, and points of ingress and egress of vehicles to and from the site to public streets. Parking Layout and Design - Off-street parking must conform to the following standards:
    - (a) Parking areas with more than two (2) parking spaces must be arranged so that it is not necessary for vehicles to back into the street.
    - (b) All parking spaces, access drives, and impervious surfaces must be located at least five (5) feet from any side or rear lot line, except where standards for buffer yards require a greater distance. No parking spaces or asphalt type surface shall be located within five (5) feet of the front property line. Parking lots on adjoining lots may be connected by access ways not exceeding twenty-four (24) feet in width.
    - (c) In lots utilizing diagonal parking, the direction of proper traffic flow must be indicated by signs, pavement markings or other permanent indications and maintained as necessary.
    - (d) Parking areas for nonresidential uses must be designed to permit each motor vehicle to proceed to and from the parking space provided for it without requiring the moving of any other motor vehicles.
    - (e) Provisions must be made to restrict the "overhang" of parked vehicles when it might restrict traffic flow on adjacent through roads, restrict pedestrian or bicycle movement on adjacent walkways, or damage landscape materials.
7. Location of all existing and proposed easements and rights-of-way.
8. Location and dimensions of all existing and proposed pedestrian access ways.
9. Location and size of existing and proposed water and sewer mains, culverts, and storm drains.
10. Location of all existing and proposed outdoor lighting.
11. Location of natural features such as watercourses, marshes, rock out-cropping, and stands of trees.
12. Landscape Plan showing location and type of all existing and proposed plantings and screenings. Landscaping must be provided as part of site design and may include plant materials such as trees,

shrubs, groundcovers, perennials, and annuals, and other materials such as rocks, water, sculpture, art, walls, fences, paving materials, and street furniture.

13. Location and size of all existing and proposed signs and advertising features. Freestanding commercial business signs should be placed at right angles to the street so as to be viewed from both directions. Signs shall be no larger than 4' X 8'. In urban, built-up areas commercial business signs should be placed on the building, unless visibility is impaired and a freestanding sign is the best option.

14. Any other provisions contained in the Town of Vassalboro's Subdivision Regulations whenever applicable.

15. Any other requirements deemed necessary by the Planning Board based on the nature of the proposed development.

16. For projects located wholly or partially within the Wellhead Protection Area of the East Vassalboro Water Company as mapped by the Maine Drinking 10 Water Program, a written statement obtained from the East Vassalboro Water Company indicating that the proposed project will not negatively impact their essential operations. B. A narrative, with supporting data, shall be required to address the environmental suitability of the chosen site to support the proposed development. This may require the use of appropriate qualified professional(s). This narrative shall address the standards as listed in Section X

Vote for Completeness

Motion by:	Doug Phillips	Seconded by:	Marianne Stevens	<input checked="" type="checkbox"/> Approved	4-0
				<input type="checkbox"/> Denied	

SECTION X. PERFORMANCE STANDARDS – Major A. The Site Plan shall be approved, unless the Planning Board makes a written finding that the applicant is not able to meet one or more of these standards. In all instances, the burden of proof shall be on the applicant and such burden of proof shall include the production of evidence necessary to complete the application.

1. The provisions for vehicular loading and unloading and parking and for vehicular and pedestrian circulation on the site and onto adjacent public streets and ways will create no hazards to safety and will conform to the following:

Access to the Site:

a. Any driveway or proposed street must be designed so as to provide the minimum sight distance according to the Maine Department of Transportation standards, to the maximum extent possible.

b. Points of access and egress must be located to avoid hazardous conflicts with existing turning movements and traffic flows.

c. The grade of any proposed drive or street must be not more than +3% for a minimum of two (2) car lengths, or forty feet, from the intersection. **Grade < 3%**

d. The intersection of any access/egress drive or proposed street must function at a level which will allow for safe access into and out of the project if at least one thousand (1,000) trips are generated.

e. Where a lot has frontage on two (2) or more streets, the primary access to and egress from the lot must be provided from the street where there is less potential for traffic congestion and for traffic and pedestrians hazards. Access from other streets may be allowed if is safe and does not promote shortcutting through the site.

f. Where it is necessary to safeguard against hazards to traffic and pedestrians and/or to avoid traffic congestion, the applicant shall be responsible for providing turning lanes, traffic directional islands, and traffic controls within public streets.

g. Access ways must be designed and have sufficient capacity to avoid queuing of entering vehicles on any public street.

h. The following criteria must be used to limit the number of driveways serving a proposed project:

- No use that generates less than one hundred (100) vehicle trips per day shall have more than one (1) two-way driveway onto a single roadway. Such driveway must be no greater than thirty (30) feet wide.
- No use which generates one hundred (100) or more vehicle trips per day shall have more than two (2) points of entry from and two (2) points of egress to a single roadway. The combined width of all access ways must not exceed sixty (60) feet.

Access way Location and Spacing:

Access ways must meet the following standards:

- a. Private entrance/exits must be located at least fifty (50) feet from the closest un-signalized intersection and one hundred fifty (150) feet from the closest signalized intersection, as measured from the point of tangency for the corner to the point of tangency for the access way. This requirement may be reduced if the shape of the site does not allow conformance with this standard.
  
- b. Private access ways in or out of a development must be separated by a minimum of seventy-five (75) feet where possible.

Internal Vehicular Circulation

- a. The layout of the site must provide for the safe movement of passenger, service, and emergency vehicles through the site.
  
- b. Nonresidential projects that will be served by delivery vehicles must provide a clear route for such vehicles with appropriate geometric design to allow turning and backing for a minimum of a vehicle with a wheelbase of 40 feet.
  
- c. Clear routes of access must be provided and maintained for emergency vehicles to and around buildings and must be posted with appropriate signage (fire lane - no parking).
  
- d. The layout and design of parking areas must provide for safe and convenient circulation of vehicles throughout the lot.
  
- e. All roadways must be designed to harmonize with the topographic and natural features of the site insofar as practical by minimizing filling, grading, excavation, or other similar activities which result in unstable soil conditions and soil erosion, by fitting the development to the natural contour of the land and avoiding substantial areas of excessive grade and tree removal, and by retaining existing vegetation during construction. The road network must provide for 13 vehicular, pedestrian, and cyclist safety, all season emergency access, snow storage, and delivery and collection services.

Standard 1	<input checked="" type="checkbox"/> Met ___ Not Met	Motion by DP	Seconded by MS	Vote 4-0
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**Subject to obtaining DOT driveway entrance permit for new driveway.**

- 2. The location or height of proposed structures and the proposed uses thereof will not be detrimental to other public or private development in the neighborhood.

Standard 2	<input checked="" type="checkbox"/> Met ___ Not Met	Motion by DP	Seconded by MS	Vote 4-0
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3. The provision for on-site landscaping provides adequate protection to neighboring properties from detrimental features of the development. The development must provide for the buffering of adjacent uses where there is a transition from one type of use to another use and for screening of mechanical equipment and service and storage areas.

Buffering must be designed to provide a year-round visual screen in order to minimize adverse impacts. It may consist of fencing, evergreens, berms, rocks, boulders, mounds, or a combination thereof.

A development must provide sufficient buffering when topographical or other barriers do not provide reasonable screening and where there is a need to:

- Shield neighboring properties from any adverse external effects of the development, or
- Shield the development from the negative impacts of adjacent uses.

The width of the buffer may vary depending on the treatment of the area. Within densely built-up areas, a buffer with dense plantings, fencing, or changes in grade may be as little as five (5) feet in width. A buffer with moderate levels of planting should be ten (10) feet to fifteen (15) feet in width. In suburban and rural settings, the width of the vegetated buffer should be increased to a minimum of twenty-five (25) feet. Areas adjacent to service loading or storage areas should be screened by dense planting, berms, fencing, or a combination thereof with a width of a minimum of five (5) feet.

Standard 3	<input checked="" type="checkbox"/> Met ___ Not Met	Motion by MS	Seconded by DP	Vote 4-0
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Natural Buffer provided.

4. The proposed use will not impose undue burdens so as to exceed the capacity of the sewers, sanitary and storm drains, water, solid waste, fire protection, or other public facilities.

Storage of Materials - Exposed nonresidential storage areas, exposed machinery, and areas used for the storage or collection of discarded automobiles, auto parts, metals or other articles of salvage or refuse must have sufficient setbacks and screening (such as a stockade fence or a dense evergreen hedge) to provide a visual buffer sufficient to minimize their impact on abutting residential uses and users of public streets.

All dumpsters or similar large collection receptacles for trash or other wastes must be located on level surfaces, which are paved or graveled. Where the dumpster or receptacle is located in a yard which abuts a residential or institutional use or a public street, it must be screened by fencing or landscaping.

Where a potential safety hazard to children is likely to arise, physical screening sufficient to deter small children from entering the premises must be provided and maintained in good condition.

**No sewage waste or solid waste created. Portable toilets used during construction.**

Standard 4	<input checked="" type="checkbox"/> Met ___ Not Met	Motion by DP	Seconded by MS	Vote 4-0
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- The Site Plan provides sufficient information to show that storm water will be adequately drained from the site with no adverse impact on other property or publicly owned drainage systems.

**Grading will be minimal.**

Standard 5	<input checked="" type="checkbox"/> Met ___ Not Met	Motion by DP	Seconded by DB	Vote 4-0
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- Soil erosion and all other adverse impacts on the soil, ground water, and surface water shall be prevented. Ground water shall not be adversely impacted in quality or quantity. Adequate provisions must be made for the collection and disposal of all storm water that runs off from proposed streets, parking areas, roofs and other surfaces, through a storm water drainage system and maintenance plan, which must not have adverse impacts on abutting or downstream properties.

Standard 6	<input checked="" type="checkbox"/> Met ___ Not Met	Motion by DP	Seconded by DB	Vote 4-0
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- The provisions for exterior lighting do not create hazards to motorists traveling on adjacent public streets and are adequate for the safety of occupants or users of the site and such provisions will not damage the value and diminish the usability of adjacent properties.

Exterior Lighting - The proposed development must have adequate exterior lighting to provide for its safe use during nighttime hours, if such use is contemplated.

Lighting may be used which serves security, safety and operational needs but which does not directly or indirectly produce deleterious effects on abutting properties or which would impair the vision of a vehicle operator on adjacent roadways. Lighting fixtures must be shielded or hooded so that the lighting elements are not exposed to normal view by motorists, pedestrians, or from adjacent dwellings and so that they do not unnecessarily light the night sky. Direct or indirect illumination must not exceed 0.5 foot-candles at the lot line or upon abutting residential properties.

All exterior lighting, except security lighting, must be turned off between 11 P.M. and 6 A.M. unless located on the site of a commercial or industrial use that is open for business during that period.

Wiring to light poles and standards must be underground. 15

Standard 7	<input checked="" type="checkbox"/> Met ___ Not Met	Motion by MS	Seconded by DP	Vote 4-0
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**No lighting**

8. An applicant for Site Plan approval has provided evidence of his financial capability to complete the development as planned. This could include a letter of support from an accredited financial institution or some other means of documenting financial solvency.

Standard 8	<input checked="" type="checkbox"/> Met ___ Not Met	Motion by DP	Seconded by MS	Vote 4-0
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9. The proposed development will not create safety hazards and will provide adequate access for emergency vehicles to the site, and to all buildings on the site.

Standard 9	<input checked="" type="checkbox"/> Met ___ Not Met	Motion by MS	Seconded by DP	Vote 4-0
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**Sign on fence for emergency contact**

10. The proposed development will not adversely affect the use and enjoyment of abutting property as a result of noise, vibrations, fumes, odor, dust, glare, or other cause. The maximum permissible sound pressure level of any continuous, regular or frequent or intermittent source of sound produced by any activity on the site shall be limited by the time period and by the abutting land use as listed below. Sound levels shall be measured at least four (4) feet above ground at the property boundary of the source.

Sound Pressure Level Limits Using the Sound Equivalent Level of One Minute (Leq 1)  
(Measured in dB(a)Scale)

Abutting Use	7 am- 10pm	10pm - 7am
Residential	55	45
Residential in a commercial area	65	55
Public, semipublic and institutional	60	55
Vacant or rural	60	55
Commercial	65	55
Industrial	70	60

Noise shall be measured by a meter set on the A-weighted response scale, fast response. The meter shall meet the American National Standards Institute (ANSI S1 4-1961) 'American Standards Specification for General Purpose Sound Level Meters.'

Standard 10	<input checked="" type="checkbox"/> Met ___ Not Met	Motion by DP	Seconded by MS	Vote 4-0
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Project Approval



Motion to: <u>X</u> Approve; __ Deny	Motion by: DP	Seconded By: MS	Approved; 4-0
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Approval conditional pending approval of decommissioning plan. Will be included on November 1 Agenda.

3) Solar Ordinance discussion with the Select Board.

- Buffering one of main concerns
- Decision made not to have it as stand alone ordinance.
- Will be added as section to Site Plan Review Ordinance
- If project < 3 acres, no de-commissioning plan required by DEP. Can not always rely on DEP for decommissioning plan.
- Rockport's solar ordinance used as basis, Rockport doesn't have zoning.
- Plan to have on June 2023 ballot.
- Public hearing will be on March 2023. Vote on 6 month moratorium for development will be in November.
- Want bond to be stricter than DEP.

Adjourn 9:25.