



**TOWN GRAY**  
**PLANNING BOARD**  
**AGENDA • OCTOBER 21, 2021**

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**Planning Board  
Regular Meeting**

**Online Via Zoom Videoconferencing**  
**Link: <https://us06web.zoom.us/j/87624992355>**

**7:00 PM**

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**I. MEETING COMMENCES**

- a. Roll Call
- b. Welcome new members
- c. Elevate an alternate member into the vacant full member seat
- d. Election of vice chairperson

**II. MINUTES APPROVAL**

- a. Approve the Planning Board meeting minutes of Sept. 9, 2021, as held on Sept. 20, 2021

**III. INFORMATION EXCHANGE**

- a.
  - a. Approve Planning Board schedule of meetings for 2022
  - b. Staff Review Committee meeting of 10-21-21: Hill View Mini Barns minor site plan amendment
  - c. Staff/Planning Board workshop of 10-21-21: Avesta Meadowview project
  - d. ISM (bypass) solar project altering fencing
  - e. Minor additions to Hannaford signs

**IV. PUBLIC HEARINGS**

- a. Bruns Properties LLC site plan amendment review:  
A request by Bruns Properties LLC, represented by Robert Emerson, for an amendment to an approved Site Plan for a 3,500 sq. ft. addition to an existing building for manufacturing/processing use on their property at 175 Portland Road, Tax Map 59, lots 36-25 & 21, owned by Bruns Properties LLC, in an established Contract Zoning Agreement approved by the Gray Town Council on November 1, 2016. The parcel is partially located within a Shoreland Zoning District and was formerly in a Commercial Zoning District. This proposal triggers site plan review.

**V. ADJOURNMENT**

*\* The Town of Gray is an equal opportunity employer and complies with all applicable equal access to public accommodations law. If you are planning to attend a Town Council or Town committee or board*

*meeting and need assistance with a physical disability, please contact the Town Manager's office at least 48 hours in advance of the meeting to have the Town assist you. 657-3339. TTY 657-3931.*

**Town of Gray**  
**Planning Board Minutes**  
**September 9, 2021**

(Meeting postponed until September 20, 2021)

**Regular Meeting**

**Henry Pennell Municipal Complex**

**7:00 PM**

24 Main Street, Gray, ME 04039

**I. MEETING COMMENCED AT 7:00pm**

This meeting took place at Town Hall.

Attendee Name	Title	Status
Dan Cobb	Vice Chair	Present
Catherine Caswell	Board Member	Absent
Andrew Watson	Alternate #2	Present
Tamara Lee Pinard	Alternate #1 (elevated to Board Member during meeting)	Present
Doug Webster	Community Development / Acting Planner	Present
Dan Maguire	Town Council Liaison	Present

**Motion to appoint Andrew Watson and Tamara Lee Pinard as voting members for this meeting.**

<b>MOVER:</b>	Catherine Caswell, Board Member
<b>SECONDER:</b>	Dan Cobb, Vice Chair
<b>AYES:</b>	Cobb, Caswell

**II. MINUTES APPROVAL**

1. Planning Board Minutes - Regular Meeting – August 12, 2021

Catherine Caswell abstained as she was not in attendance for the August 12<sup>th</sup> meeting.

**Motion to approve the Planning Board Minutes of August 12, 2021**

<b>RESULT:</b>	<b>APPROVED [3-0]</b>
<b>MOVER:</b>	Catherine Caswell, Board Member
<b>SECONDER:</b>	Andrew Watson, Alternate
<b>AYES:</b>	Cobb, Watson, Pinard
<b>ABSTAINED:</b>	Caswell

Dan Cobb stated there was a vacancy due to Joe Caminiti not being able to attend due to his work commitments and he thanked him for the time he served on the board. He welcomed Tamara Lee Pinard and explained that, as alternate #1, she has the option to be promoted

to full Board member. She accepted that option. Mr. Cobb also offered an apology to Andrew Watson that he was passed over and that the Town Council should have considered him to be first.

**Motion: To promote alternate #1 Tamara Lee Pinard to full Planning Board member, for the remainder of the term vacated by Joe Caminiti.**

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Catherine Caswell, Board Member
<b>SECONDER:</b>	Andrew Watson, Alternate
<b>AYES:</b>	Cobb, Caswell, Watson, Pinard

**III. INFORMATION EXCHANGE**

Dan Cobb explained that Don Hutchings had a one-year term and the Town Council had not taken final action on whether or not to re-appoint him. He suspected that decision would happen at the September 21<sup>st</sup> Town Council meeting. Since Mr. Hutching’s term is in question, he was not at this meeting. Mr. Cobb thanked him for his service, the great job he did, and for bringing him onto the Planning Board.

Dan Cobb explained that the term of Charlie Abrams has expired, and he is no longer on the board. He thanked him for his insight and service.

Dan Cobb explained that Peter Gellerson has resigned from the Planning Board. He had not yet had an opportunity to speak with him but thanked him for his service to the Planning Board and also the years he served on the Town Council. Mr. Cobb stated that both Mr. Gellerson and Mr. Hutchings have done a lot for the Town of Gray.

Dan Cobb said Catherine Caswell has been an alternate for quite some time and has been appointed as a full Board member.

Dan Cobb said he is Vice Chair so he is speaking tonight since Chair Don Hutchings is not at the meeting. He said he would be willing to serve as Chair until they vote again in January. He asked for nominations for the role of Chair. Catherine Caswell nominated Dan Cobb for Chair.

**Motion: To elect Dan Cobb as Chair of the Planning Board until the end of the year.**

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Catherine Caswell, Board Member
<b>SECONDER:</b>	Andrew Watson, Alternate
<b>AYES:</b>	Cobb, Caswell, Watson, Pinard

Dan Cobb asked for nominations for Vice Chair. He nominated Catherine Caswell. She stated she would like to have time to consider that and asked that it be determined at the next meeting.

Dan Cobb mentioned MMA had a training last week which he attended. Catherine Caswell and Tamara Lee Pinard also attended. Andrew Watson was not able to attend.

Doug Webster passed out the proposed meeting calendar for 2022. He requested the board look it over as this will be on the agenda for the October meeting.

Dan Cobb inquired of Dan Maguire if there was any information to share from the Town Council. Mr. Maguire echoed the sentiments about the contributions made by Charlie Abrams, Peter Gellerson, and Don Hutchings. He said they have the respect of the council even though there is a difference of opinion.

Catherine Caswell said she appreciates that Don Hutchings brought her onto the Planning Board, and also appreciates the work of Peter Gellerson and Charlie Abrams.

Dan Cobb said some amendments to committee rules happened in July. He would like to improve the collaboration between the Town Council and the Planning Board as he wasn't even aware of changes until he looked into information recently. He thinks there would have been a better result if the Planning Board had been consulted.

Dan Maguire said he has suggested in the past that the Planning Board at least look at the council's agenda so their opinions could be heard by the council. He said the council plans to make changes to committee rules at this week's meeting. There are also plans for the joint meeting between the Town Council and the Planning Board.

Dan Cobb said his expectation is that, as liaison, Mr. Maguire should be proactive and bring pertinent information to the Planning Board during Information Exchange portions of meetings.

Dan Maguire said there were some legal issues they were unaware of when rules were established. Over the last few weeks, the Town Attorney has informed them on these matters.

#### **IV. PUBLIC HEARINGS**

a. Gray Yarmouth Road Solar LLC:

A request by Gray Yarmouth Road Solar LLC for Conditional Use and Site Plan Review for a 33+/- commercial solar energy system on a 102+/- acre parcel accessed at the end of Hillcrest Drive (near 51 Yarmouth Rd) owned by the Sawyer & Dunn families on Tax Map 36, lot 33-1 in a Rural Residential & Agricultural Zoning District.

Chip Haskell, Civil Engineer of Haley Ward and John Motta of Dynamic Energy were present. Chip Haskell gave a brief overview of the project on land which used to be blueberry fields but is now rather dense and will be cleared. There is little wetland impact for the clearing. Solar panels will not be in the wetland, but that area needs to be cleared to prevent shading of panels. There will be a fence around the project.

Dan Cobb referenced Doug Webster's Planner's Memo and that there were points to discuss.

Doug Webster stated he had received a response today from the applicants regarding the Gorrill-Palmer peer review. He included that information in his memo. He will need to obtain comments back from Gorrill-Palmer. Chip Haskell said they provided the gradation, submitted the draft deed, and amended their calculations (ending up more conservative than with the original submission).

Dan Cobb inquired if the board had comments. Catherine Caswell was concerned about the ability for the public to have their say about this project. There were plenty of people at the site walk. She is glad stormwater has been addressed. She wants to make sure the residents have the ability to ask for assistance if the road is disturbed. Chip Haskell said Doug Webster is good about notifying abutters. Also, since they are obtaining DEP site permitting, there are notifications via certified mail and two notices in newspapers. He said there has been no lack of effort to notify residents; no one came to a meeting.

Dan Cobb discussed granting waiver of buffering. One option is to require a performance bond so they can see what it looks like after being grubbed out and in different seasons. He believes it is a good idea to require a performance bond. Catherine Caswell also supported having the bond as they should always be concerned about buffering. Andrew Watson also agreed it made sense to require a performance bond. Tamara Lee Pinard also agreed, especially since the pictures were from August.

John Motta referenced the four bonds in condition 12b. He said the first two were surprises. Mr. Cobb explained they were just discussing the screening at this point of the meeting, however, Mr. Motta said the tolerance of the bond for him is tied to the cumulative cost of the bonds.

Mr. Webster elaborated on the items in 12b. In reference to 12bii, this is financial security for the town; provides surety in cash in case the town needs to go in and secure the site if the applicant doesn't follow DEP rules. Chip Haskell asked for a dollar amount for that. Mr. Webster indicated the town engineer needed to provide input on that matter, so he was not comfortable stating a dollar amount.

In reference to Erosion and Sedimentation, (12bi), Mr. Webster said that is typically around \$5,000.00. This needs to be in place solely for the town to have the ability to go in and do a temporary stabilization (for example prior to a storm), during construction until the site is stabilized.

Mr. Motta had questions about building permit fees of \$500.00 per acre. He wanted to understand what those fees go to. Mr. Webster explained they are fees that go to the general fund. Dan Cobb stated the Planning Board has no control over that fee.

Dan Cobb referenced padlocks/removable posts etc, referenced on page 5 of the Planner's Memo. All four Planning Board members agreed to these recommendations of Gray Fire Rescue. Also mentioned on page 5 were concerns of potential damage to Hillcrest Drive as a result of construction of the CSESOD. All four members felt this has already been addressed and Dan Cobb pointed out it is covered in Mr. Webster's suggested conditions of approval.

Dan Cobb opened the public hearing at 7:53pm. There were no public comments, so the public hearing was closed at 7:53pm.

Mr. Cobb said that the Board was to determine if the applicant meets conditional use criteria.

**Motion: The Planning Board agrees that Gray Yarmouth Road Solar LLC meets conditional use criteria.**

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Catherine Caswell, Board Member
<b>SECONDER:</b>	Tamara Pinard, Board Member
<b>AYES:</b>	Cobb, Caswell, Watson, Pinard

Dan Cobb then had the board members consider the three requested waivers; Impact Analysis, Planting Schedule, and Traffic Impact Analysis. He asked Mr. Webster if he is in favor. Mr. Webster said he recommends they approve the waivers for groundwater impact and traffic impact, and the planting waiver with a suggested bond. Mr. Cobb said they could also waive the planting schedule and still require a bond. Mr. Webster suggested the board consider waiving the groundwater impact analysis, traffic impact analysis, and conditionally waive the planting schedule and get a performance bond.

**Motion: The Planning Board will grant waivers for groundwater impact analysis and traffic impact analysis and conditionally waive the planting schedule based on obtaining a performance bond.**

**RESULT:**  
**MOVER:**  
**SECONDER:**  
**AYES:**

**APPROVED [UNANIMOUS]**  
 Tamara Pinard, Board Member  
 Catherine Caswell, Board Member  
 Cobb, Caswell, Watson, Pinard

Dan Cobb then referenced #7 on page 5 of the Planner's Memo in reference to the price for the screening bond. Mr. Webster indicated it is a practical matter based on the number of trees needed. He referenced information he placed on page 4 of the Planner's Memo,

*"As such, the cost of purchasing and professionally planting an adequately sized evergreen tree is likely in the \$600 to \$800 range per tree. If a figure of \$750 per tree is used, a \$5K bond would allow for a total of 6 or so trees a bond of \$7,500 would allow 10ish trees, and a \$10K bond would allow for about 13 trees."*

Dan Cobb and the board discussed options and number of homeowners they thought would be impacted. He said there had been no input from homeowners. He explained they are not forcing the applicants to plant all of these, but they are reserving the option. They settled on enough to cover three properties. They settled on \$10,000.00 which should allow for about 13 trees. Mr. Motta said that is reasonable.

Tamara Lee Pinard observed the information in the Planner's Memo references "bond", but the proposed motion says "escrow (not a bond)". Mr. Motta said he had a question about that also. Mr. Webster explained #11 in the proposed motion states that during the November after it is completed and operational, if additional screening is deemed necessary, the applicant will plan during the winter and install plantings during the following spring, using their own money or the money that is escrowed.

The board had additional conversation regarding the terms "bond" vs. "escrow". Mr. Webster explained an escrow is financial surety but not in the form of a bond. This gives the town the ability to obtain the cash when/if needed. Bonds require other, often time-consuming methods of obtaining the funds. Decommissioning can be a bond. He was making a distinction in 12b for 1, 2, and 4 to each be a cash surety, not a bond. Mr. Cobb mentioned other places say bond as well.

Catherine Caswell stated the motion subject to conditions 1 through 12 listed in the Planner's Memo dated September 7, 2021 including a vegetation surety, not bond, of \$10,000.00 to be secured. Dan Cobb also noted it should state lot 31, not 33-1.

**Motion: The Planning Board approves the application submitted by Gray Yarmouth Road Solar LLC for a 4.99 mega watt Commercial Solar Energy System on a portion of a 102 acre parcel located at the end of Hillcrest Drive on Tax Map 36, lot ~~33-1~~ 31 subject to the following conditions as listed in the Planner's Memo dated September 7, 2021:**

- 1. Standard Condition of approval #1 (not including de minimis)**
- 2. Knox lock meeting Gray Department of Public Safety (GDPS) specifications for all gates.**
- 3. The double-wide gate at the terminus of the access road shall either not have a center post or be able to be removed without any tools or special knowledge.**
- 4. The applicant shall submit necessary plans, documentation and information to address the comments from the Town's consulting engineer per their comments in the memo for the 9-9-21 PB meeting.**
- 5. The applicant is responsible for any outstanding PB fees.**
- 6. On-site energy storage is specifically prohibited in accordance with Section 402.8.10.G.15.**
- 7. The maximum size of any individual solar panel is 30 sq. ft. in accordance with standards established in Chapter 402 including 402.8.10.E.1.**
- 8. The applicant is reminded that Section 402.8.10.G.14 requires that any change of ownership or operator requires approval by the Staff Review Committee.**

- 9. The applicant and any party part of the construction shall keep the following parties apprised of the intended schedule with ample advance notice for the requisite party:**
  - A. The Town's Code Enforcement Officer**
  - B. The Town's consulting engineer**
  - C. An appropriate party representing the Hillcrest Drive Road Association.**
- 10. The Gray Code Enforcement Officer (CEO), with input from the Town's consulting engineer, shall have the authority to require a pre-construction meeting the commencement of construction prior to issuing a Building Permit for the facility.**
- 11. In accordance with standards established in Section 402.8.10.I (Visual Impact), the applicant shall post a surety in an amount established in condition of approval #12 below for the purposes of planting evergreen trees to provide a year-round screen to residential properties if necessary. The first November 1st after the facility is fully completed and operational, the Town Planner shall send a USPS letter to all directly abutting property owners to the parcel with the facility asking for input regarding if the screening is accurate. If there are one or more objections, the Town Planner and CEO shall visit the facility and determine if additional screening is warranted. If additional screening is deemed necessary, the applicant has the option of installing additional evergreen trees, per a plan approved by the CEO, or the escrow shall be used for the screening. Any tree planting shall be completed the following spring. Any appeals of such determinations shall be made to the Gray Planning Board.**
- 12. Prior to Issuing a Building Permit:**
  - A. The applicant shall submit the following to the Gray CEO:**
    - i. Full copy of the Electrical permit obtained from the State of Maine**
    - ii. Full copy of the final operations and maintenance plan**
    - iii. Construction plan and timeline per 402.8.10.B.6**
    - iv. Full copy of any non-municipal required permits including any permits necessary from the Maine Department of Environmental Protection.**
  - B. The applicant shall be responsible for duly establishing all of the following sureties at the applicants expense:**
    - i. Erosion and Sedimentation escrow (not a bond) in an amount reviewed and approved by the Town's consulting engineer**
    - ii. Inspection escrow (not a bond) in an amount reviewed approved by the Town's consulting engineer.**
    - iii. A decommissioning surety in accordance with standards established in Section 402.8.10.J in a form deemed acceptable by the Town's Finance Director in an amount reviewed and approved by the Gray CEO with input from the Town's consulting engineer.**
    - iv. A buffering/screening escrow (not a bond) for \$10,000.00 be used for purposes set forth in Condition of approval #11 above.**

<b>RESULT:</b>	<b>APPROVED AS AMENDED [UNANIMOUS]</b>
<b>MOVER:</b>	<b>Catherine Caswell, Board Member</b>
<b>SECONDER:</b>	<b>Tamara Pinard, Board Member</b>
<b>AYES:</b>	<b>Cobb, Caswell, Watson, Pinard</b>

Mr. Motta had additional questions regarding who is on the Staff Review Committee, mentioned in condition #8. Mr. Webster explained that would consist of the Code Enforcement Officer, Town Planner, and usually the Planning Board Chair. This is specifically required in the performance standards; to not bring anything new to the table so any new owner/operator is aware of the building permit and Planning Board approval.

b. Proposed Amendments to VC/VCP District Design Standards:

Public input and Public Hearing on proposed amendments to Section 402.8.3 (Village Center District Standards) of the Zoning Ordinance and adopt new Design Standards that would apply to new and renovated residential and accessory structures in the Village Center Proper (VCP) and Village Center (VC) Districts.

Doug Webster provided an overview. He mentioned the current moratorium went into effect about five months ago. The intention was to come up with design standards applicable for VC and VCP for residential structures. Sections 1, 2, and 3 are already on the books for commercial structures. Section 4 is new and focuses on residential structures.

Dan Cobb opened the public hearing at 8:19pm. There were no public comments, so the public hearing was closed at 8:19pm.

Catherine Caswell said she appreciates the work of the council and advisory committee and hopes this will make the town more inviting for people to stop at. Andrew Watson said it reminded him of form-based planning and he is glad to see Gray falling in step with other places around the country in order to have a nice-looking village, a centerpiece.

Tamara Lee Pinard appreciated the form-based code inspiration. She also noted usage of indigenous plants and prohibition of invasive plants were mentioned but she did not see that referenced in the commercial section. Doug Webster made note of that suggestion to make that suggested revision when sections 1, 2, and 3 get revised.

Dan Cobb raised the subject of “guidelines” vs. “standards”. He pointed out the Family Dollar (now Dollar General) project ran into issues of guidelines vs. standards. Due to that, the Planning Board was severely limited in what they could ask the developer for and therefore, in his opinion, it isn’t the best building in the VC. He said it would have been better if they had more to work with as the developer was not interested in creating anything other than their “cookie cutter” type of building. Since the Planning Board had “guidelines” instead of “standards” to work with, there wasn’t much the Planning Board could do to change matters. Therefore, he would prefer this language to state “standards” instead of “guidelines”. Mr. Webster indicated Mr. Cobb had made a good point.

## V. NEW BUSINESS

a. Bruns Properties LLC:

A request for pre-application conference by Bruns Properties LLC for an amendment to an approved Site Plan Review for a 3,500 sq. ft. addition for manufacturing/processing use on their property a 175 Portland Road, Tax Map 59, lots 36-25 & 21 in accordance with a Contract Zoning Agreement adopted by the Gray Town Council on November 1, 2016. The parcel was formerly in a Commercial Zoning District.

Catherine Caswell called a Point of Order to inform the Planning Board she may have a conflict of interest as she socializes with the Bruns family and is distantly related. Chair Cobb asked if she felt she could render an impartial decision, to which she said yes. He also asked if she had a financial interest in this to which she stated no. Mr. Cobb provided his opinion that he did not

believe this would be a conflict of interest. Mr. Watson didn't see a conflict either. Mr. Webster indicated it would be prudent to vote on this.

**Motion: To request that Catherine Caswell recuse herself from this matter regarding Bruns Bros. due to a possible conflict of interest.**

<b>RESULT:</b>	<b>FAILED [3-0]</b>
<b>MOVER:</b>	<b>Tamara Lee Pinard, Board Member</b>
<b>SECONDER:</b>	<b>Andrew Watson, Board Member</b>
<b>AYES:</b>	<b>None</b>
<b>NAYES:</b>	<b>Cobb, Watson, Pinard</b>
<b>ABSTAINED:</b>	<b>Caswell</b>

Robert Emerson was present, representing Bruns Bros. He said he liked working with Doug Webster and the Code Enforcement Officer on this project and thanked them for their help. He explained they have a laser cutter and a water cutter. He explained the design of water trucks causes need for their repairs. They want to have an addition so trucks can back up to the overhead door and the overhead crane can be used. All remains the same near the property and he doesn't think it would cause traffic issues.

Doug Webster explained this is a contract zone and this is a permitted use. The Town Attorney said due to the language in the contract zone, it does not need an amendment to the contract zone. Mr. Webster said it just needs amended site plan approval.

Dan Cobb referenced page 8 of the Planner's memo in reference to exterior lighting. Mr. Emerson indicated there have not been negative comments regarding shielded lights. New ones would be the same as their existing ones.

Doug Webster indicated Planning Board feedback is sought so the applicant will have that information to prepare a formal application. Dan Cobb asked the board members if they needed more building elevations, etc. and they all indicated no. They also discussed the curb cuts. Mr. Emerson said he has a letter from years ago, from Steve Lavalley, regarding the Long Hill curb cut.

Mr. Cobb also referenced parking of tractor trailers, but not other vehicles, and inquired if the board members felt that needed to appear on a plot plan. They all indicated it wasn't necessary.

Mr. Cobb asked what was required regarding landscaping. Mr. Webster said he and Mr. Emerson have discussed this. He said if this triggers site plan, they maybe should add additional buffering/screening and he referenced work done by Patient Advocates about eight or nine years ago. He asked the board if they felt it would be appropriate for screening on the berm separating Portland Road from this property.

Mr. Emerson explained why he doesn't think this is feasible due to the fact they don't own 20', it is actually a 3-lane wide road even though we only see two lanes. Planting would be therefore done half way down and would need to be very tall plantings. He further explained they have magnolias and linden trees. Two died in the winter so they have ordered three more lindens. Any additional screening in the area being discussed would have to be really high up in order to not see the building. Mr. Webster suggested possibly something at the base of the berm as the property seems really open. Mr. Cobb requested that Mr. Webster sketch out his ideas when the application comes in.

Mr. Cobb asked the board if they wanted a site walk and they indicated no. Mr. Emerson would like to get this on the October agenda. Mr. Webster will work with him later this week. Mr. Emerson it will most likely be Ken Bruns attending the next meeting about this as Mr. Emerson will be away.

b. Stillwater Subdivision Phase II:

A request by Birchpoint Properties LLC & A.H. Grover Inc., for sketch plan review for Phase II of a proposed residential open space subdivision (Stillwater Pines) consisting of 14 lots on 30+/- acres accessed from Woodcock Drive off Yarmouth Road on portion of Tax Map 44, lot 32-112 in accordance with a Contract Zoning Agreement adopted by the Gray Town Council on March 16, 2021. The parcel was formerly in Medium Density and Rural Residential & Agricultural Zoning Districts.

Charlie Burnham of Atlantic Resource Consultants was present. He provided a display as they have made some adjustments. Stream crossing was done during Phase 1. There are eight more lots now; small at about 20,000 square feet. They will be served by public water. There are some wetland areas to avoid. He asked if the Planning Board had any concerns.

Doug Webster explained they will need to obtain a Site Location of Development permit from DEP which can take several months to obtain. Therefore, it is important to get preliminary town approval prior to going to DEP. He said Phase I had items come up between preliminary and final. He hopes to help Mr. Burnham have items straightened out with this phase prior to going to DEP so Mr. Burnham won't have to submit amendments.

Dan Cobb referenced Mr. Webster's comments in his Planning Memo and wanted to make sure Mr. Burnham was aware of them. Discussions regarding these items took place, especially in reference to stormwater, the possibility of grading easements on lots 18, 19, 20 unless there are retaining walls, and the ROW. Mr. Burnham indicated he doesn't think the ROW is buildable. He said he needed to include it for connectivity but there isn't really anything to connect to as the abutting land is very wet and very steep. Mr. Webster suggested the ROW shouldn't be on the plan if it is not viable to build. Mr. Burnham agreed but said it was pushed on them. Dan Maguire explained it was there from the CZA standpoint as the goal of an open space ordinance is to not land-lock the development. He also agreed that if you can't build on it, it doesn't make sense to include it.

Mr. Burnham requested advice on possible locations of a stormwater pond, asking if it is preferred to be placed in the first phase of open space, incorporate in back of town part, or other options. Mr. Webster said it would depend on location and noted there have been lots of discussions about the common park area; they wouldn't want to compromise open space and it shouldn't be in the buffer or common park area. Mr. Webster also suggested they try to decrease the steepness of the stream crossing to the public land.

Mr. Burnham said they have already sold out of Phase I properties. He will proceed with this project and come back to the Planning Board.

**VI. Motion to Adjourn at 9:19 p.m.**

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Catherine Caswell, Board Member
<b>SECONDER:</b>	Tamara Pinard, Board Member
<b>AYES:</b>	Cobb, Caswell, Watson, Pinard

**PLANNING BOARD  
2022 MEETING & APPLICATION DEADLINE SCHEDULE**

*Approved at the 10/21/2021 meeting*

MONTH	NEW APPLICATION DEADLINE	SKETCH PLAN & EXISTING APPLICATION DEADLINE	MEETING DATE
January	12/15/2021*	12-17-2021	1-13-2022
February	1-19-2022	1-28-2022	2-10-2022
March	2-16-2022	2-18-2022	3-10-2022
April	3-23-2022	3-23-2022	4-14-2022
May	4-15-2022	4-15-2022	5-12-2022
June	5-18-2022	5-20-2022	6-9-2022
July	6-22-2022	6-24-2022	7-14-2022
August	7-20-2022	7-22-2022	8-11-2022
September	8-17-2022	8-19-2022	9-15-2022*
October	9-21-2022	9-23-2022	10-13-2022
November	10-19-2022	10-21-2022	11-10-2022*
December	11-9-2022*	11-10-2022	12-8-2022

*\*Deadline adjusted for Council approval of new Members*

*\*This deadline date has been adjusted to accommodate Holiday*

**ZONING BOARD OF APPEALS  
2022 MEETING & APPLICATION DEADLINE SCHEDULE**

*Approved by the ZBA at the 10/27/2021 meeting*

MONTH	APPLICATION DEADLINE	MEETING DATE
January	1-3-2022	1-26-2022
February	1-31-2022	2-23-2022
March	2-28-2022	3-23-2022
April	4-4-2022	4-27-2022
May	5-2-2022	5-25-2022
June	5-27-2022*	6-22-2022
July	7-1-2022	7-27-2022
August	8-1-2021	8-24-2022
September	9-2-2022*	9-28-2022
October	10-3-2021	10-26-2022
November	10-24-2022*	11-16-2022*
December	12-05-2022	12-28-2022*

*\*These dates have been adjusted to accommodate Holidays*



## Kristen Muszynski

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**Subject:** FW: 97 Shaker Solar Project - Fence Height  
**Attachments:** Fence specification 5-12-21 8 foot tall.pdf

**From:** Robert Miller <[robert.miller@powerflex.com](mailto:robert.miller@powerflex.com)>  
**Sent:** Friday, October 1, 2021 10:17 AM  
**To:** Scott Dvorak <[sdvorak@graymaine.org](mailto:sdvorak@graymaine.org)>  
**Cc:** Nicole Walters <[nicole.walters@powerflex.com](mailto:nicole.walters@powerflex.com)>; Jean Friend <[jfriend@ismgroup.com](mailto:jfriend@ismgroup.com)>; Kevin Rabbitt <[krabbitt@nautilussolar.com](mailto:krabbitt@nautilussolar.com)>  
**Subject:** 97 Shaker Solar Project - Fence Height

Hi Scott,

I have a question regarding the fence at Shaker. We designed it with a 7' tall wire mesh fence. Unfortunately, we are having trouble sourcing 7' fence and we would like to use 8' fence instead.

I wanted to make sure that this was acceptable to the town before we went ahead and ordered the material. The fence will look the same, just 1' taller.

Please let us know if this is OK and we will move ahead with 8' fence.

Thanks, Rob



**Robert Miller**  
Regional Director, PM New England  
M: 917-557-0749  
[robert.miller@powerflex.com](mailto:robert.miller@powerflex.com)  
[www.powerflex.com](http://www.powerflex.com)

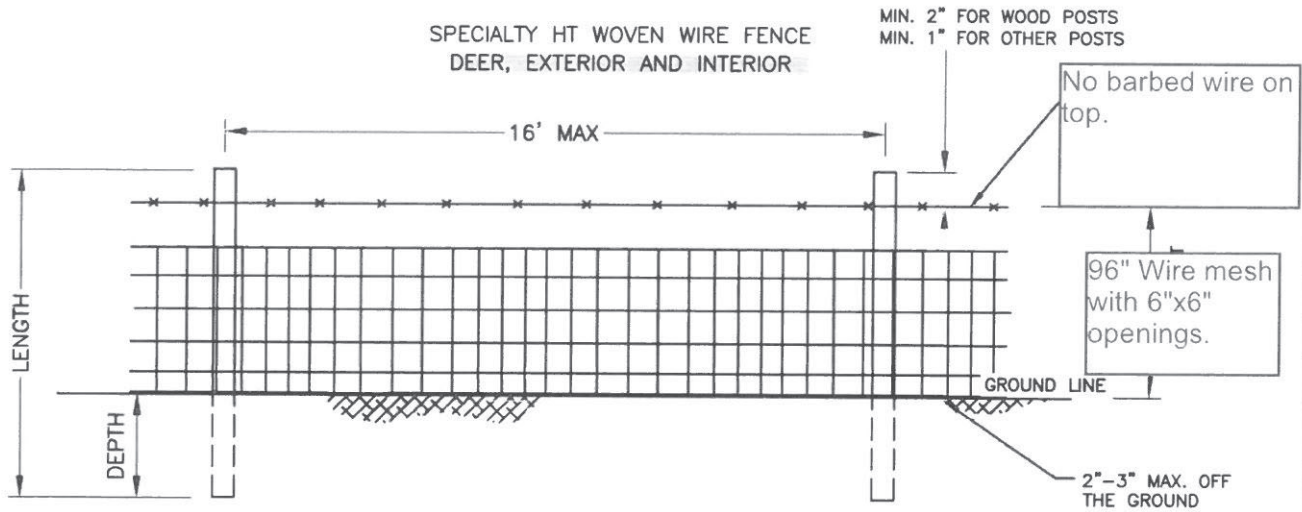


***Disclaimer:** This email and any attachments sent to PowerFlex Systems, an EDF Renewables company, employees or their intended recipients should be considered confidential, may contain legal, professional and/or other privileged information, and intended solely for the addressee. If you are not the intended recipient, do not use the information in this email in any way; delete and notify the sender.*

This electronic mail message and any attachments hereto, as well as any electronic mail message(s) that may be sent in response to it, may be considered public records, and may therefore be subject to public record requests for review and copying under Maine's Right to Know Law (Title 1, 401-521 of the Maine Revised Statutes).

This electronic mail message and any attachments hereto, as well as any electronic mail message(s) that may be sent in response to it, may be considered public records, and may therefore be subject to public record requests for review and copying under Maine's Right to Know Law (Title 1, 401-521 of the Maine Revised Statutes).

**SPECIALTY HT WOVEN WIRE FENCE  
DEER, EXTERIOR AND INTERIOR**



**LINE POSTS**

**WOOD:**

DIA. = 5" MIN  
 DEPTH = 2' MIN  
 MIN. LENGTH = FENCE HEIGHT + POST DEPTH + 2"

ALL WOOD SPECIES EXCEPT RED CEDAR, WHITE CEDAR, TAMARACK, OSAGE ORANGE, BLACK LOCUST, AND WHITE OAK SHALL BE TREATED BY A METHOD LISTED IN WI CONSTRUCTION SPEC. #10-FENCES.

**STEEL:**

STANDARD T" POST MIN 1.25 LBS/FT, 1-3/8" X 1-3/8" X 1/8"  
 DEPTH = 1.5' MIN  
 MIN. LENGTH = FENCE HEIGHT + POST DEPTH + 1"

ALL STEEL POSTS WILL HAVE AN ANCHOR PLATE AND BE STUDDED

ALL STEEL POSTS WILL BE PAINTED WITH A WEATHER RESISTANT PAINT FOR STEEL, ENAMELED AND BAKED, OR HOT DIP GALVANIZED

ALL STEEL POSTS WILL BE ROLLED FROM HIGH CARBON STEEL

**PLASTIC/COMPOSITE:**

DIA. = 1-1/8" MIN  
 DEPTH = 2' MIN  
 MIN. LENGTH = FENCE HEIGHT + POST DEPTH + 1"

POSTS SHALL BE DURABLE FOR THE LIFE OF THE FENCE

POSTS SHALL BE UV PROTECTED FOR THE LIFE OF THE FENCE

**NOTES**

BRACES ARE REQUIRED AT ALL CORNERS, GATES, AND END ASSEMBLIES. SEE BRACE DETAILS.

PULL ASSEMBLIES ARE NOT NEEDED FOR HIGH-TENSILE WOVEN WIRE.

TENSION OF FENCE SHOULD BE SET SUCH THAT THE SAG BETWEEN POSTS IS 1 INCH OR LESS

**WIRE**

12.5-GAUGE OR HEAVIER WIRE WITH CLASS 3 GALVANIZING FOR TOP AND BOTTOM STRANDS OF WOVEN WIRE

14.5-GAUGE OR HEAVIER WIRE WITH CLASS 3 GALVANIZING FOR INTERMEDIATE AND STAY WIRES, SPACED MAX. 12" APART FOR NON-ELECTRIC WOVEN WIRE AND 24" WHEN THE WIRE IS ELECTRIFIED.

WOVEN WIRE TO MEET ASTM A641

**TOP WIRE:**

BARBED WIRE MEETING PART I OF WCS #10-FENCES OR HIGH TENSILE WIRE MEETING PART II OF WCS #10-FENCES

**FASTENERS**

ALL WIRES SHALL BE ATTACHED TO EACH LINE POST

STAPLES SHALL BE 9-GAUGE, GALVANIZED STEEL OR HEAVIER.

RECOMMENDED LENGTH: 1.75" MIN. FOR SOFTWOODS  
 1" MIN. FOR HARDWOODS

USE BARBED STAPLES FOR WOOD POSTS

MANUFACTURER'S CLIPS OR 14-GAUGE WIRE MAY BE USED TO FASTEN WIRES TO NON-WOOD POSTS

STAPLES, WIRES, AND CLIPS SHOULD ALLOW FREE MOVEMENT OF THE HIGH TENSILE FENCE WIRE

**GROUNDING**

IT IS RECOMMENDED THAT FENCES WITHOUT STEEL POSTS BE GROUNDED FOR LIGHTNING PROTECTION AT LEAST EVERY QUARTER MILE. ALL LINE WIRES MUST BE GROUNDED. USE 12.5 GAUGE WIRE FOR LEAD-OUT WIRE.

-GROUND RODS  
 MIN 4 FEET INTO GROUND  
 0.5" MIN DIAMETER, GALVANIZED STEEL

REFER TO WI CONSTRUCTION SPEC #10-FENCES FOR MORE SPECIFIC INFORMATION

Fence Length = \_\_\_\_\_ FT.

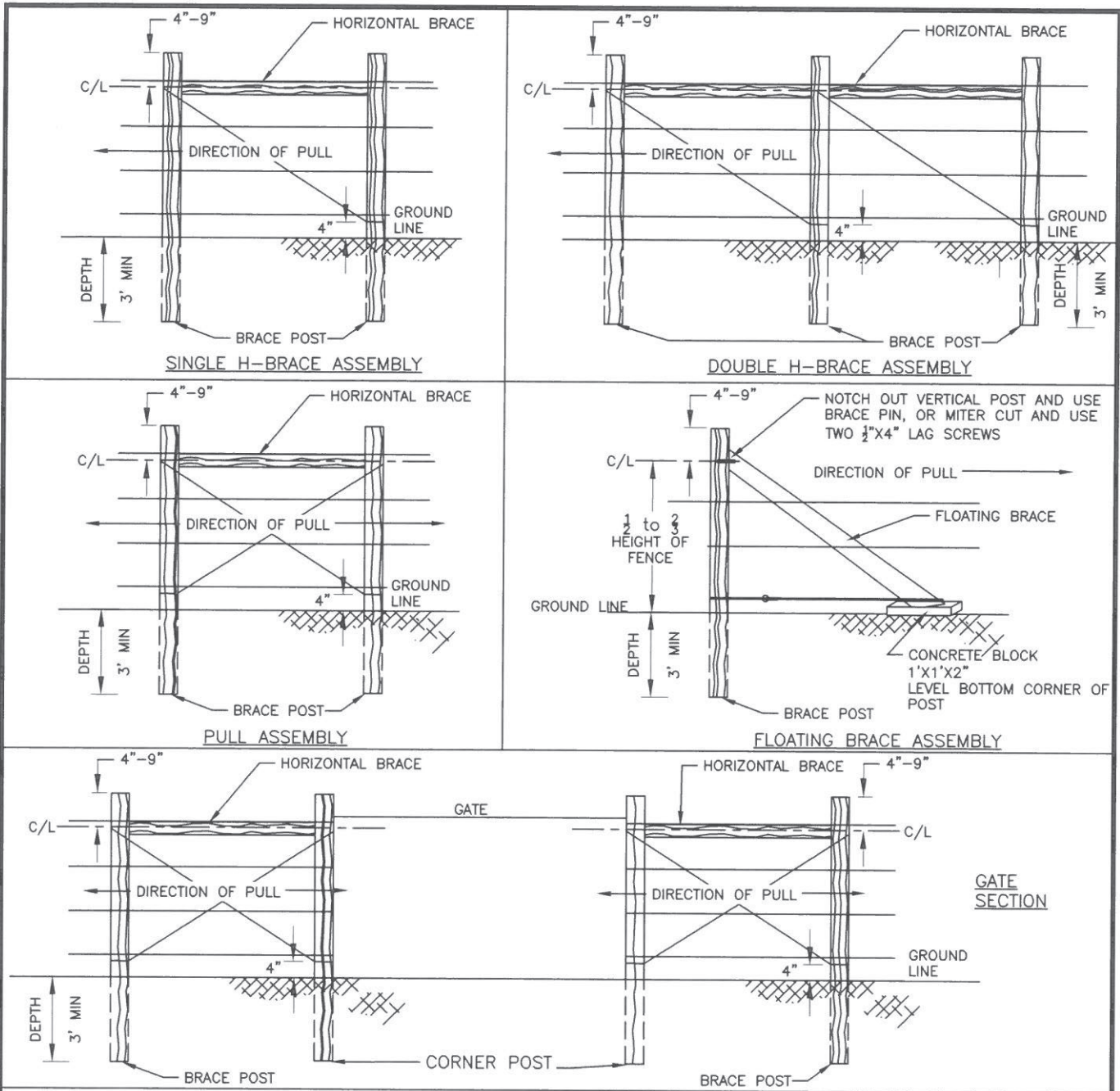


**SPECIALTY HT WOVEN  
WIRE FENCE  
DEER, EXTERIOR & INTERIOR**

CLIENT: \_\_\_\_\_  
 COUNTY: \_\_\_\_\_

Date \_\_\_\_\_  
 Designed \_\_\_\_\_  
 Drawn \_\_\_\_\_  
 Checked \_\_\_\_\_  
 Approved \_\_\_\_\_

Drawing Name  
 701-BA  
 Date  
 7/19  
 Sheet of \_\_\_\_\_



**POSTS**

WOOD:

DIA. = 5" MIN  
LENGTH = 8' MIN\*\*  
DEPTH = 3' MIN

**HORIZONTAL OR DIAGONAL BRACE**

WOOD:

DIA. = 4" MIN, 3" MIN FOR HIGH TENSILE WIRE  
LENGTH = 7' HORIZONTAL, 8' DIAGONAL

STEEL:

HORIZONTAL BRACES MUST MEET ASTM A702 AND ASTM A499 AND HAVE A MINIMUM COATING THICKNESS OF 1 MIL.

\*\*7' MIN. LENGTH CAN BE USED FOR DOUBLE H-BRACE. SHTWWF POST LENGTH IS DEPENDENT ON THE HEIGHT OF FENCE.

ALL WOOD SPECIES EXCEPT RED CEDAR, WHITE CEDAR, TAMARACK, OSAGE ORANGE, BLACK LOCUST, AND WHITE OAK SHALL BE TREATED BY A METHOD LISTED IN WI CONSTRUCTION SPEC. #10-FENCES.

**TENSION WIRE**

2 COMPLETE LOOPS OF 9-GUAGE SMOOTH WIRE OR 12-GUAGE DOUBLE STRAND WIRE, OR A SINGLE LOOP OF 12.5 GAUGE HIGH TENSILE SMOOTH WIRE

**NOTES:**

USE WOOD POSTS ONLY FOR VERTICAL POSTS.

H-BRACE OR FLOATING DIAGONAL BRACE IS REQUIRED ON ALL CORNERS, ENDS AND GATES. AN H-BRACE IS REQUIRED AT ALL PULL ASSEMBLIES AND MUST BE INSTALLED EVERY 660', EXCEPT FOR HIGH TENSILE WIRE FENCE.

USE A SINGLE H-BRACE OR FLOATING BRACE WHEN THE POSTS CAN BE SET OR DRIVEN INTO THE GROUND 3' OR MORE. OTHERWISE, USE A DOUBLE H-BRACE.

CORNER OR BEND ASSEMBLY SHALL BE USED WHENEVER THE HORIZONTAL ALIGNMENT CHANGES MORE THAN 15 DEG. AND OR WHERE VERTICAL ALIGNMENT CHANGE IS MORE THAN 15 DEG. (30 DEG. CHANGE FOR HIGH TENSILE SMOOTH FENCE).

REFER TO WI CONSTRUCTION SPEC #10-FENCES FOR MORE SPECIFIC INFORMATION



**BRACES**

CLIENT: \_\_\_\_\_  
COUNTY: \_\_\_\_\_

Designed \_\_\_\_\_ Date \_\_\_\_\_  
Drawn \_\_\_\_\_  
Checked \_\_\_\_\_  
Approved \_\_\_\_\_

Drawing Name  
701-11A  
Date  
7/19  
Sheet of \_\_\_\_\_



**THOMAS**  
 SIGN & AWNING CO. INC.  
 4590 E. 11th Avenue North  
 Clearwater, Florida 33762  
 800-526-3325  
 www.thomassign.com

**THOMAS**  
 HANNAFORD #8251  
 1/27/16  
 130 Shaker Rd., Ste. 26  
 Clearwater, FL 34614  
 813-338-3333  
 Label Association: Project Name  
 Designer: Date:  
 Checker: Date:



- HANNAFORD LOGO
- HANNAFORD TO GO
- WHITE

Color Reference

Aluminum FCO Letters to be Added to Existing Pylon  
 SQ FT = 2.372  
 Fabricate new 1/2" routed aluminum flat out cut hannaford to go letters and stud mount flush to existing sign. Scale 1 1/2" = 10"



Existing Pylon Elevation  
 Scale: 1/4" = 1'-0" approx.

Proposed Pylon Elevation  
 Hannaford to go only. Scale: 1/4" = 1'-0" approx.

3M™ Nominex Parady

**Approval**

Approved  
 Approved  
 Approved  
 Approved

**Page** 2 **Sheet** 2 of 2

888.727.538-9757  
 Fax: 727.574-0218



**THOMAS**  
SIGN & AWNING CO. INC.  
4590 E. US 1 Avenue, Fort  
Lauderdale, Florida 33422  
800-526-3325

www.thomassign.com  
CLIENT:  
**HANNAFORD #8251**

DATE: 01/17/14  
BY: J. Thomas  
CHECKED BY: J. Thomas  
DATE: 01/17/14  
PROJECT NO: 14-001  
DRAWING NO: 01-01  
DESIGNED BY: J. Thomas  
DATE: 01/17/14

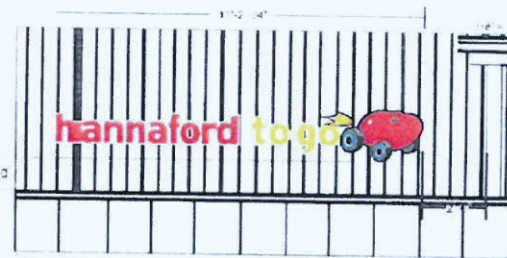


Color Reference

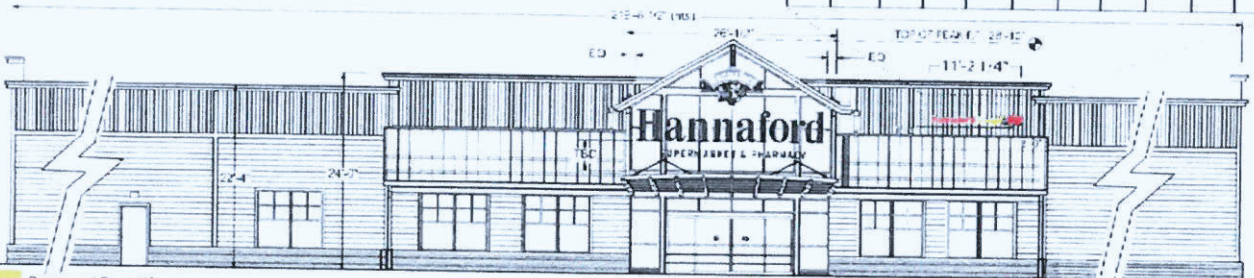
Red	Yellow	Blue
Green	Orange	Black
White	Grey	Dark Grey

**NOTE:**  
Black letters with  
3M digital print  
vinyl on faces

SQ FT = 18,351  
Scale = 3/4" = 1'



Front Existing Elevation SQ. FT.	Front Proposed Elevation SQ. FT.
Iron	12.64
Hannaford	24.58
Sub Copy	17.97
Total	18.25



Proposed Front Elevation

Scale: 3/32" = 1'0" approx

THOMAS SIGN & AWNING CO. INC.  
Approval  
Designed by: J. Thomas  
Checked by: J. Thomas  
Date: 01/17/14  
Project No: 14-001  
Drawing No: 01-01  
Sheet  
**1** of 2  
Local: 772-526-3325  
Fax: 772-526-3322



PLANNING BOARD/STAFF REVIEW COMMITTEE APPLICATION  
TOWN OF GRAY MAINE

PROPERTY TO BE DEVELOPED

Property Location/Address	175 Portland Road	Property Map/Lot	59.36.25 + 36-21
Zoning District	Contract Zone	Lot Acreage	7.62 + 4.50
Owner Name	Bruce Properties LLC	Tax Sheet	
Owner Address		Owner Phone	

APPLICANT

Name (IF different than owner)	Robert Emerson	Contact Phone Number	207-338-3826
Mailing Address	164 Carroll Shore Rd	Alternate Phone Number	
Mailing City/State/Zip	Gray, ME 04039	Fax Number	
Email Address			

AGENT/CONSULTANT

Name		Contact Phone Number	
Mailing Address		Alternate Phone Number	
Mailing City/State/Zip		Fax Number	
Email Address			

PROJECT

The undersigned requests that the Town of Gray Planning Board consider the following application for:

Subdivision

- Sketch Plan Review
- Preliminary Plan Review (Major)
- Final Plan Review (Major)
- Minor

Site Plan Review

- Pre-Application Conference
- Minor

Major

Shoreland Zoning Permit

Other (specify)

- Conditional Use
- Amendment
- Extension
- Workshop
- Contract Zone Request

Project Description / Comments:

A proposed 33' x 34' "X" 100'-0"  
Addition to Existing Shop.

Applicant Signature



Date 5-18-21

August 22, 2021

Bruns Bros.  
175 Portland Road  
Gray, ME 04039

Dear Planning Board Members,

Bruns Bros. Welding Inc. was founded in 1985 by Michael and Kenneth Bruns. Our first shop was a chicken house located on family property but soon we bought property at 175 Portland Road and built a wood frame-brick veneer building in 1987-1988. The building was added onto in 1993-1994 and was used as a welding fabrication shop with offices and parts space. By 2007 there was a need for additional space in all departments, so a steel building was built in 2007-2008. A 70'-0" by 110'-0" addition with an annex of 9'-0" by 11'-0" was built to the north end of the production building in 2016-2017.

There is now a need for more storage area. We are proposing a 33'-8 ¾" by 100'-0" addition to the north end of the existing building.

We are currently working with Woodbury Hill Professionals-Structural & Civil Engineering - on building designs and DEP compliance. We also have been engaged with Canam Buildings on building design.

We are looking forward to the October 14th meeting with you.

Sincerely,

Michael Bruns  
Kenneth Bruns



175 Portland Road, Gray, Maine 04039  
800-327-4192 • Fax 207-657-2846  
[www.brunsbros.com](http://www.brunsbros.com)

**August 16<sup>th</sup>, 2021**

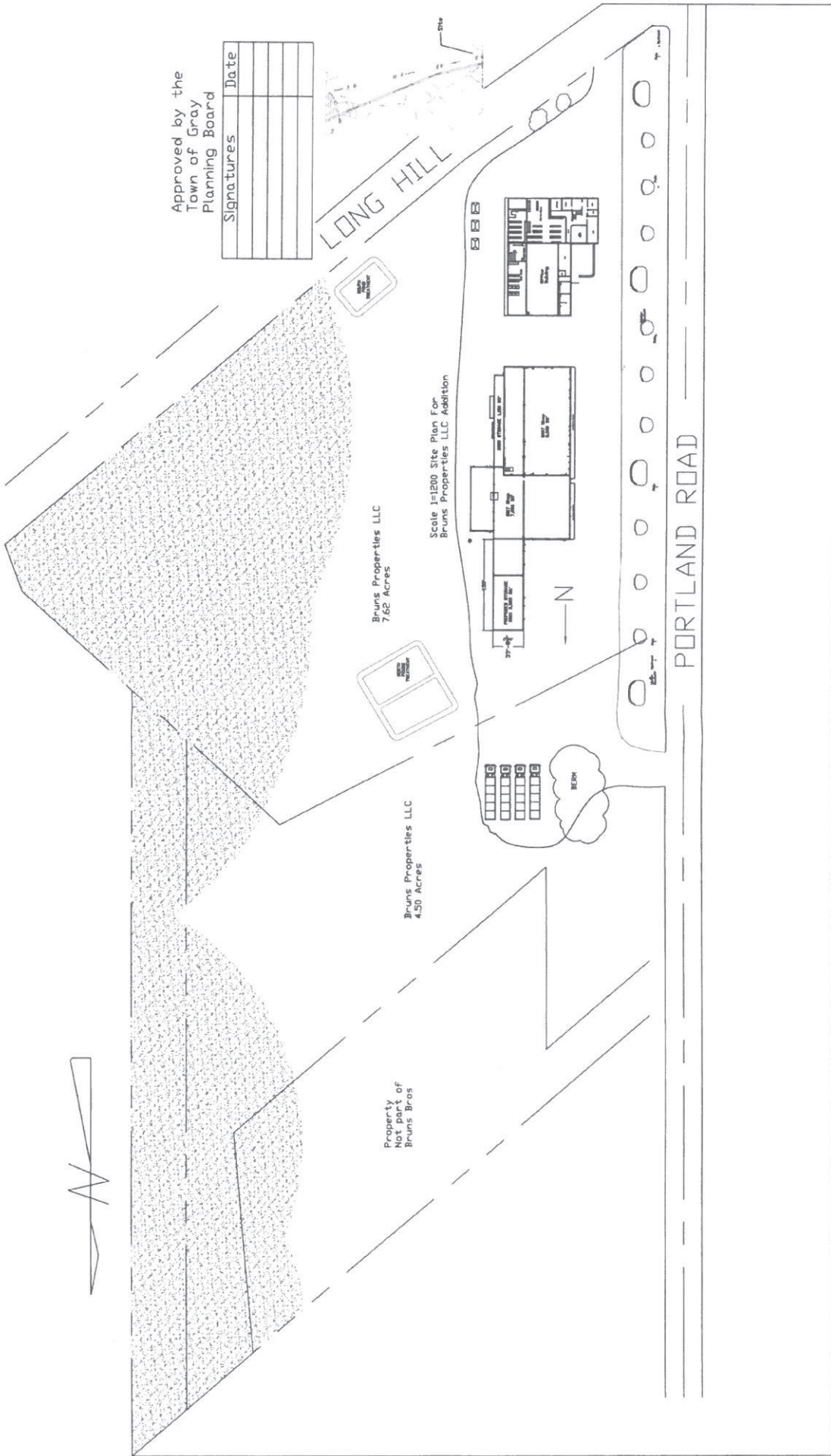
**Town of Gray Planner**

**Doug Webster**

**Robert E Emerson will be representing Bruns Bros for all issues pertaining to the expansion we are planning at the end of existing shop.**



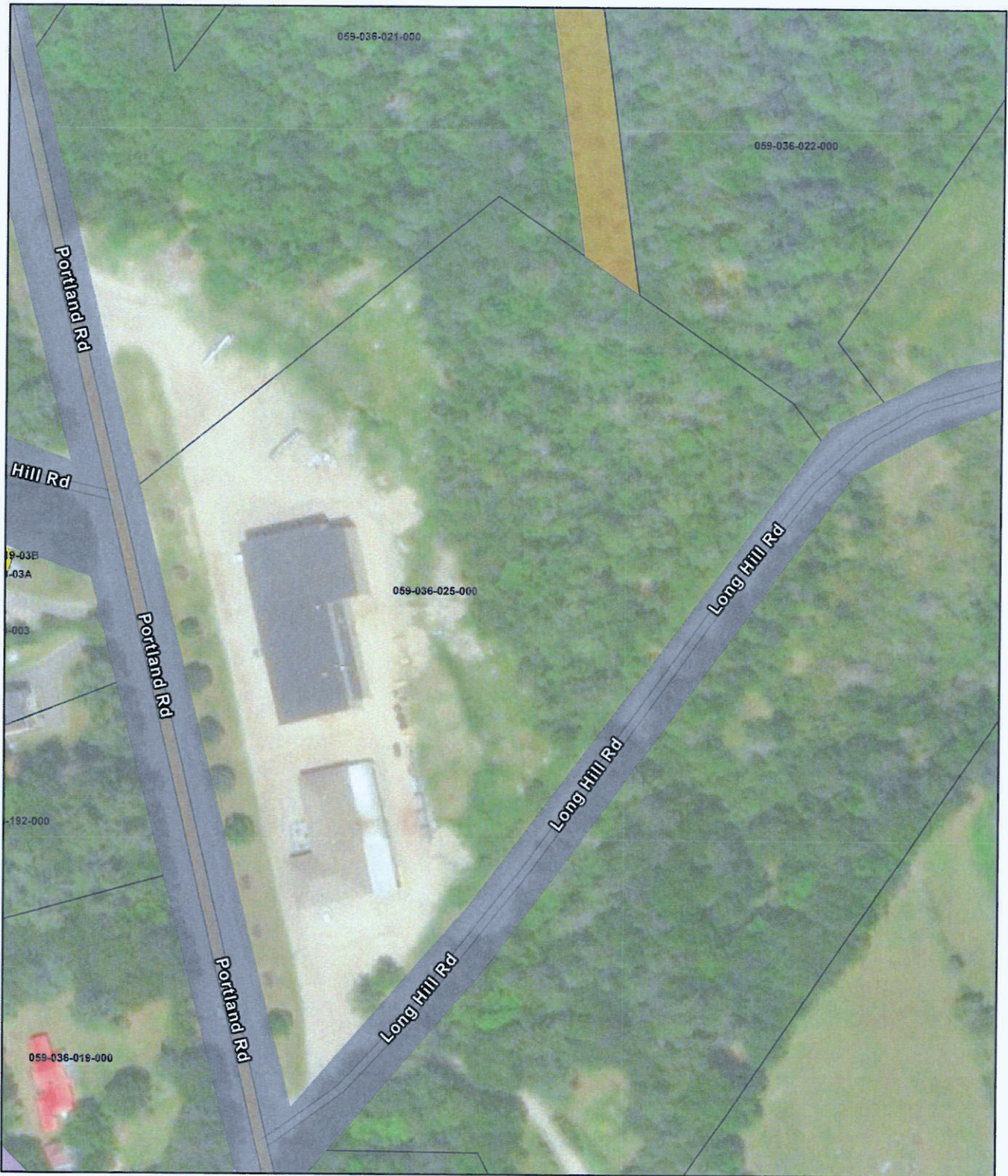




Approved by the  
Town of Gray  
Planning Board

Signatures	Date

# Town of Gray Parcels



10/14/2021, 9:11:24 AM

1:2,257

Tax Parcels (2021)



Parcels



Condo/Mobile Home



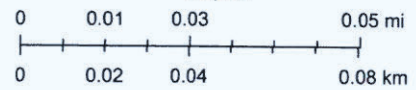
ROW



Road



Utility



Esri Community Maps Contributors, © OpenStreetMap, Microsoft, Esri Canada, Esri, HERE, Garmin, SafeGraph, INCREMENT P, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA, Maxar

Town of Gray  
Town of Gray

**Woodbury Hill Professionals**  
Civil & Structural Engineering, Oversight, Management  
8 Woodbury Hill Road  
Auburn, ME 04210  
(207) 783-4459

August 23, 2021

To: Bob Emerson

For: Bruns Brothers  
175 Portland Road  
Gray, ME

Dear Mr. Emerson,

I have reviewed the 2015 IBC codes regarding building areas and offer the following:

The building construction type is II-B (Non-combustible unprotected)

The building use is F-2 (Factory for non-combustible products)

Allowable area is 23,000sf (Per Table 506.2)

Area increase due to frontage is 50% [ $I=(600'/600'-0.25)20'/30'$ ] (Eq. 5.5)

Allowable area is 34,500sf [ $A=23,000+(23,000 \times 0.5)$ ] (Eq. 5.1)

Sincerely,



App-2016 11-1-16 Low PA 30 days

CONTRACT ZONING AGREEMENT  
AMONG THE TOWN OF GRAY, BRUNS PROPERTIES LIMITED  
LIABILITY COMPANY AND BRUNS BROS. WELDING, INC.

This is a Contract Zone Agreement (the "Agreement"), made as of the 2<sup>nd</sup> day of November, 2016 by and among the TOWN OF GRAY, a body corporate and politic, located in the County of Cumberland and State of Maine (the "Town"), BRUNS PROPERTIES LIMITED LIABILITY COMPANY, a Maine limited liability company, and BRUNS BROS. WELDING, INC., a Maine corporation, both with a place of business located at 167 and 175 Portland Road, Gray, Maine (the last two, collectively, the "Applicants"), pursuant to the conditional and contract zoning provisions set forth in Section 402.9.9 of the Gray Zoning Ordinance (the "Zoning Ordinance") and 30-A M.R.S.A. § 4352(8) of the Maine Zoning Enabling Act.

WHEREAS, the properties subject to this Agreement consist of two abutting parcels, approximately 4.5 acres and 7.62 acres, totaling 12.12 acres of land owned by Bruns Properties Limited Liability Company and leased to Bruns Bros. Welding, Inc., a/k/a Bruns Bros. Process Equip., located at 167 and 175 Portland Road, identified on the Town Tax maps as Lots 036-021-000 and 036-025-000, respectively, on Tax Map 059, and more particularly depicted on Exhibit "A" attached hereto and made a part hereof, and in deeds of acquisition recorded in the Cumberland County Registry of Deeds in Book 32900, Page 204 and Book 25600, Page 215, respectively, (both parcels, collectively the "Property"); and

WHEREAS, the Applicants have operated their process equipment fabrication sales and service business at 175 Portland Road in Gray for almost thirty years; and

WHEREAS, the Applicants use the Property for their business, which employs over 50 individuals and which includes, but is not limited to, the sales, service, engineering, design, fabrication and installation of process systems for the dairy, food, beverage, pharmaceutical, and other industries requiring transfer of processed product cleanly and efficiently during processing, and which involve, among other things, design, engineering, provision of instrumentation and programming, fabrication, cleaning and repair of skidded systems, as well as sanitary tanks on trailers or trucks transporting milk or potable water. The design and fabrication work may include among other processes tube welding, waterjet cutting, metal forming and fabrication. Additionally, Applicants sell, service, repair and inventory related equipment and parts such as pumps, valves, sanitary hoses, fittings, consumables and other sundry items used in processing plants. There are currently two buildings on the Property housing administrative, design, and engineering office space as well as manufacturing, inventory and production, and the Property has ample outside parking for tanker trailers, as well as other motor vehicles; and

WHEREAS, the Property is currently located in the Commercial District ("C") under the Zoning Ordinance; and

WHEREAS, the Commercial District does not presently allow, either as a permitted or conditional use, manufacturing and processing, light manufacturing, or warehousing, as provided in Table 402.5.3 of the Zoning Ordinance; and

WHEREAS, prior to the date hereof, Applicants over their existence at the location at 175 Portland Road have been granted on numerous occasions conditional use approvals to carry on the uses associated with their existing business operations and erected the buildings currently existing; and

WHEREAS, the Applicants wish to continue to use and operate the Property as currently being used, but also wish to construct additional covered building space to support the Applicants' continued business operations, as set forth in the site plan annexed hereto and incorporated herein as Exhibit "A"; and

WHEREAS, in order for the construction of additional covered space to proceed, certain amendments with respect to the permitted uses under the Zoning Ordinance are required; and

WHEREAS, the Applicants have requested a contract zone amendment for the Property to permit such additional uses and their business operations; and

WHEREAS, the size, location and configuration of the Property permit the construction of the addition as shown on Exhibit A without any additional physical and visual impacts to neighboring properties from such additional building space, and the continued operations of the business will continue to be consistent with the uses of approximately the last thirty years; and

WHEREAS, the rezoning would be consistent with the policies of the Gray Comprehensive Plan, is consistent with the existing and permitted uses within the current zoning classification, and only includes restrictions that relate to the physical development or operation of the property, and which is otherwise permitted pursuant to the Zoning Ordinance and under Maine law.

NOW, THEREFORE, in consideration of the mutual promises made by the parties to each other, the parties covenant and agree as follows:

1. Zoning Map: The Town hereby amends the Zoning Map of the Town of Gray, by adopting the map change amendment shown on the fragmentary map attached as Exhibit B.
2. Permitted Uses. Notwithstanding Table 402.5.3 of the Zoning Ordinance, as it may be amended from time to time, and in addition to the permitted and conditional uses in the Commercial District, manufacturing and processing, light manufacturing, and warehousing are added as permitted uses on the Property.
3. Building Construction Spatial Standards. The spatial standards for the Property, subject to this contract zone, are those as presently provided for in the Commercial District as follows:

Maximum Building Coverage	Minimum Lot Line Setback Front	Minimum Lot Line Setback Side	Minimum Lot Line Setback Rear	Maximum Building Height
50%	10 ft.	15 ft.	20 ft.	35 (53) ft. É

4. Underlying Zoning Designation. Except as set forth above, all other requirements of the underlying Commercial District and the Zoning Ordinance, as it may be amended from time to time, including Article 10, Site Plan Review, shall apply and shall govern the use and development of the Property.

5. Binding Covenants. The above-stated restrictions, provisions and conditions are an essential part of this Agreement and shall run with the Property, shall bind the Applicants, their successors and assigns of the Property or any part thereof, and any party

in possession or occupancy of the Property or any part thereof, and shall inure to the benefit of and be enforceable by the Town, by and through its duly authorized representatives. This Agreement may not be amended except by mutual written agreement of the parties.

6. Enforcement. The Town shall have the power to enforce all conditions and restrictions of this Agreement through an enforcement action pursuant to 30-A M.R.S.A. § 4452, as it may be amended from time to time, or as otherwise provided by law. In the event that the Applicants or their successors or assigns fail to use and operate the Property in accordance with this Contract Zone Agreement, or in the event of any other breach hereof, this Contract Zone Agreement may be terminated by vote of the Town Council after such notice as required by law and by prior written notice of breach by the Town to the Applicants and a reasonable time to cure any such breach. In that event, the Property may then be used only for such uses as are otherwise allowed by law.

7. Miscellaneous Provisions. In the event any provision of this Agreement is found to be invalid or unenforceable, such finding shall not affect the validity and enforceability of the remaining provisions of this Agreement. The failure of either party to insist upon strict performance of any of the terms or conditions of this Agreement or to exercise any of its rights under the Agreement shall not waive such rights, and such party shall have the right to enforce such rights at any time and take such action as may be lawful and authorized under this Agreement, either in law or in equity. This Agreement and the performance thereof shall be governed, interpreted, construed and regulated by the laws of the State of Maine except any conflict of laws or provisions applying laws of any other jurisdiction.

This Agreement shall be recorded in the Cumberland County Registry of Deeds within thirty (30) days after its approval by the Town Council.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the date first set forth above.

WITNESS:

TOWN OF GRAY

Town Council vote

STATE OF MAINE

COUNTY OF CUMBERLAND, ss.

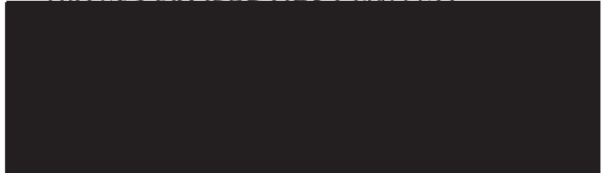
November 2, 2016

Personally appeared the above-named Deborah S. Cabana, Town Manager of the Town of Gray, and acknowledged the foregoing instrument to be her free act deed in her said capacity and the free act and deed of said Town of Gray.

WITNESS:



BRUNS PROPERTIES LIMITED



STATE OF MAINE  
COUNTY OF CUMBERLAND, ss.

11-2, 2016

Personally appeared the above named Kenneth W. Bruns, Managing Member of Bruns Properties Limited Liability Company, and acknowledged the foregoing instrument to be his free act deed in his said capacity and the free act and deed of said Bruns Properties Limited Liability Company.



STATE OF MAINE  
COUNTY OF CUMBERLAND, ss.

11-2, 2016

Personally appeared the above named Michael E. Bruns, President of Bruns Bros. Welding, Inc., and acknowledged the foregoing instrument to be his free act deed in his said capacity and the free act and deed of said Bruns Bros. Welding, Inc.





STATE OF MAINE  
DEPARTMENT OF ENVIRONMENTAL PROTECTION



PAUL R. LEPAGE  
GOVERNOR

PAUL MERCER  
COMMISSIONER

June 2017

Bruns Brothers, Inc.  
Attn: Ken Bruns  
175 Portland Road  
Gray, ME 04039

RE: Stormwater Management Law Application, Gray, DEP #L-27368-NJ-A-N

Dear Mr. Bruns:

Please find enclosed a signed copy of your Department of Environmental Protection land use permit. You will note that the permit includes a description of your project, findings of fact that relate to the approval criteria the Department used in evaluating your project, and conditions that are based on those findings and the particulars of your project. Please take several moments to read your permit carefully, paying particular attention to the conditions of the approval. The Department reviews every application thoroughly and strives to formulate reasonable conditions of approval within the context of the Department's environmental laws. You will also find attached some materials that describe the Department's appeal procedures for your information.

If you have any questions about the permit, please contact me directly. I can be reached at (207) 523-9807 or at [david.cherry@maine.gov](mailto:david.cherry@maine.gov).

Sincerely



AUGUSTA  
17 STATE HOUSE STATION  
AUGUSTA, MAINE 04333-0017  
(207) 287-7688 FAX: (207) 287-7826

BANGOR  
106 HOGAN ROAD, SUITE 6  
BANGOR, MAINE 04401  
(207) 941-4570 FAX: (207) 941-4584

PORTLAND  
312 CANCO ROAD  
PORTLAND, MAINE 04103  
(207) 822-6300 FAX: (207) 822-6303

PRESQUE ISLE  
1235 CENTRAL DRIVE, SKYWAY PARK  
PRESQUE ISLE, MAINE 04769  
(207) 764-0477 FAX: (207) 760-3143

web site: [www.maine.gov/dep](http://www.maine.gov/dep)

parking area. The parcel is approximately 12 acres in size and is identified as Lots 36-25 and 36-21 on Map 59 of the Town of Gray's tax maps.

2. STORMWATER STANDARDS:

The project includes approximately 3.56 acres of developed area of which 2.7 acres is impervious area. It lies within the watershed of the Pleasant River. The applicant submitted a stormwater management plan based on the Basic and General Standards contained in Department Rules, Chapter 500. The proposed stormwater management system consists of two underdrain soil filters.

A. Basic Standards:

(1) Erosion and Sedimentation Control: The applicant submitted an Erosion and Sedimentation Control Plan that is based on the performance standards contained in Appendix A of Chapter 500 and the Best Management Practices outlined in the Maine Erosion and Sediment Control BMPs, which were developed by the Department. This plan and plan sheets containing erosion control details were reviewed by, and revised in response to the comments of, the Bureau of Land Resources (BLR).

Erosion control details will be included on the final construction plans and the erosion control narrative will be included in the project specifications to be provided to the construction contractor.

(2) Inspection and Maintenance: The applicant submitted a maintenance plan that addresses both short and long-term maintenance requirements. The maintenance plan is based on the standards contained in Appendix B of Chapter 500. This plan was reviewed by, and revised in response to the comments of, BLR. The applicant will be responsible for the maintenance of all common facilities including the stormwater management system.

Storm sewer grit and sediment materials removed from stormwater control structures during maintenance activities must be disposed of in compliance with the Maine Solid Waste Management Rules.

(3) Housekeeping: The proposed project will comply with the performance standards outlined in Appendix C of Chapter 500.

Based on BLR's review of the erosion and sedimentation control plan and the maintenance plan, the Department finds that the proposed project meets the Basic Standards contained in Chapter 500(4)(B).

B. General Standards:

The applicant's stormwater management plan includes general treatment measures that will mitigate for the increased frequency and duration of channel erosive flows due to

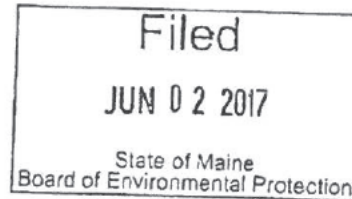
2. In addition to any specific erosion control measures described in this order, the applicant shall take all necessary actions to ensure that its activities or those of its agents do not result in noticeable erosion of soils or fugitive dust emissions on the site during the construction and operation of the project covered by this approval.
3. Severability. The invalidity or unenforceability of any provision, or part thereof, of this License shall not affect the remainder of the provision or any other provisions. This License shall be construed and enforced in all respects as if such invalid or unenforceable provision or part thereof had been omitted.
4. Storm sewer grit and sediment materials removed from stormwater control structures shall be disposed of in compliance with the Maine Solid Waste Management Rules.
5. The applicant shall retain the design engineer or a third-party engineer to oversee the construction of the two underdrained soil filters according to the details and notes specified on the approved plans. Within 30 days of completion of the entire system or at least once per year, the applicant shall submit a log of inspection reports detailing the items inspected, photographs taken, and dates of each inspection to the BLR for review.

THIS APPROVAL DOES NOT CONSTITUTE OR SUBSTITUTE FOR ANY OTHER REQUIRED STATE, FEDERAL OR LOCAL APPROVALS NOR DOES IT VERIFY COMPLIANCE WITH ANY APPLICABLE SHORELAND ZONING ORDINANCES.

DONE AND DATED IN AUGUSTA, MAINE, THIS 2<sup>ND</sup> DAY OF JUNE, 2017.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY:



PLEASE NOTE THE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES.

DC/L27368AN/ATS#81634

with the approval and conditions. Completed certification forms must be forwarded to the department.

- (7) Maintenance. The components of the stormwater management system must be adequately maintained to ensure that the system operates as designed, and as approved by the department.
- (8) Recertification requirement. Within three months of the expiration of each five-year interval from the date of issuance of the permit, the permittee shall certify the following to the department.
  - (a) All areas of the project site have been inspected for areas of erosion, and appropriate steps have been taken to permanently stabilize these areas.
  - (b) All aspects of the stormwater control system have been inspected for damage, wear, and malfunction, and appropriate steps have been taken to repair or replace the facilities.
  - (c) The erosion and stormwater maintenance plan for the site is being implemented as written, or modifications to the plan have been submitted to and approved by the department, and the maintenance log is being maintained.
- (9) Severability. The invalidity or unenforceability of any provision, or part thereof, of this permit shall not affect the remainder of the provision or any other provisions. This permit shall be construed and enforced in all respects as if such invalid or unenforceable provision or part thereof had been omitted.

November 16, 2005 (revised December 27, 2011)

### WHAT YOUR APPEAL PAPERWORK MUST CONTAIN

Appeal materials must contain the following information at the time submitted:

1. *Aggrieved Status.* The appeal must explain how the person filing the appeal has standing to maintain an appeal. This requires an explanation of how the person filing the appeal may suffer a particularized injury as a result of the Commissioner's decision.
2. *The findings, conclusions or conditions objected to or believed to be in error.* Specific references and facts regarding the appellant's issues with the decision must be provided in the notice of appeal.
3. *The basis of the objections or challenge.* If possible, specific regulations, statutes or other facts should be referenced. This may include citing omissions of relevant requirements, and errors believed to have been made in interpretations, conclusions, and relevant requirements.
4. *The remedy sought.* This can range from reversal of the Commissioner's decision on the license or permit to changes in specific permit conditions.
5. *All the matters to be contested.* The Board will limit its consideration to those arguments specifically raised in the written notice of appeal.
6. *Request for hearing.* The Board will hear presentations on appeals at its regularly scheduled meetings, unless a public hearing on the appeal is requested and granted. A request for public hearing on an appeal must be filed as part of the notice of appeal.
7. *New or additional evidence to be offered.* The Board may allow new or additional evidence, referred to as supplemental evidence, to be considered by the Board in an appeal only when the evidence is relevant and material and that the person seeking to add information to the record can show due diligence in bringing the evidence to the DEP's attention at the earliest possible time in the licensing process or that the evidence itself is newly discovered and could not have been presented earlier in the process. Specific requirements for additional evidence are found in Chapter 2.

### OTHER CONSIDERATIONS IN APPEALING A DECISION TO THE BOARD

1. *Be familiar with all relevant material in the DEP record.* A license application file is public information, subject to any applicable statutory exceptions, made easily accessible by DEP. Upon request, the DEP will make the material available during normal working hours, provide space to review the file, and provide opportunity for photocopying materials. There is a charge for copies or copying services.
2. *Be familiar with the regulations and laws under which the application was processed, and the procedural rules governing your appeal.* DEP staff will provide this information on request and answer questions regarding applicable requirements.
3. *The filing of an appeal does not operate as a stay to any decision.* If a license has been granted and it has been appealed the license normally remains in effect pending the processing of the appeal. A license holder may proceed with a project pending the outcome of an appeal but the license holder runs the risk of the decision being reversed or modified as a result of the appeal.

### WHAT TO EXPECT ONCE YOU FILE A TIMELY APPEAL WITH THE BOARD

The Board will formally acknowledge receipt of an appeal, including the name of the DEP project manager assigned to the specific appeal. The notice of appeal, any materials accepted by the Board Chair as supplementary evidence, and any materials submitted in response to the appeal will be sent to Board members with a recommendation from DEP staff. Persons filing appeals and interested persons are notified in advance of the date set for Board consideration of an appeal or request for public hearing. With or without holding a public hearing, the Board may affirm, amend, or reverse a Commissioner decision or remand the matter to the Commissioner for further proceedings. The Board will notify the appellant, a license holder, and interested persons of its decision.

Town of Gray  
**Planning Board Minutes**  
**September 9, 2021**

(Meeting postponed until September 20, 2021)

Regular Meeting

Henry Pennell Municipal Complex

7:00 PM

24 Main Street, Gray, ME 04039

**I. MEETING COMMENCED AT 7:00pm**

This meeting took place at Town Hall.

Attendee Name	Title	Status
Dan Cobb	Vice Chair	Present
Catherine Caswell	Board Member	Absent
Andrew Watson	Alternate #2	Present
Tamara Lee Pinard	Alternate #1 (elevated to Board Member during meeting)	Present
Doug Webster	Community Development / Acting Planner	Present
Dan Maguire	Town Council Liaison	Present

**Motion to appoint Andrew Watson and Tamara Lee Pinard as voting members for this meeting.**

<b>MOVER:</b>	Catherine Caswell, Board Member
<b>SECONDER:</b>	Dan Cobb, Vice Chair
<b>AYES:</b>	Cobb, Caswell

**II. MINUTES APPROVAL**

1. Planning Board Minutes - Regular Meeting – August 12, 2021

Catherine Caswell abstained as she was not in attendance for the August 12<sup>th</sup> meeting.

**Motion to approve the Planning Board Minutes of August 12, 2021**

<b>RESULT:</b>	<b>APPROVED [3-0]</b>
<b>MOVER:</b>	Catherine Caswell, Board Member
<b>SECONDER:</b>	Andrew Watson, Alternate
<b>AYES:</b>	Cobb, Watson, Pinard
<b>ABSTAINED:</b>	Caswell

Dan Cobb stated there was a vacancy due to Joe Caminiti not being able to attend due to his work commitments and he thanked him for the time he served on the board. He welcomed Tamara Lee Pinard and explained that, as alternate #1, she has the option to be promoted

to full Board member. She accepted that option. Mr. Cobb also offered an apology to Andrew Watson that he was passed over and that the Town Council should have considered him to be first.

**Motion: To promote alternate #1 Tamara Lee Pinard to full Planning Board member, for the remainder of the term vacated by Joe Caminiti.**

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Catherine Caswell, Board Member
<b>SECONDER:</b>	Andrew Watson, Alternate
<b>AYES:</b>	Cobb, Caswell, Watson, Pinard

**III. INFORMATION EXCHANGE**

Dan Cobb explained that Don Hutchings had a one-year term and the Town Council had not taken final action on whether or not to re-appoint him. He suspected that decision would happen at the September 21<sup>st</sup> Town Council meeting. Since Mr. Hutching’s term is in question, he was not at this meeting. Mr. Cobb thanked him for his service, the great job he did, and for bringing him onto the Planning Board.

Dan Cobb explained that the term of Charlie Abrams has expired, and he is no longer on the board. He thanked him for his insight and service.

Dan Cobb explained that Peter Gellerson has resigned from the Planning Board. He had not yet had an opportunity to speak with him but thanked him for his service to the Planning Board and also the years he served on the Town Council. Mr. Cobb stated that both Mr. Gellerson and Mr. Hutchings have done a lot for the Town of Gray.

Dan Cobb said Catherine Caswell has been an alternate for quite some time and has been appointed as a full Board member.

Dan Cobb said he is Vice Chair so he is speaking tonight since Chair Don Hutchings is not at the meeting. He said he would be willing to serve as Chair until they vote again in January. He asked for nominations for the role of Chair. Catherine Caswell nominated Dan Cobb for Chair.

**Motion: To elect Dan Cobb as Chair of the Planning Board until the end of the year.**

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Catherine Caswell, Board Member
<b>SECONDER:</b>	Andrew Watson, Alternate
<b>AYES:</b>	Cobb, Caswell, Watson, Pinard

Dan Cobb asked for nominations for Vice Chair. He nominated Catherine Caswell. She stated she would like to have time to consider that and asked that it be determined at the next meeting.

Dan Cobb mentioned MMA had a training last week which he attended. Catherine Caswell and Tamara Lee Pinard also attended. Andrew Watson was not able to attend.

Doug Webster passed out the proposed meeting calendar for 2022. He requested the board look it over as this will be on the agenda for the October meeting.

Dan Cobb inquired of Dan Maguire if there was any information to share from the Town Council. Mr. Maguire echoed the sentiments about the contributions made by Charlie Abrams, Peter Gellerson, and Don Hutchings. He said they have the respect of the council even though there is a difference of opinion.

Catherine Caswell said she appreciates that Don Hutchings brought her onto the Planning Board, and also appreciates the work of Peter Gellerson and Charlie Abrams.

Dan Cobb said some amendments to committee rules happened in July. He would like to improve the collaboration between the Town Council and the Planning Board as he wasn't even aware of changes until he looked into information recently. He thinks there would have been a better result if the Planning Board had been consulted.

Dan Maguire said he has suggested in the past that the Planning Board at least look at the council's agenda so their opinions could be heard by the council. He said the council plans to make changes to committee rules at this week's meeting. There are also plans for the joint meeting between the Town Council and the Planning Board.

Dan Cobb said his expectation is that, as liaison, Mr. Maguire should be proactive and bring pertinent information to the Planning Board during Information Exchange portions of meetings.

Dan Maguire said there were some legal issues they were unaware of when rules were established. Over the last few weeks, the Town Attorney has informed them on these matters.

#### **IV. PUBLIC HEARINGS**

a. Gray Yarmouth Road Solar LLC:

A request by Gray Yarmouth Road Solar LLC for Conditional Use and Site Plan Review for a 33+/- commercial solar energy system on a 102+/- acre parcel accessed at the end of Hillcrest Drive (near 51 Yarmouth Rd) owned by the Sawyer & Dunn families on Tax Map 36, lot 33-1 in a Rural Residential & Agricultural Zoning District.

Chip Haskell, Civil Engineer of Haley Ward and John Motta of Dynamic Energy were present. Chip Haskell gave a brief overview of the project on land which used to be blueberry fields but is now rather dense and will be cleared. There is little wetland impact for the clearing. Solar panels will not be in the wetland, but that area needs to be cleared to prevent shading of panels. There will be a fence around the project.

Dan Cobb referenced Doug Webster's Planner's Memo and that there were points to discuss.

Doug Webster stated he had received a response today from the applicants regarding the Gorrill-Palmer peer review. He included that information in his memo. He will need to obtain comments back from Gorrill-Palmer. Chip Haskell said they provided the gradation, submitted the draft deed, and amended their calculations (ending up more conservative than with the original submission).

Dan Cobb inquired if the board had comments. Catherine Caswell was concerned about the ability for the public to have their say about this project. There were plenty of people at the site walk. She is glad stormwater has been addressed. She wants to make sure the residents have the ability to ask for assistance if the road is disturbed. Chip Haskell said Doug Webster is good about notifying abutters. Also, since they are obtaining DEP site permitting, there are notifications via certified mail and two notices in newspapers. He said there has been no lack of effort to notify residents; no one came to a meeting.

Dan Cobb discussed granting waiver of buffering. One option is to require a performance bond so they can see what it looks like after being grubbed out and in different seasons. He believes it is a good idea to require a performance bond. Catherine Caswell also supported having the bond as they should always be concerned about buffering. Andrew Watson also agreed it made sense to require a performance bond. Tamara Lee Pinard also agreed, especially since the pictures were from August.

John Motta referenced the four bonds in condition 12b. He said the first two were surprises. Mr. Cobb explained they were just discussing the screening at this point of the meeting, however, Mr. Motta said the tolerance of the bond for him is tied to the cumulative cost of the bonds.

Mr. Webster elaborated on the items in 12b. In reference to 12bii, this is financial security for the town; provides surety in cash in case the town needs to go in and secure the site if the applicant doesn't follow DEP rules. Chip Haskell asked for a dollar amount for that. Mr. Webster indicated the town engineer needed to provide input on that matter, so he was not comfortable stating a dollar amount.

In reference to Erosion and Sedimentation, (12bi), Mr. Webster said that is typically around \$5,000.00. This needs to be in place solely for the town to have the ability to go in and do a temporary stabilization (for example prior to a storm), during construction until the site is stabilized.

Mr. Motta had questions about building permit fees of \$500.00 per acre. He wanted to understand what those fees go to. Mr. Webster explained they are fees that go to the general fund. Dan Cobb stated the Planning Board has no control over that fee.

Dan Cobb referenced padlocks/removable posts etc, referenced on page 5 of the Planner's Memo. All four Planning Board members agreed to these recommendations of Gray Fire Rescue. Also mentioned on page 5 were concerns of potential damage to Hillcrest Drive as a result of construction of the CSESOD. All four members felt this has already been addressed and Dan Cobb pointed out it is covered in Mr. Webster's suggested conditions of approval.

Dan Cobb opened the public hearing at 7:53pm. There were no public comments, so the public hearing was closed at 7:53pm.

Mr. Cobb said that the Board was to determine if the applicant meets conditional use criteria.

**Motion: The Planning Board agrees that Gray Yarmouth Road Solar LLC meets conditional use criteria.**

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Catherine Caswell, Board Member
<b>SECONDER:</b>	Tamara Pinard, Board Member
<b>AYES:</b>	Cobb, Caswell, Watson, Pinard

Dan Cobb then had the board members consider the three requested waivers; Impact Analysis, Planting Schedule, and Traffic Impact Analysis. He asked Mr. Webster if he is in favor. Mr. Webster said he recommends they approve the waivers for groundwater impact and traffic impact, and the planting waiver with a suggested bond. Mr. Cobb said they could also waive the planting schedule and still require a bond. Mr. Webster suggested the board consider waiving the groundwater impact analysis, traffic impact analysis, and conditionally waive the planting schedule and get a performance bond.

**Motion: The Planning Board will grant waivers for groundwater impact analysis and traffic impact analysis and conditionally waive the planting schedule based on obtaining a performance bond.**

**RESULT:**  
**MOVER:**  
**SECONDER:**  
**AYES:**

**APPROVED [UNANIMOUS]**  
 Tamara Pinard, Board Member  
 Catherine Caswell, Board Member  
 Cobb, Caswell, Watson, Pinard

Dan Cobb then referenced #7 on page 5 of the Planner's Memo in reference to the price for the screening bond. Mr. Webster indicated it is a practical matter based on the number of trees needed. He referenced information he placed on page 4 of the Planner's Memo,

*"As such, the cost of purchasing and professionally planting an adequately sized evergreen tree is likely in the \$600 to \$800 range per tree. If a figure of \$750 per tree is used, a \$5K bond would allow for a total of 6 or so trees a bond of \$7,500 would allow 10ish trees, and a \$10K bond would allow for about 13 trees."*

Dan Cobb and the board discussed options and number of homeowners they thought would be impacted. He said there had been no input from homeowners. He explained they are not forcing the applicants to plant all of these, but they are reserving the option. They settled on enough to cover three properties. They settled on \$10,000.00 which should allow for about 13 trees. Mr. Motta said that is reasonable.

Tamara Lee Pinard observed the information in the Planner's Memo references "bond", but the proposed motion says "escrow (not a bond)". Mr. Motta said he had a question about that also. Mr. Webster explained #11 in the proposed motion states that during the November after it is completed and operational, if additional screening is deemed necessary, the applicant will plan during the winter and install plantings during the following spring, using their own money or the money that is escrowed.

The board had additional conversation regarding the terms "bond" vs. "escrow". Mr. Webster explained an escrow is financial surety but not in the form of a bond. This gives the town the ability to obtain the cash when/if needed. Bonds require other, often time-consuming methods of obtaining the funds. Decommissioning can be a bond. He was making a distinction in 12b for 1, 2, and 4 to each be a cash surety, not a bond. Mr. Cobb mentioned other places say bond as well.

Catherine Caswell stated the motion subject to conditions 1 through 12 listed in the Planner's Memo dated September 7, 2021 including a vegetation surety, not bond, of \$10,000.00 to be secured. Dan Cobb also noted it should state lot 31, not 33-1.

**Motion: The Planning Board approves the application submitted by Gray Yarmouth Road Solar LLC for a 4.99 mega watt Commercial Solar Energy System on a portion of a 102 acre parcel located at the end of Hillcrest Drive on Tax Map 36, lot ~~33-1~~ 31 subject to the following conditions as listed in the Planner's Memo dated September 7, 2021:**

- 1. Standard Condition of approval #1 (not including de minimis)**
- 2. Knox lock meeting Gray Department of Public Safety (GDPS) specifications for all gates.**
- 3. The double-wide gate at the terminus of the access road shall either not have a center post or be able to be removed without any tools or special knowledge.**
- 4. The applicant shall submit necessary plans, documentation and information to address the comments from the Town's consulting engineer per their comments in the memo for the 9-9-21 PB meeting.**
- 5. The applicant is responsible for any outstanding PB fees.**
- 6. On-site energy storage is specifically prohibited in accordance with Section 402.8.10.G.15.**
- 7. The maximum size of any individual solar panel is 30 sq. ft. in accordance with standards established in Chapter 402 including 402.8.10.E.1.**
- 8. The applicant is reminded that Section 402.8.10.G.14 requires that any change of ownership or operator requires approval by the Staff Review Committee.**

- 9. The applicant and any party part of the construction shall keep the following parties apprised of the intended schedule with ample advance notice for the requisite party:**
  - A. The Town's Code Enforcement Officer**
  - B. The Town's consulting engineer**
  - C. An appropriate party representing the Hillcrest Drive Road Association.**
- 10. The Gray Code Enforcement Officer (CEO), with input from the Town's consulting engineer, shall have the authority to require a pre-construction meeting the commencement of construction prior to issuing a Building Permit for the facility.**
- 11. In accordance with standards established in Section 402.8.10.I (Visual Impact), the applicant shall post a surety in an amount established in condition of approval #12 below for the purposes of planting evergreen trees to provide a year-round screen to residential properties if necessary. The first November 1st after the facility is fully completed and operational, the Town Planner shall send a USPS letter to all directly abutting property owners to the parcel with the facility asking for input regarding if the screening is accurate. If there are one or more objections, the Town Planner and CEO shall visit the facility and determine if additional screening is warranted. If additional screening is deemed necessary, the applicant has the option of installing additional evergreen trees, per a plan approved by the CEO, or the escrow shall be used for the screening. Any tree planting shall be completed the following spring. Any appeals of such determinations shall be made to the Gray Planning Board.**
- 12. Prior to Issuing a Building Permit:**
  - A. The applicant shall submit the following to the Gray CEO:**
    - i. Full copy of the Electrical permit obtained from the State of Maine**
    - ii. Full copy of the final operations and maintenance plan**
    - iii. Construction plan and timeline per 402.8.10.B.6**
    - iv. Full copy of any non-municipal required permits including any permits necessary from the Maine Department of Environmental Protection.**
  - B. The applicant shall be responsible for duly establishing all of the following sureties at the applicants expense:**
    - i. Erosion and Sedimentation escrow (not a bond) in an amount reviewed and approved by the Town's consulting engineer**
    - ii. Inspection escrow (not a bond) in an amount reviewed approved by the Town's consulting engineer.**
    - iii. A decommissioning surety in accordance with standards established in Section 402.8.10.J in a form deemed acceptable by the Town's Finance Director in an amount reviewed and approved by the Gray CEO with input from the Town's consulting engineer.**
    - iv. A buffering/screening escrow (not a bond) for \$10,000.00 be used for purposes set forth in Condition of approval #11 above.**

<b>RESULT:</b>	<b>APPROVED AS AMENDED [UNANIMOUS]</b>
<b>MOVER:</b>	<b>Catherine Caswell, Board Member</b>
<b>SECONDER:</b>	<b>Tamara Pinard, Board Member</b>
<b>AYES:</b>	<b>Cobb, Caswell, Watson, Pinard</b>

Mr. Motta had additional questions regarding who is on the Staff Review Committee, mentioned in condition #8. Mr. Webster explained that would consist of the Code Enforcement Officer, Town Planner, and usually the Planning Board Chair. This is specifically required in the performance standards; to not bring anything new to the table so any new owner/operator is aware of the building permit and Planning Board approval.

b. Proposed Amendments to VC/VCP District Design Standards:

Public input and Public Hearing on proposed amendments to Section 402.8.3 (Village Center District Standards) of the Zoning Ordinance and adopt new Design Standards that would apply to new and renovated residential and accessory structures in the Village Center Proper (VCP) and Village Center (VC) Districts.

Doug Webster provided an overview. He mentioned the current moratorium went into effect about five months ago. The intention was to come up with design standards applicable for VC and VCP for residential structures. Sections 1, 2, and 3 are already on the books for commercial structures. Section 4 is new and focuses on residential structures.

Dan Cobb opened the public hearing at 8:19pm. There were no public comments, so the public hearing was closed at 8:19pm.

Catherine Caswell said she appreciates the work of the council and advisory committee and hopes this will make the town more inviting for people to stop at. Andrew Watson said it reminded him of form-based planning and he is glad to see Gray falling in step with other places around the country in order to have a nice-looking village, a centerpiece.

Tamara Lee Pinard appreciated the form-based code inspiration. She also noted usage of indigenous plants and prohibition of invasive plants were mentioned but she did not see that referenced in the commercial section. Doug Webster made note of that suggestion to make that suggested revision when sections 1, 2, and 3 get revised.

Dan Cobb raised the subject of “guidelines” vs. “standards”. He pointed out the Family Dollar (now Dollar General) project ran into issues of guidelines vs. standards. Due to that, the Planning Board was severely limited in what they could ask the developer for and therefore, in his opinion, it isn’t the best building in the VC. He said it would have been better if they had more to work with as the developer was not interested in creating anything other than their “cookie cutter” type of building. Since the Planning Board had “guidelines” instead of “standards” to work with, there wasn’t much the Planning Board could do to change matters. Therefore, he would prefer this language to state “standards” instead of “guidelines”. Mr. Webster indicated Mr. Cobb had made a good point.

## V. NEW BUSINESS

a. Bruns Properties LLC:

A request for pre-application conference by Bruns Properties LLC for an amendment to an approved Site Plan Review for a 3,500 sq. ft. addition for manufacturing/processing use on their property a 175 Portland Road, Tax Map 59, lots 36-25 & 21 in accordance with a Contract Zoning Agreement adopted by the Gray Town Council on November 1, 2016. The parcel was formerly in a Commercial Zoning District.

Catherine Caswell called a Point of Order to inform the Planning Board she may have a conflict of interest as she socializes with the Bruns family and is distantly related. Chair Cobb asked if she felt she could render an impartial decision, to which she said yes. He also asked if she had a financial interest in this to which she stated no. Mr. Cobb provided his opinion that he did not

believe this would be a conflict of interest. Mr. Watson didn't see a conflict either. Mr. Webster indicated it would be prudent to vote on this.

**Motion: To request that Catherine Caswell recuse herself from this matter regarding Bruns Bros. due to a possible conflict of interest.**

<b>RESULT:</b>	<b>FAILED [3-0]</b>
<b>MOVER:</b>	<b>Tamara Lee Pinard, Board Member</b>
<b>SECONDER:</b>	<b>Andrew Watson, Board Member</b>
<b>AYES:</b>	<b>None</b>
<b>NAYES:</b>	<b>Cobb, Watson, Pinard</b>
<b>ABSTAINED:</b>	<b>Caswell</b>

Robert Emerson was present, representing Bruns Bros. He said he liked working with Doug Webster and the Code Enforcement Officer on this project and thanked them for their help. He explained they have a laser cutter and a water cutter. He explained the design of water trucks causes need for their repairs. They want to have an addition so trucks can back up to the overhead door and the overhead crane can be used. All remains the same near the property and he doesn't think it would cause traffic issues.

Doug Webster explained this is a contract zone and this is a permitted use. The Town Attorney said due to the language in the contract zone, it does not need an amendment to the contract zone. Mr. Webster said it just needs amended site plan approval.

Dan Cobb referenced page 8 of the Planner's memo in reference to exterior lighting. Mr. Emerson indicated there have not been negative comments regarding shielded lights. New ones would be the same as their existing ones.

Doug Webster indicated Planning Board feedback is sought so the applicant will have that information to prepare a formal application. Dan Cobb asked the board members if they needed more building elevations, etc. and they all indicated no. They also discussed the curb cuts. Mr. Emerson said he has a letter from years ago, from Steve Lavallee, regarding the Long Hill curb cut.

Mr. Cobb also referenced parking of tractor trailers, but not other vehicles, and inquired if the board members felt that needed to appear on a plot plan. They all indicated it wasn't necessary.

Mr. Cobb asked what was required regarding landscaping. Mr. Webster said he and Mr. Emerson have discussed this. He said if this triggers site plan, they maybe should add additional buffering/screening and he referenced work done by Patient Advocates about eight or nine years ago. He asked the board if they felt it would be appropriate for screening on the berm separating Portland Road from this property.

Mr. Emerson explained why he doesn't think this is feasible due to the fact they don't own 20', it is actually a 3-lane wide road even though we only see two lanes. Planting would be therefore done half way down and would need to be very tall plantings. He further explained they have magnolias and linden trees. Two died in the winter so they have ordered three more lindens. Any additional screening in the area being discussed would have to be really high up in order to not see the building. Mr. Webster suggested possibly something at the base of the berm as the property seems really open. Mr. Cobb requested that Mr. Webster sketch out his ideas when the application comes in.

Mr. Cobb asked the board if they wanted a site walk and they indicated no. Mr. Emerson would like to get this on the October agenda. Mr. Webster will work with him later this week. Mr. Emerson it will most likely be Ken Bruns attending the next meeting about this as Mr. Emerson will be away.

b. Stillwater Subdivision Phase II:

A request by Birchpoint Properties LLC & A.H. Grover Inc., for sketch plan review for Phase II of a proposed residential open space subdivision (Stillwater Pines) consisting of 14 lots on 30+/- acres accessed from Woodcock Drive off Yarmouth Road on portion of Tax Map 44, lot 32-112 in accordance with a Contract Zoning Agreement adopted by the Gray Town Council on March 16, 2021. The parcel was formerly in Medium Density and Rural Residential & Agricultural Zoning Districts.

Charlie Burnham of Atlantic Resource Consultants was present. He provided a display as they have made some adjustments. Stream crossing was done during Phase 1. There are eight more lots now; small at about 20,000 square feet. They will be served by public water. There are some wetland areas to avoid. He asked if the Planning Board had any concerns.

Doug Webster explained they will need to obtain a Site Location of Development permit from DEP which can take several months to obtain. Therefore, it is important to get preliminary town approval prior to going to DEP. He said Phase I had items come up between preliminary and final. He hopes to help Mr. Burnham have items straightened out with this phase prior to going to DEP so Mr. Burnham won't have to submit amendments.

Dan Cobb referenced Mr. Webster's comments in his Planning Memo and wanted to make sure Mr. Burnham was aware of them. Discussions regarding these items took place, especially in reference to stormwater, the possibility of grading easements on lots 18, 19, 20 unless there are retaining walls, and the ROW. Mr. Burnham indicated he doesn't think the ROW is buildable. He said he needed to include it for connectivity but there isn't really anything to connect to as the abutting land is very wet and very steep. Mr. Webster suggested the ROW shouldn't be on the plan if it is not viable to build. Mr. Burnham agreed but said it was pushed on them. Dan Maguire explained it was there from the CZA standpoint as the goal of an open space ordinance is to not land-lock the development. He also agreed that if you can't build on it, it doesn't make sense to include it.

Mr. Burnham requested advice on possible locations of a stormwater pond, asking if it is preferred to be placed in the first phase of open space, incorporate in back of town part, or other options. Mr. Webster said it would depend on location and noted there have been lots of discussions about the common park area; they wouldn't want to compromise open space and it shouldn't be in the buffer or common park area. Mr. Webster also suggested they try to decrease the steepness of the stream crossing to the public land.

Mr. Burnham said they have already sold out of Phase I properties. He will proceed with this project and come back to the Planning Board.

**VI. Motion to Adjourn at 9:19 p.m.**

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Catherine Caswell, Board Member
<b>SECONDER:</b>	Tamara Pinard, Board Member
<b>AYES:</b>	Cobb, Caswell, Watson, Pinard

**PLANNING BOARD**  
**2022 MEETING & APPLICATION DEADLINE SCHEDULE**

*Approved at the 10/21/2021 meeting*

MONTH	NEW APPLICATION DEADLINE	SKETCH PLAN & EXISTING APPLICATION DEADLINE	MEETING DATE
January	12/15/2021*	12-17-2021	1-13-2022
February	1-19-2022	1-28-2022	2-10-2022
March	2-16-2022	2-18-2022	3-10-2022
April	3-23-2022	3-23-2022	4-14-2022
May	4-15-2022	4-15-2022	5-12-2022
June	5-18-2022	5-20-2022	6-9-2022
July	6-22-2022	6-24-2022	7-14-2022
August	7-20-2022	7-22-2022	8-11-2022
September	8-17-2022	8-19-2022	9-15-2022*
October	9-21-2022	9-23-2022	10-13-2022
November	10-19-2022	10-21-2022	11-10-2022*
December	11-9-2022*	11-10-2022	12-8-2022

*\*Deadline adjusted for Council approval of new Members*

*\*This deadline date has been adjusted to accommodate Holiday*

**ZONING BOARD OF APPEALS**  
**2022 MEETING & APPLICATION DEADLINE SCHEDULE**

*Approved by the ZBA at the 10/27/2021 meeting*

MONTH	APPLICATION DEADLINE	MEETING DATE
January	1-3-2022	1-26-2022
February	1-31-2022	2-23-2022
March	2-28-2022	3-23-2022
April	4-4-2022	4-27-2022
May	5-2-2022	5-25-2022
June	5-27-2022*	6-22-2022
July	7-1-2022	7-27-2022
August	8-1-2021	8-24-2022
September	9-2-2022*	9-28-2022
October	10-3-2021	10-26-2022
November	10-24-2022*	11-16-2022*
December	12-05-2022	12-28-2022*

*\*These dates have been adjusted to accommodate Holidays*



## Kristen Muszynski

---

**Subject:** FW: 97 Shaker Solar Project - Fence Height  
**Attachments:** Fence specification 5-12-21 8 foot tall.pdf

**From:** Robert Miller <[robert.miller@powerflex.com](mailto:robert.miller@powerflex.com)>  
**Sent:** Friday, October 1, 2021 10:17 AM  
**To:** Scott Dvorak <[sdvorak@graymaine.org](mailto:sdvorak@graymaine.org)>  
**Cc:** Nicole Walters <[nicole.walters@powerflex.com](mailto:nicole.walters@powerflex.com)>; Jean Friend <[jfriend@ismgroup.com](mailto:jfriend@ismgroup.com)>; Kevin Rabbitt <[krabbitt@nautilussolar.com](mailto:krabbitt@nautilussolar.com)>  
**Subject:** 97 Shaker Solar Project - Fence Height

Hi Scott,

I have a question regarding the fence at Shaker. We designed it with a 7' tall wire mesh fence. Unfortunately, we are having trouble sourcing 7' fence and we would like to use 8' fence instead.

I wanted to make sure that this was acceptable to the town before we went ahead and ordered the material. The fence will look the same, just 1' taller.

Please let us know if this is OK and we will move ahead with 8' fence.

Thanks, Rob



**Robert Miller**  
Regional Director, PM New England  
M: 917-557-0749  
[robert.miller@powerflex.com](mailto:robert.miller@powerflex.com)  
[www.powerflex.com](http://www.powerflex.com)

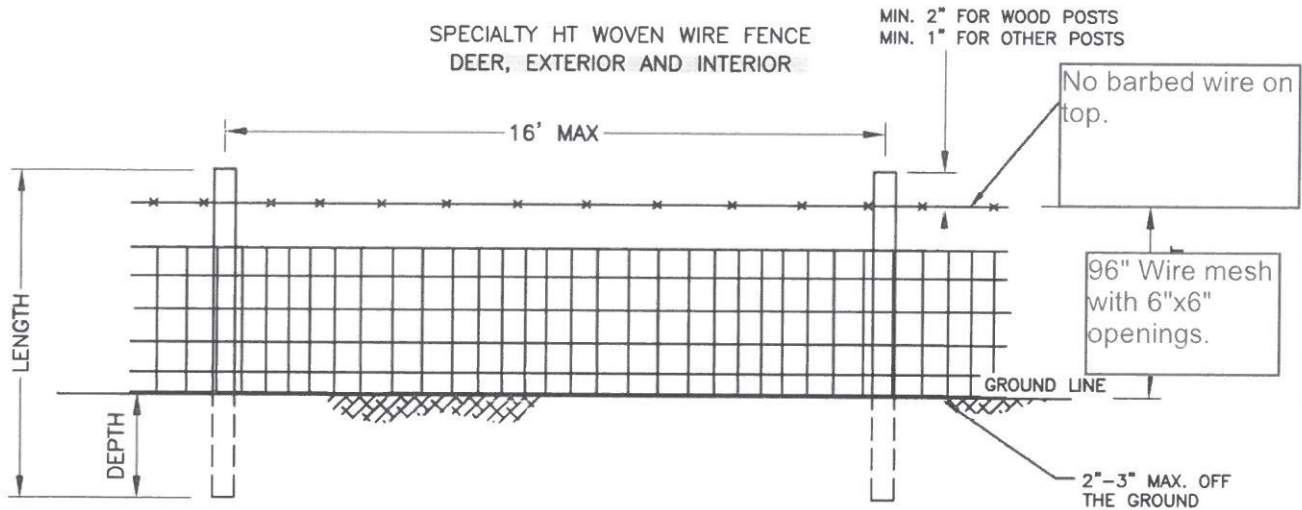


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This electronic mail message and any attachments hereto, as well as any electronic mail message(s) that may be sent in response to it, may be considered public records, and may therefore be subject to public record requests for review and copying under Maine's Right to Know Law (Title 1, 401-521 of the Maine Revised Statutes).

This electronic mail message and any attachments hereto, as well as any electronic mail message(s) that may be sent in response to it, may be considered public records, and may therefore be subject to public record requests for review and copying under Maine's Right to Know Law (Title 1, 401-521 of the Maine Revised Statutes).

**SPECIALTY HT WOVEN WIRE FENCE  
DEER, EXTERIOR AND INTERIOR**



**LINE POSTS**

**WOOD:**

DIA. = 5" MIN  
 DEPTH = 2' MIN  
 MIN. LENGTH = FENCE HEIGHT + POST DEPTH + 2"

ALL WOOD SPECIES EXCEPT RED CEDAR, WHITE CEDAR, TAMARACK, OSAGE ORANGE, BLACK LOCUST, AND WHITE OAK SHALL BE TREATED BY A METHOD LISTED IN WI CONSTRUCTION SPEC. #10-FENCES.

**STEEL:**

STANDARD T" POST MIN 1.25 LBS/FT, 1-3/8" X 1-3/8" X 1/8"  
 DEPTH = 1.5' MIN  
 MIN. LENGTH = FENCE HEIGHT + POST DEPTH + 1"

ALL STEEL POSTS WILL HAVE AN ANCHOR PLATE AND BE STUDDED

ALL STEEL POSTS WILL BE PAINTED WITH A WEATHER RESISTANT PAINT FOR STEEL, ENAMELED AND BAKED, OR HOT DIP GALVANIZED

ALL STEEL POSTS WILL BE ROLLED FROM HIGH CARBON STEEL

**PLASTIC/COMPOSITE:**

DIA. = 1-1/8" MIN  
 DEPTH = 2' MIN  
 MIN. LENGTH = FENCE HEIGHT + POST DEPTH + 1"

POSTS SHALL BE DURABLE FOR THE LIFE OF THE FENCE

POSTS SHALL BE UV PROTECTED FOR THE LIFE OF THE FENCE

**NOTES**

BRACES ARE REQUIRED AT ALL CORNERS, GATES, AND END ASSEMBLIES. SEE BRACE DETAILS.

PULL ASSEMBLIES ARE NOT NEEDED FOR HIGH-TENSILE WOVEN WIRE.

TENSION OF FENCE SHOULD BE SET SUCH THAT THE SAG BETWEEN POSTS IS 1 INCH OR LESS

**WIRE**

12.5-GAUGE OR HEAVIER WIRE WITH CLASS 3 GALVANIZING FOR TOP AND BOTTOM STRANDS OF WOVEN WIRE

14.5-GAUGE OR HEAVIER WIRE WITH CLASS 3 GALVANIZING FOR INTERMEDIATE AND STAY WIRES, SPACED MAX. 12" APART FOR NON-ELECTRIC WOVEN WIRE AND 24" WHEN THE WIRE IS ELECTRIFIED.

WOVEN WIRE TO MEET ASTM A641

**TOP WIRE:**

BARBED WIRE MEETING PART I OF WCS #10-FENCES OR HIGH TENSILE WIRE MEETING PART II OF WCS #10-FENCES

**FASTENERS**

ALL WIRES SHALL BE ATTACHED TO EACH LINE POST

STAPLES SHALL BE 9-GAUGE, GALVANIZED STEEL OR HEAVIER.

RECOMMENDED LENGTH: 1.75" MIN. FOR SOFTWOODS  
 1" MIN. FOR HARDWOODS

USE BARBED STAPLES FOR WOOD POSTS

MANUFACTURER'S CLIPS OR 14-GAUGE WIRE MAY BE USED TO FASTEN WIRES TO NON-WOOD POSTS

STAPLES, WIRES, AND CLIPS SHOULD ALLOW FREE MOVEMENT OF THE HIGH TENSILE FENCE WIRE

**GROUNDING**

IT IS RECOMMENDED THAT FENCES WITHOUT STEEL POSTS BE GROUNDED FOR LIGHTNING PROTECTION AT LEAST EVERY QUARTER MILE. ALL LINE WIRES MUST BE GROUNDED. USE 12.5 GAUGE WIRE FOR LEAD-OUT WIRE.

-GROUND RODS  
 MIN 4 FEET INTO GROUND  
 0.5" MIN DIAMETER, GALVANIZED STEEL

REFER TO WI CONSTRUCTION SPEC #10-FENCES FOR MORE SPECIFIC INFORMATION

Fence Length = \_\_\_\_\_ FT.

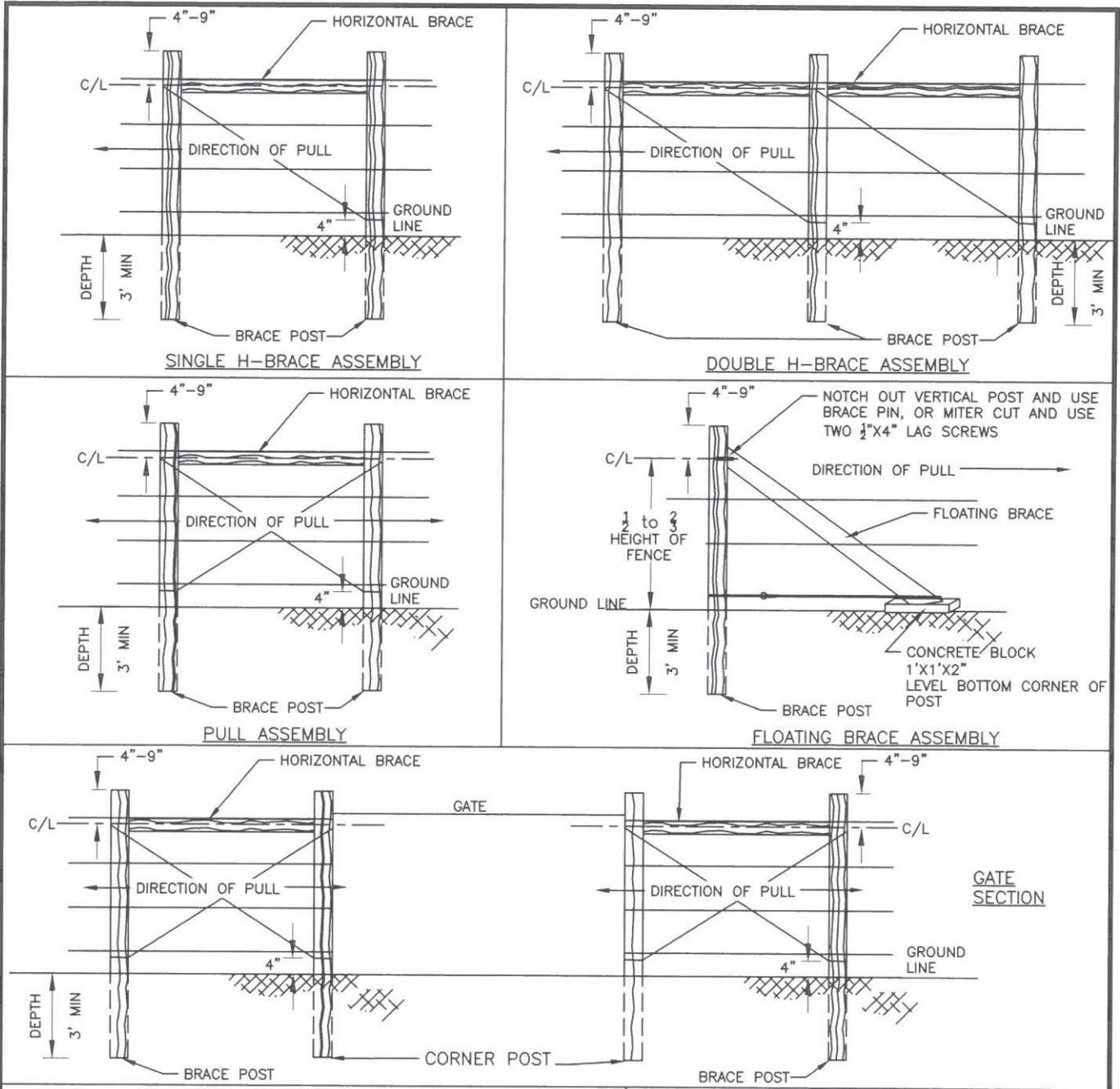


**SPECIALTY HT WOVEN  
WIRE FENCE  
DEER, EXTERIOR & INTERIOR**

CLIENT: \_\_\_\_\_  
 COUNTY: \_\_\_\_\_

Date \_\_\_\_\_  
 Designed \_\_\_\_\_  
 Drawn \_\_\_\_\_  
 Checked \_\_\_\_\_  
 Approved \_\_\_\_\_

Drawing Name  
 701-8A  
 Date  
 7/19  
 Sheet of \_\_\_\_\_



**POSTS**

WOOD:

DIA. = 5" MIN  
LENGTH = 8' MIN\*\*  
DEPTH = 3' MIN

**HORIZONTAL OR DIAGONAL BRACE**

WOOD:

DIA. = 4" MIN, 3" MIN FOR HIGH TENSILE WIRE  
LENGTH = 7' HORIZONTAL, 8' DIAGONAL

STEEL:

HORIZONTAL BRACES MUST MEET ASTM A702 AND ASTM A499 AND HAVE A MINIMUM COATING THICKNESS OF 1 MIL.

\*\*7' MIN. LENGTH CAN BE USED FOR DOUBLE H-BRACE. SHTWWF POST LENGTH IS DEPENDENT ON THE HEIGHT OF FENCE.

ALL WOOD SPECIES EXCEPT RED CEDAR, WHITE CEDAR, TAMARACK, OSAGE ORANGE, BLACK LOCUST, AND WHITE OAK SHALL BE TREATED BY A METHOD LISTED IN WI CONSTRUCTION SPEC. #10-FENCES.

**TENSION WIRE**

2 COMPLETE LOOPS OF 9-GUAGE SMOOTH WIRE OR 12-GUAGE DOUBLE STRAND WIRE, OR A SINGLE LOOP OF 12.5 GAUGE HIGH TENSILE SMOOTH WIRE

**NOTES:**

USE WOOD POSTS ONLY FOR VERTICAL POSTS.

H-BRACE OR FLOATING DIAGONAL BRACE IS REQUIRED ON ALL CORNERS, ENDS AND GATES. AN H-BRACE IS REQUIRED AT ALL PULL ASSEMBLIES AND MUST BE INSTALLED EVERY 660', EXCEPT FOR HIGH TENSILE WIRE FENCE.

USE A SINGLE H-BRACE OR FLOATING BRACE WHEN THE POSTS CAN BE SET OR DRIVEN INTO THE GROUND 3' OR MORE. OTHERWISE, USE A DOUBLE H-BRACE.

CORNER OR BEND ASSEMBLY SHALL BE USED WHENEVER THE HORIZONTAL ALIGNMENT CHANGES MORE THAN 15 DEG. AND OR WHERE VERTICAL ALIGNMENT CHANGE IS MORE THAN 15 DEG. (30 DEG. CHANGE FOR HIGH TENSILE SMOOTH FENCE).

REFER TO WI CONSTRUCTION SPEC #10-FENCES FOR MORE SPECIFIC INFORMATION



**BRACES**

CLIENT: \_\_\_\_\_  
COUNTY: \_\_\_\_\_

Date \_\_\_\_\_  
Designed \_\_\_\_\_  
Drawn \_\_\_\_\_  
Checked \_\_\_\_\_  
Approved \_\_\_\_\_

Drawing Name  
701-11A  
Date  
7/19  
Sheet of \_\_\_\_\_



**THOMAS**  
 SIGN & AWNING CO. INC.  
 4590 E. 11th Avenue North  
 Clearwater, Florida 33762  
 800-526-3325  
 www.thomassign.com

THOMAS

HANNAFORD #8251

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PLANNING BOARD/STAFF REVIEW COMMITTEE APPLICATION  
TOWN OF GRAY MAINE

PROPERTY TO BE DEVELOPED

Property Location/Address	175 Portland Road	Property Map/Lot	59.36.25 + 36-21
Zoning District	Contract Zone	Lot Acreage	7.62 + 4.50
Owner Name	Bruce Properties LLC	Tax Sheet	
Owner Address		Owner Phone	

APPLICANT

Name (IF different than owner)	Robert Emerson	Contact Phone Number	207-338-3826
Mailing Address	164 Carroll Shore Rd	Alternate Phone Number	
Mailing City/State/Zip	Gray, ME 04039	Fax Number	
Email Address			

AGENT/CONSULTANT

Name		Contact Phone Number	
Mailing Address		Alternate Phone Number	
Mailing City/State/Zip		Fax Number	
Email Address			

PROJECT

The undersigned requests that the Town of Gray Planning Board consider the following application for:

Subdivision

- Sketch Plan Review
- Preliminary Plan Review (Major)
- Final Plan Review (Major)
- Minor

Site Plan Review

- Pre-Application Conference
- Minor

Major

Shoreland Zoning Permit

Other (specify)

- Conditional Use
- Amendment
- Extension
- Workshop
- Contract Zone Request

Project Description / Comments:

A proposed 33' x 34' "X" 100'-0"  
Addition to Existing Shop.

Applicant Signature



Date 5-18-21

August 22, 2021

Bruns Bros.  
175 Portland Road  
Gray, ME 04039

Dear Planning Board Members,

Bruns Bros. Welding Inc. was founded in 1985 by Michael and Kenneth Bruns. Our first shop was a chicken house located on family property but soon we bought property at 175 Portland Road and built a wood frame-brick veneer building in 1987-1988. The building was added onto in 1993-1994 and was used as a welding fabrication shop with offices and parts space. By 2007 there was a need for additional space in all departments, so a steel building was built in 2007-2008. A 70'-0" by 110'-0" addition with an annex of 9'-0" by 11'-0" was built to the north end of the production building in 2016-2017.

There is now a need for more storage area. We are proposing a 33'-8 ¾" by 100'-0" addition to the north end of the existing building.

We are currently working with Woodbury Hill Professionals-Structural & Civil Engineering - on building designs and DEP compliance. We also have been engaged with Canam Buildings on building design.

We are looking forward to the October 14th meeting with you.

Sincerely,

Michael Bruns  
Kenneth Bruns



175 Portland Road, Gray, Maine 04039  
800-327-4192 • Fax 207-657-2846  
[www.brunsbros.com](http://www.brunsbros.com)

**August 16<sup>th</sup>, 2021**

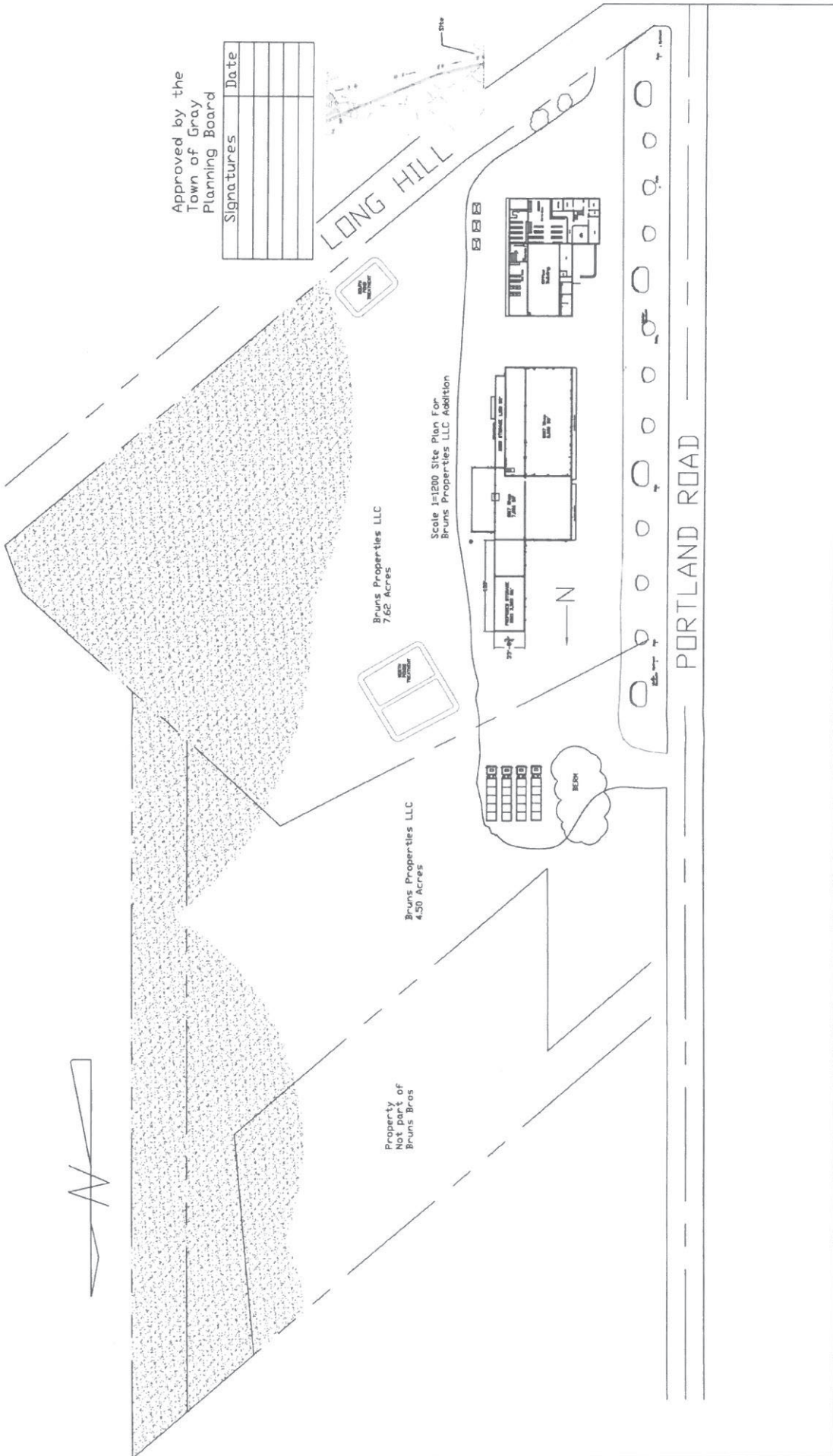
**Town of Gray Planner**

**Doug Webster**

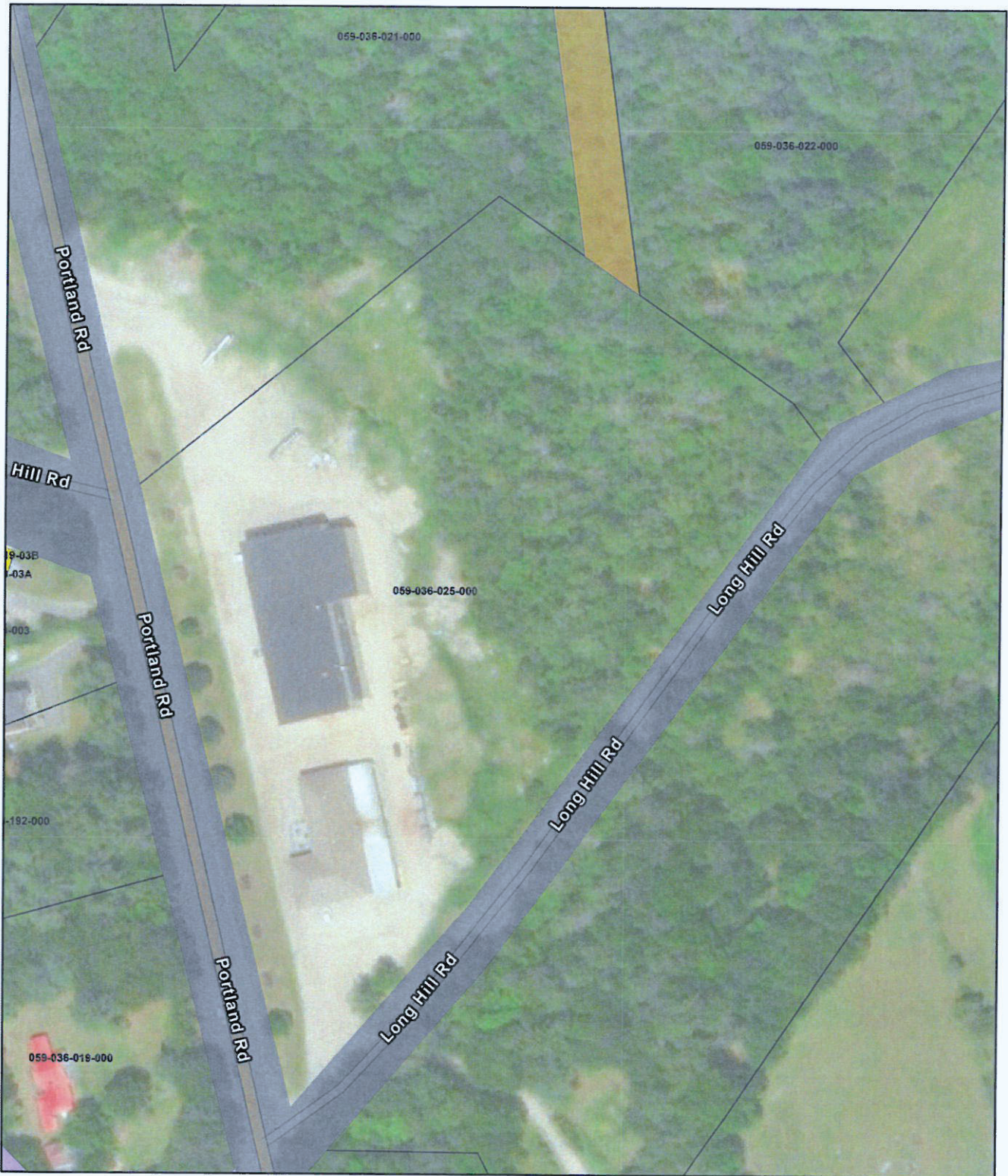
**Robert E Emerson will be representing Bruns Bros for all issues pertaining to the expansion we are planning at the end of existing shop.**







# Town of Gray Parcels



10/14/2021, 9:11:24 AM

1:2,257

Tax Parcels (2021)

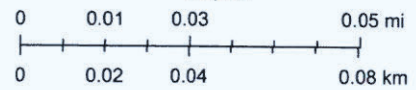
Parcels

Condo/Mobile Home

ROW

Road

Utility



Esri Community Maps Contributors, © OpenStreetMap, Microsoft, Esri Canada, Esri, HERE, Garmin, SafeGraph, INCREMENT P, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA, Maxar

Town of Gray  
Town of Gray

**Woodbury Hill Professionals**  
Civil & Structural Engineering, Oversight, Management  
8 Woodbury Hill Road  
Auburn, ME 04210  
(207) 783-4459

August 23, 2021

To: Bob Emerson

For: Bruns Brothers  
175 Portland Road  
Gray, ME

Dear Mr. Emerson,

I have reviewed the 2015 IBC codes regarding building areas and offer the following:

The building construction type is II-B (Non-combustible unprotected)

The building use is F-2 (Factory for non-combustible products)

Allowable area is 23,000sf (Per Table 506.2)

Area increase due to frontage is 50% [ $I=(600'/600'-0.25)20'/30'$ ] (Eq. 5.5)

Allowable area is 34,500sf [ $A=23,000+(23,000 \times 0.5)$ ] (Eq. 5.1)

Sincerely,



App-2016 11-1-16 Low PA 30 days

CONTRACT ZONING AGREEMENT  
AMONG THE TOWN OF GRAY, BRUNS PROPERTIES LIMITED  
LIABILITY COMPANY AND BRUNS BROS. WELDING, INC.

This is a Contract Zone Agreement (the "Agreement"), made as of the 2<sup>nd</sup> day of November, 2016 by and among the TOWN OF GRAY, a body corporate and politic, located in the County of Cumberland and State of Maine (the "Town"), BRUNS PROPERTIES LIMITED LIABILITY COMPANY, a Maine limited liability company, and BRUNS BROS. WELDING, INC., a Maine corporation, both with a place of business located at 167 and 175 Portland Road, Gray, Maine (the last two, collectively, the "Applicants"), pursuant to the conditional and contract zoning provisions set forth in Section 402.9.9 of the Gray Zoning Ordinance (the "Zoning Ordinance") and 30-A M.R.S.A. § 4352(8) of the Maine Zoning Enabling Act.

WHEREAS, the properties subject to this Agreement consist of two abutting parcels, approximately 4.5 acres and 7.62 acres, totaling 12.12 acres of land owned by Bruns Properties Limited Liability Company and leased to Bruns Bros. Welding, Inc., a/k/a Bruns Bros. Process Equip., located at 167 and 175 Portland Road, identified on the Town Tax maps as Lots 036-021-000 and 036-025-000, respectively, on Tax Map 059, and more particularly depicted on Exhibit "A" attached hereto and made a part hereof, and in deeds of acquisition recorded in the Cumberland County Registry of Deeds in Book 32900, Page 204 and Book 25600, Page 215, respectively, (both parcels, collectively the "Property"); and

WHEREAS, the Applicants have operated their process equipment fabrication sales and service business at 175 Portland Road in Gray for almost thirty years; and

WHEREAS, the Applicants use the Property for their business, which employs over 50 individuals and which includes, but is not limited to, the sales, service, engineering, design, fabrication and installation of process systems for the dairy, food, beverage, pharmaceutical, and other industries requiring transfer of processed product cleanly and efficiently during processing, and which involve, among other things, design, engineering, provision of instrumentation and programming, fabrication, cleaning and repair of skidded systems, as well as sanitary tanks on trailers or trucks transporting milk or potable water. The design and fabrication work may include among other processes tube welding, waterjet cutting, metal forming and fabrication. Additionally, Applicants sell, service, repair and inventory related equipment and parts such as pumps, valves, sanitary hoses, fittings, consumables and other sundry items used in processing plants. There are currently two buildings on the Property housing administrative, design, and engineering office space as well as manufacturing, inventory and production, and the Property has ample outside parking for tanker trailers, as well as other motor vehicles; and

WHEREAS, the Property is currently located in the Commercial District ("C") under the Zoning Ordinance; and

WHEREAS, the Commercial District does not presently allow, either as a permitted or conditional use, manufacturing and processing, light manufacturing, or warehousing, as provided in Table 402.5.3 of the Zoning Ordinance; and

WHEREAS, prior to the date hereof, Applicants over their existence at the location at 175 Portland Road have been granted on numerous occasions conditional use approvals to carry on the uses associated with their existing business operations and erected the buildings currently existing; and

WHEREAS, the Applicants wish to continue to use and operate the Property as currently being used, but also wish to construct additional covered building space to support the Applicants' continued business operations, as set forth in the site plan annexed hereto and incorporated herein as Exhibit "A"; and

WHEREAS, in order for the construction of additional covered space to proceed, certain amendments with respect to the permitted uses under the Zoning Ordinance are required; and

WHEREAS, the Applicants have requested a contract zone amendment for the Property to permit such additional uses and their business operations; and

WHEREAS, the size, location and configuration of the Property permit the construction of the addition as shown on Exhibit A without any additional physical and visual impacts to neighboring properties from such additional building space, and the continued operations of the business will continue to be consistent with the uses of approximately the last thirty years; and

WHEREAS, the rezoning would be consistent with the policies of the Gray Comprehensive Plan, is consistent with the existing and permitted uses within the current zoning classification, and only includes restrictions that relate to the physical development or operation of the property, and which is otherwise permitted pursuant to the Zoning Ordinance and under Maine law.

NOW, THEREFORE, in consideration of the mutual promises made by the parties to each other, the parties covenant and agree as follows:

1. Zoning Map: The Town hereby amends the Zoning Map of the Town of Gray, by adopting the map change amendment shown on the fragmentary map attached as Exhibit B.
2. Permitted Uses. Notwithstanding Table 402.5.3 of the Zoning Ordinance, as it may be amended from time to time, and in addition to the permitted and conditional uses in the Commercial District, manufacturing and processing, light manufacturing, and warehousing are added as permitted uses on the Property.
3. Building Construction Spatial Standards. The spatial standards for the Property, subject to this contract zone, are those as presently provided for in the Commercial District as follows:

Maximum Building Coverage	Minimum Lot Line Setback Front	Minimum Lot Line Setback Side	Minimum Lot Line Setback Rear	Maximum Building Height
50%	10 ft.	15 ft.	20 ft.	35 (53) ft. É

4. Underlying Zoning Designation. Except as set forth above, all other requirements of the underlying Commercial District and the Zoning Ordinance, as it may be amended from time to time, including Article 10, Site Plan Review, shall apply and shall govern the use and development of the Property.

5. Binding Covenants. The above-stated restrictions, provisions and conditions are an essential part of this Agreement and shall run with the Property, shall bind the Applicants, their successors and assigns of the Property or any part thereof, and any party

in possession or occupancy of the Property or any part thereof, and shall inure to the benefit of and be enforceable by the Town, by and through its duly authorized representatives. This Agreement may not be amended except by mutual written agreement of the parties.

6. Enforcement. The Town shall have the power to enforce all conditions and restrictions of this Agreement through an enforcement action pursuant to 30-A M.R.S.A. § 4452, as it may be amended from time to time, or as otherwise provided by law. In the event that the Applicants or their successors or assigns fail to use and operate the Property in accordance with this Contract Zone Agreement, or in the event of any other breach hereof, this Contract Zone Agreement may be terminated by vote of the Town Council after such notice as required by law and by prior written notice of breach by the Town to the Applicants and a reasonable time to cure any such breach. In that event, the Property may then be used only for such uses as are otherwise allowed by law.

7. Miscellaneous Provisions. In the event any provision of this Agreement is found to be invalid or unenforceable, such finding shall not affect the validity and enforceability of the remaining provisions of this Agreement. The failure of either party to insist upon strict performance of any of the terms or conditions of this Agreement or to exercise any of its rights under the Agreement shall not waive such rights, and such party shall have the right to enforce such rights at any time and take such action as may be lawful and authorized under this Agreement, either in law or in equity. This Agreement and the performance thereof shall be governed, interpreted, construed and regulated by the laws of the State of Maine except any conflict of laws or provisions applying laws of any other jurisdiction.

This Agreement shall be recorded in the Cumberland County Registry of Deeds within thirty (30) days after its approval by the Town Council.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the date first set forth above.

WITNESS:

TOWN OF GRAY



Town Council vote

STATE OF MAINE

COUNTY OF CUMBERLAND, ss.

November 2, 2016

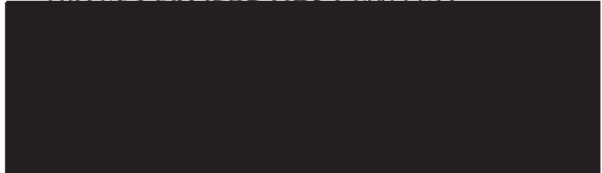
Personally appeared the above-named Deborah S. Cabana, Town Manager of the Town of Gray, and acknowledged the foregoing instrument to be her free act deed in her said capacity and the free act and deed of said Town of Gray.



WITNESS:



BRUNS PROPERTIES LIMITED



STATE OF MAINE  
COUNTY OF CUMBERLAND, ss.

11-2, 2016

Personally appeared the above named Kenneth W. Bruns, Managing Member of Bruns Properties Limited Liability Company, and acknowledged the foregoing instrument to be his free act deed in his said capacity and the free act and deed of said Bruns Properties Limited Liability Company.



STATE OF MAINE  
COUNTY OF CUMBERLAND, ss.

11-2, 2016

Personally appeared the above named Michael E. Bruns, President of Bruns Bros. Welding, Inc., and acknowledged the foregoing instrument to be his free act deed in his said capacity and the free act and deed of said Bruns Bros. Welding, Inc.





STATE OF MAINE  
DEPARTMENT OF ENVIRONMENTAL PROTECTION



PAUL R. LEPAGE  
GOVERNOR

PAUL MERCER  
COMMISSIONER

June 2017

Bruns Brothers, Inc.  
Attn: Ken Bruns  
175 Portland Road  
Gray, ME 04039

RE: Stormwater Management Law Application, Gray, DEP #L-27368-NJ-A-N

Dear Mr. Bruns:

Please find enclosed a signed copy of your Department of Environmental Protection land use permit. You will note that the permit includes a description of your project, findings of fact that relate to the approval criteria the Department used in evaluating your project, and conditions that are based on those findings and the particulars of your project. Please take several moments to read your permit carefully, paying particular attention to the conditions of the approval. The Department reviews every application thoroughly and strives to formulate reasonable conditions of approval within the context of the Department's environmental laws. You will also find attached some materials that describe the Department's appeal procedures for your information.

If you have any questions about the permit, please contact me directly. I can be reached at (207) 523-9807 or at [david.cherry@maine.gov](mailto:david.cherry@maine.gov).

Sincerely



AUGUSTA  
17 STATE HOUSE STATION  
AUGUSTA, MAINE 04333-0017  
(207) 287-7688 FAX: (207) 287-7826

BANGOR  
106 HOGAN ROAD, SUITE 6  
BANGOR, MAINE 04401  
(207) 941-4570 FAX: (207) 941-4584

PORTLAND  
312 CANCO ROAD  
PORTLAND, MAINE 04103  
(207) 822-6300 FAX: (207) 822-6303

PRESQUE ISLE  
1235 CENTRAL DRIVE, SKYWAY PARK  
PRESQUE ISLE, MAINE 04769  
(207) 764-0477 FAX: (207) 760-3143

web site: [www.maine.gov/dep](http://www.maine.gov/dep)

parking area. The parcel is approximately 12 acres in size and is identified as Lots 36-25 and 36-21 on Map 59 of the Town of Gray's tax maps.

2. STORMWATER STANDARDS:

The project includes approximately 3.56 acres of developed area of which 2.7 acres is impervious area. It lies within the watershed of the Pleasant River. The applicant submitted a stormwater management plan based on the Basic and General Standards contained in Department Rules, Chapter 500. The proposed stormwater management system consists of two underdrain soil filters.

A. Basic Standards:

(1) Erosion and Sedimentation Control: The applicant submitted an Erosion and Sedimentation Control Plan that is based on the performance standards contained in Appendix A of Chapter 500 and the Best Management Practices outlined in the Maine Erosion and Sediment Control BMPs, which were developed by the Department. This plan and plan sheets containing erosion control details were reviewed by, and revised in response to the comments of, the Bureau of Land Resources (BLR).

Erosion control details will be included on the final construction plans and the erosion control narrative will be included in the project specifications to be provided to the construction contractor.

(2) Inspection and Maintenance: The applicant submitted a maintenance plan that addresses both short and long-term maintenance requirements. The maintenance plan is based on the standards contained in Appendix B of Chapter 500. This plan was reviewed by, and revised in response to the comments of, BLR. The applicant will be responsible for the maintenance of all common facilities including the stormwater management system.

Storm sewer grit and sediment materials removed from stormwater control structures during maintenance activities must be disposed of in compliance with the Maine Solid Waste Management Rules.

(3) Housekeeping: The proposed project will comply with the performance standards outlined in Appendix C of Chapter 500.

Based on BLR's review of the erosion and sedimentation control plan and the maintenance plan, the Department finds that the proposed project meets the Basic Standards contained in Chapter 500(4)(B).

B. General Standards:

The applicant's stormwater management plan includes general treatment measures that will mitigate for the increased frequency and duration of channel erosive flows due to

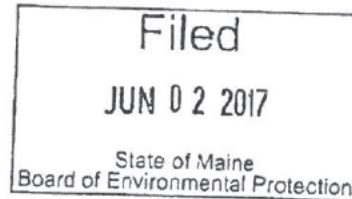
2. In addition to any specific erosion control measures described in this order, the applicant shall take all necessary actions to ensure that its activities or those of its agents do not result in noticeable erosion of soils or fugitive dust emissions on the site during the construction and operation of the project covered by this approval.
3. Severability. The invalidity or unenforceability of any provision, or part thereof, of this License shall not affect the remainder of the provision or any other provisions. This License shall be construed and enforced in all respects as if such invalid or unenforceable provision or part thereof had been omitted.
4. Storm sewer grit and sediment materials removed from stormwater control structures shall be disposed of in compliance with the Maine Solid Waste Management Rules.
5. The applicant shall retain the design engineer or a third-party engineer to oversee the construction of the two underdrained soil filters according to the details and notes specified on the approved plans. Within 30 days of completion of the entire system or at least once per year, the applicant shall submit a log of inspection reports detailing the items inspected, photographs taken, and dates of each inspection to the BLR for review.

THIS APPROVAL DOES NOT CONSTITUTE OR SUBSTITUTE FOR ANY OTHER REQUIRED STATE, FEDERAL OR LOCAL APPROVALS NOR DOES IT VERIFY COMPLIANCE WITH ANY APPLICABLE SHORELAND ZONING ORDINANCES.

DONE AND DATED IN AUGUSTA, MAINE, THIS 2<sup>ND</sup> DAY OF JUNE, 2017.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY:



PLEASE NOTE THE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES.

DC/L27368AN/ATS#81634

with the approval and conditions. Completed certification forms must be forwarded to the department.

- (7) Maintenance. The components of the stormwater management system must be adequately maintained to ensure that the system operates as designed, and as approved by the department.
- (8) Recertification requirement. Within three months of the expiration of each five-year interval from the date of issuance of the permit, the permittee shall certify the following to the department.
  - (a) All areas of the project site have been inspected for areas of erosion, and appropriate steps have been taken to permanently stabilize these areas.
  - (b) All aspects of the stormwater control system have been inspected for damage, wear, and malfunction, and appropriate steps have been taken to repair or replace the facilities.
  - (c) The erosion and stormwater maintenance plan for the site is being implemented as written, or modifications to the plan have been submitted to and approved by the department, and the maintenance log is being maintained.
- (9) Severability. The invalidity or unenforceability of any provision, or part thereof, of this permit shall not affect the remainder of the provision or any other provisions. This permit shall be construed and enforced in all respects as if such invalid or unenforceable provision or part thereof had been omitted.

November 16, 2005 (revised December 27, 2011)

### WHAT YOUR APPEAL PAPERWORK MUST CONTAIN

Appeal materials must contain the following information at the time submitted:

1. *Aggrieved Status.* The appeal must explain how the person filing the appeal has standing to maintain an appeal. This requires an explanation of how the person filing the appeal may suffer a particularized injury as a result of the Commissioner's decision.
2. *The findings, conclusions or conditions objected to or believed to be in error.* Specific references and facts regarding the appellant's issues with the decision must be provided in the notice of appeal.
3. *The basis of the objections or challenge.* If possible, specific regulations, statutes or other facts should be referenced. This may include citing omissions of relevant requirements, and errors believed to have been made in interpretations, conclusions, and relevant requirements.
4. *The remedy sought.* This can range from reversal of the Commissioner's decision on the license or permit to changes in specific permit conditions.
5. *All the matters to be contested.* The Board will limit its consideration to those arguments specifically raised in the written notice of appeal.
6. *Request for hearing.* The Board will hear presentations on appeals at its regularly scheduled meetings, unless a public hearing on the appeal is requested and granted. A request for public hearing on an appeal must be filed as part of the notice of appeal.
7. *New or additional evidence to be offered.* The Board may allow new or additional evidence, referred to as supplemental evidence, to be considered by the Board in an appeal only when the evidence is relevant and material and that the person seeking to add information to the record can show due diligence in bringing the evidence to the DEP's attention at the earliest possible time in the licensing process or that the evidence itself is newly discovered and could not have been presented earlier in the process. Specific requirements for additional evidence are found in Chapter 2.

### OTHER CONSIDERATIONS IN APPEALING A DECISION TO THE BOARD

1. *Be familiar with all relevant material in the DEP record.* A license application file is public information, subject to any applicable statutory exceptions, made easily accessible by DEP. Upon request, the DEP will make the material available during normal working hours, provide space to review the file, and provide opportunity for photocopying materials. There is a charge for copies or copying services.
2. *Be familiar with the regulations and laws under which the application was processed, and the procedural rules governing your appeal.* DEP staff will provide this information on request and answer questions regarding applicable requirements.
3. *The filing of an appeal does not operate as a stay to any decision.* If a license has been granted and it has been appealed the license normally remains in effect pending the processing of the appeal. A license holder may proceed with a project pending the outcome of an appeal but the license holder runs the risk of the decision being reversed or modified as a result of the appeal.

### WHAT TO EXPECT ONCE YOU FILE A TIMELY APPEAL WITH THE BOARD

The Board will formally acknowledge receipt of an appeal, including the name of the DEP project manager assigned to the specific appeal. The notice of appeal, any materials accepted by the Board Chair as supplementary evidence, and any materials submitted in response to the appeal will be sent to Board members with a recommendation from DEP staff. Persons filing appeals and interested persons are notified in advance of the date set for Board consideration of an appeal or request for public hearing. With or without holding a public hearing, the Board may affirm, amend, or reverse a Commissioner decision or remand the matter to the Commissioner for further proceedings. The Board will notify the appellant, a license holder, and interested persons of its decision.