

**TOWN OF GRAY**  
**PLANNING BOARD**  
**AGENDA • SEPTEMBER 15, 2022**

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**Planning Board  
Regular Meeting**

**Council Chambers, Henry Pennell Municipal Complex, 24  
Main St., Gray**

**7:00 PM**

**with remote participation available via Zoom:  
<https://us06web.zoom.us/j/81499075678>**

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**I. MEETING COMMENCES**

Roll Call

**II. MINUTES APPROVAL**

- a. Minutes: Planning Board Regular Meeting, July 14, 2022

**III. INFORMATION EXCHANGE**

1. Minutes - staff
2. October council workshops
3. Town council: Self-storage and STR ordinance updates

**IV. NEW BUSINESS**

- a. Discussion: Planning Board stipend input for council consideration
- b. Discussion: Potential workshops regarding planning processes
- c. Discussion: Hybrid and Remote Meeting Policy

**V. PUBLIC HEARINGS**

- a. A request by Catherine Caswell for Planning Board similar use review of a proposal to construct a 24x40' building for use as a commercial kitchen and to expand the existing 60 square foot farmstand to 200 square feet, on her property at 120 Whitney Road, Map 69, Lot 41-33, in the Rural Residential Agricultural zoning district. This proposal is subject to conditional use, similar use, and site plan review.

**VI. CONTINUED BUSINESS**

- a. Discussion: Provide guidance on next steps for the application of Robert Thayer Jr., represented

by Wayne Wood, regarding the proposed amendment to the Gracewoods subdivision, on Gracewoods Road, Map 62, Lots 027-112 and 027-113, in the Rural Residential and Agricultural zoning district and partly in the Limited Residential Shoreland Zoning District. This proposal is subject to minor subdivision amendment review.

## **VII. 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  
GRAY PLANNING BOARD  
MINUTES – JULY 14, 2022**

Gray Planning Board  
Regular Meeting

**Henry Pennell Municipal Complex  
24 Main Street, Gray, ME 04039**

**7:00 PM**

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

This meeting was conducted as a hybrid meeting - via "Zoom" and in-person.

**Roll Call:**

Attendee Name	Title	Status
Dan Cobb	Chair	Present (In-Person)
Tamara Lee Pinard	Regular Board Member	Present (In-Person)
Keary Sibole	Regular Board Member	Present (In-Person)
David Phelps	Regular Board Member	Present (In-Person)
Melinda Shehee	Regular Board Member	Present (In-Person)
Doug Webster	Community Development Director	Present (In-Person)
Kristen Muszynski	Community Planner	Present (In-Person)
Dan Maguire	Council Liaison	Present (In-Person)

**II. MINUTES APPROVAL:** There were no changes. The following motion was made.

**MOTION:** *by Tamara Lee Pinard, seconded by David Phelps, to approve the Planning Board meeting minutes of June 9, 2022, as written.*

**VOTED:** *3-2 (Passed). (Keary Sibole and Melinda Shehee – Abstained).*

**III. INFORMATION EXCHANGE:**

- **Workshop with Open Space Committee.** The Planning Board met earlier at 6:00 pm this evening. The Open Space Committee (OAC) met with the Planning Board and discussed the Open Space Plan. There was a discussion around ways to align Planning Board and Town activities with the Open Space Plan. The plan is posted on the Town's Website.

- **Remote/Hybrid Meetings.** The newly enacted hybrid/remote meeting policy was adopted by the Town Council. This was included in the Board Member packets. Dan Cobb suggested Board Members review it this month and have it for a item of discussion for next month. He said he had some changes he would like to see with this. This was written by the Town Council for the Town Council. This applies to the Planning Board, as well. There is a provision that the policy can be modified to be most effective for the Planning Board's own use. Any potential modifications can be discussed next month. Dan Cobb feels fully remote is easier than the hybrid method. Dan Maguire said the Planning Board is a quasi-judicial board. There is a higher bar there. This does make for an excellent record. The presentations are much easier to see on-line than here on a monitor.

- **Planning Board Training: August 25, 2022, South Portland.** A reminder that there is a training workshop being put on by the MMA. Kristen Muszynski said she has had a couple of people to sign up and encouraged the Board Members to attend. She stated that they can reach out to the Community Development Office to get registered.

- **Avesta Housing Meadowview II Plan to Sign.** Dan Cobb reminded Board Members to sign the Avesta Housing Meadowview II Plan, which is here at this meeting.

- **Pre-Construction Meetings.** Kristen said in regards to pre-construction meetings, the Town is trying to get these in place as a Best Management Practice (BMP).

- **Village Visioning Meetings.** Kristen urged Board Members to attend if they can or to go on-line and participate that way. There is a meeting on Thursday, July 28, 2022, at 5:00 pm specifically for the Planning Board and Town Council. Dan Maguire said in regards to Avesta, the scale of the project is huge for the Town of Gray. It will have big impacts on traffic where Brown Street comes into the village, etc. The Town has MDOT's attention and buy in to do a lot of this work. It is literally generational stuff. They will do this work. He said this is something that happens every 30-40 years. It is an opportunity to redesign Main Street to make it more pedestrian-friendly and to help manage the traffic that goes through the village. He said it really is a big deal and he hopes people take the time to participate. Doug Webster said that this is the visioning portion and this is really the time to provide input. It is what you want the Gray Village to look like. He emphasized that this is really the opportunity.

**IV. NEW BUSINESS: Gray Yarmouth Road Solar LLC Site Plan Approval Extension Request. To review a request by Gray Yarmouth Road Solar LLC, for a one-year extension of their September 2021 site plan**

**approval for a 4.999 MW commercial solar energy system on a portion of a 102-acre parcel located at the end of Hillcrest Drive, at Map 36, Lot 33-01-00, in the Rural Residential Agricultural Zoning District.** Dan Cobb said previously there was a Staff Review meeting on this item and now it is before this Board for the formal request.

Ben Gregory, from Dynamic Energy, was remotely present for this formal request. He focused on specifics. He said the request is for an extension to the Site Plan and Conditional Use Approval that was granted to Gray Yarmouth Road Solar LLC on 09/20/2021. He said about a month ago they came before the Staff Review and announced that there would be an ownership change that would be forthcoming. The project was being sold to another entity – GSRP, which is Goldman Sachs Renewable Power, LLC. This is a privately-held company managed by the Renewable Power Group of Goldman Sachs Asset Management. This transaction has not happened yet. There was a long discussion with Staff on the substantial start of construction and what that entailed. This extension needed to be requested, because it would not be possible to meet the substantially commenced threshold. As a result, Dynamic Energy, who still owns the company, has submitted the request for a 12-month extension under Section 402.10.17A for the Town’s Ordinance. This 12-month extension is requested to start construction.

Steven Green, a representative of GSRP was present (in-person). He provided insight on the extension request. He said the issue they are having are with supply chain issues, which is a world-wide problem. Steven said when this transition does take place, they plan to start clearing, etc.; however, they cannot get materials to be substantially commenced. Steven Green said this actually needs to be ground broken, with a structure in the ground. He said that is why they need this extension. Doug Webster stated that it is an Ordinance Standard. Dan Cobb asked for what was the decision outcome from the Staff Review meeting. Kristen responded that the Staff Review meeting was to review the change of ownership. Doug Webster stated that the Staff Review, per Section 402.10.17, does not have the authority to do the extension, only the Planning Board does. There were no questions from this Board.

This item was then opened for Public Comment. There being none, the Public Comment portion was then closed.

The following motion was made.

**MOTION:** *by Tamara Lee Pinard, seconded by David Phelps, to move to approve the request by Colin Walker of Goldman Sachs Renewable Power LLC, owner/operator of Gray Yarmouth Road Solar LLC, for a one-year extension of the project’s September 20, 2021 site plan approval for a 4.999 MW commercial solar energy system on a portion of a 102-acre parcel located at the end of Hillcrest Drive, at Map 36, Lot 33-01-00, in the Rural Residential Agricultural zoning district, subject to the following conditions:*

**Conditions of Approval:**

1. All prior applicable standards and conditions of approval remain in effect.
2. The applicant will participate in a pre-construction meeting with the town staff, as a component of condition #9 of the September 2021 Notice of Decision, referenced below:
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.

**VOTED:** 4-1 (Passed). (Keary Sibole – Abstained).

It shall be noted that Keary Sibole abstained from voting, due to being an abutter. Dan Maguire said that Maine’s conflict of interest laws are pretty narrow and clear and that unless you have a financial stake, there is no conflict of interest. Dan Cobb stated that typically a Board Member is required to vote.

**V. PUBLIC HEARING: Garrison Woods Subdivision Amendment. A request by Robert Hagenow, represented by William Fletcher, to create an easement across Lot 7 of the Garrison Woods subdivision, Map 47, Lot 318-010-007, accessed off Mt. Hunger Shore Road, in the Lake Zoning District, to access his abutting property (Map 039, Lot 001-009-000). This proposal is subject to major subdivision amendment review.**

Present, at this meeting was Bill Fletcher, representing the applicant, Bob Hagenow and Bob Hagenow’s son, Robert Hagenow, who were also present, along with Stuart Davis of Davis Land Surveying, who prepared the amended subdivision plan. Bill said the applicant owns Lot 7 within the Garrison Woods Subdivision. He is seeking approval for an access driveway to access his back lot, which is about 20 acres. His father purchased this property back in 1970. They are also requesting a waiver of the requirement to have the road paved. That waiver is presently in place for this subdivision. This was spoken about in a Workshop in May.

There were no questions or a discussion from the Board. Dan Cobb went through the memorandum, starting first with the requested waivers. They are looking for a continuation of the existing waiver of the paving requirements. This was formally granted by the Planning Board when this project was in front of this Board in 2020. The residents, at that time, had requested that this remain unpaved.

**Requested Waivers:** Continuation of the existing waiver of the paving requirement for rural public easement streets (401.13.16-2), as granted by the Planning Board in 2020.

**Comments per Town’s Consulting Engineer:** Their comments were for more detail on driveway and updated stormwater calculations. Bill stated that they are willing to work with the Town Engineer to design the roadway in such a way that it addresses his concerns with stormwater and design.

Comments per Town Staff: Staff is looking for the limit of 13 lots and recommends that a cap on allowed development on Lot 009 is reflected on the face of the plan.

Public Hearing: This item was opened for Public Comment. There were none, both in-person or remote. Dan Cobb said today, the Board received one written comment from Mr. Bowen. This will be included as part of the public record. The Public Comment portion was then closed.

Discussion Points:

**1. Should a limit of 13 dwelling units accessed via Garrison Woods Drive, as recommended by town staff, be required as a condition of approval?** Dan Cobb said they derived with the 13 lots, as follows: They started with 13 lots. Lots 4 and 5 were combined – now there are 12 (Lot 7 is part of that 12) and then adding a dwelling unit out back as Lot 9 would keep this as 13 lots. Bill Fletcher said the subdivision road would serve 13 lots. The back lot will be served by that road. Confirmation was that Lot 7 would be a buildable lot. Kristen said the abutters would like to retain the paving waiver and the easement has been granted, via their Homeowner's Association. Bill stated that his client has not plans to subdivide the lot. He is simply seeking single-family use of the back lot. Doug Webster said that there is a condition on the cap of 13 without it having to come back to the Planning Board. He said this is listed as #5 on Page 6 of the Planners Memo.

**2. Should the waiver of the paving requirement be continued with the addition of this access driveway?** Melinda asked regarding dirt road vs. paved – is it considered less impactful on the environment or basically the same because it is still a road? Dan Cobb responded that normally in the Ordinance it would be required to be paved. They have signed a waiver to not have it paved. They still want it not paved. Doug Webster explained that the environmental impact of a gravel road vs. a paved road is not super-different, but is most relevant is the condition of the stormwater measures and how well they are maintained. A gravel road that is compacted functions as impervious. It is really the maintenance and effectiveness of the stormwater measures. Jeremy, the President of the Homeowner's Association, was in remote attendance and said they have a vested interest in maintaining the road condition and the integrity of the road. The developer of the subdivision went a long-ways to make sure the drainage system was sufficient.

**3. Should stormwater/design information be required for the driveway?** The consensus of the Board was in the affirmative for Item No. 3. Dan Cobb then asked why would you not combine Lot 7 with the back lot? Bill Fletcher responded that Robert's father brought this property in 1970. The property is almost 20 acres. In 2006, when this subdivision was originally considered, Robert was concerned that this subdivision would make this back lot to be landlocked. He does have a deeded ROW. As a precaution a couple of years ago, he bought this back lot so that he could have a shared driveway. This is now part of that 19-acre lot. He hopes to have this for his family. Dan asked if there is any potential future issue with Lots 4 and 5 being split back. Kristen responded that that is a done deal. He did that because he wanted to build a larger garage on the property that would have been too close to the home, given the setbacks that are required. It is merged now and built and the subdivision only allows for one dwelling unit per lot. If this were to happen, this would need to come back to this Board. The following motion was made.

**MOTION:** *by Keary Sibole, seconded by Tamara Lee Pinard, to move to approve the request by Robert Hagenow, represented by William Fletcher, to create an easement across Lot 7 of the Garrison Woods subdivision, Map 47, Lot 318-010-007, in the Lake zoning district, to access his abutting property (Map 039 Lot 001-009-000), subject to the following conditions:*

Conditions: *These conditions to appear on the Plan.*

- 1. The project shall be constructed, operated, and maintained in accordance with the plans, submissions and testimony presented to the Planning Board by the applicant and its representatives.*
- 2. All prior applicable standards and conditions of approval remain in effect.*
- 3. Garrison Woods Drive shall serve as access for no more than 13 dwelling units. Additional dwelling units will require review by the Planning Board.*
- 4. The waiver of the requirement to install bituminous paving, issued at the September 2020 Planning Board meeting, will remain in place.*
- 5. The following notes must appear on the face of the final plan, as noted in the memo:*

Pavement waiver: *The Planning Board, in its vote of September 2020, granted a waiver from the paving standard that was in effect when the Planning Board initially approved the Garrison Woods Subdivision on August 8, 2007, allowing the subdivision road to remain gravel. This waiver was confirmed for this amended plan by the Planning Board at its meeting of July 14, 2022, with the provision that Garrison Woods Drive serves no more than 13 dwelling units."*

Dwelling units: *Garrison Woods Drive will serve as access for no more than 13 dwelling units. Proposals to access additional dwelling units via Garrison Woods Drive will require review and written approval by the Planning Board.*

Standard Road note: *All roads in this subdivision shall remain private roads to be maintained by the developer or the lot owners and shall not be accepted or maintained by the Town except for roads that meet requirements for winter maintenance under a public easement.*

Lot 7: *The addition of the right of way easement and driveway accessing the lot at Map 39, Lot 001-009-000 does not create a division of Lot #7 in the Garrison Woods subdivision.*

Buffer note: *There shall be no construction within the no-cut forested buffer as delineated on the plan, other than the necessary clearing for the approved driveway. Forested buffers as shown on said plan shall be kept in a natural vegetative state with only dead or diseased trees or trees that pose a safety hazard that may be removed in keeping with the Maine Department of Environmental Protection regulations, Chapter 500. 6. The following conditions of approval must be completed prior to issuance of any building permits for the project: A. (Placeholder) Approval of the driveway design and associated stormwater management plan by the town code enforcement officer; with input from the town's engineer; at applicant's expense, that verifies that stormwater*

from the new driveway.

**6. The following Conditions of Approval must be completed prior to issuance of any building permits for the project:**

**A. Approval of the driveway design and associated stormwater management plan by the Town Code Enforcement Officer with input from the Town's Engineer, at applicant's expense, that verifies that stormwater from the new driveway will not significantly exacerbate current stormwater conditions.**

**VOTED:** 5-0 (Passed).

**VI. CONTINUED BUSINESS: Gracewoods Subdivision. A request by Robert Thayer Jr., represented by Wayne Wood, for review of an amendment to a minor subdivision. This proposal is to create two additional lots on Mr. Thayer's property in the Gracewoods subdivision, on Gracewoods Lane, Map 62, Lots 027-112 and 027-113, in the Rural Residential and Agricultural Zoning District and partly in the Limited Residential Shoreland Zoning District. This proposal is subject to minor subdivision amendment review.**

Wayne Wood was present (in-person). He said he has come back to this Board with the changes put forth at the last meeting. He said the road is staying the same as it was. The lots go all the way to the front. He said they have worked with Staff on the septic/well inclusion areas as to where they will sit on the lots. He said the soils information is all there. The acreage calculations have been updated. The Resource Protection Zone is in place. They are proposing to accommodate the abutters to the north side of this property. He said the owner has agreed to a 40 foot, no-cut buffer along that sideline with a four-foot raised berm and plantings along the sideline to shield it from the abutting lot. The contours have been labeled. He said they added the stream, which dumps into the pond and goes under the road and keeps on going. The notes were adjusted with spelling errors.

Comments per Town's Consulting Engineer: N/A – There was nothing new from the consulting engineer.

Requested Waivers:

Groundwater study, per 401.13.9 A 1.E

Soils survey, per 401.13.18 C – Not required yet. Kristen clarified that this is for any additional lots.

Comments per Town Staff, Town's Legal Counsel, and Public Safety/Public Works: These have all been addressed.

Public Hearing: Dan Cobb commented that since this is continued business and there has already been Public Comment on this one, but given the amount and nature of the feedback, he opened this item back up for Public Comment, as follows:

Langdon Thaxter, Esq from Norman Hanson Detrov was present on behalf of Jonathan Carver. Langdon Thaxter said he appreciates a second chance at Public Comment and spoke of difficulties that the abutters are encountering, such as public safety and stormwater concerns, and soil erosion. He said he already submitted a letter to the Board. There were four (4) major points that he wanted to address: First of, he said that this is being considered a minor subdivision amendment. He feels this is a problem for a variety of reasons. This approach is allowing it to avoid major subdivision review. He said this Board has an opportunity now to consider this a major subdivision review, given the scope of it and the potential for future development. He said previously the developer said there would be no more development and that they were going to stop at two (2) lots. Their analysis provides that there could be six (6) lots. He said we know now what the developers plan is moving forward. He said it would be unfortunate if there were a major development here with six (6) lots without ever being subjected to the major development review. He continued by saying that in the initial review process, a number of issues were raised. They are now more prevalent now, due to the fact that it is doubled in scope. The erosion does not meet the requirement, meaning it could cause a reasonable soil erosion and reduction in soil capacity. The abutters have already stated that that is happening, that there is flooding and water runoff from the property and the subdivision. The soil sustainability is very low in this area of the Town. There is a significant amount of wetland. He said they would like to see an independent evaluation in terms of explaining exactly how the soil is going to be able to sustain double the development that is there now. He said initially the Planning Board found that this is not in accordance with the Town Ordinances/Comprehensive Plan. He said that this is still the case. In the Town's Comprehensive Plan, it is clear that development in rural areas should be regulated to respect the existing rural character of the Town. He said duplex development should only be allowed so that the new buildings blend with the rural character of these areas. He referenced this as Page 26 of the Comprehensive Plan. He said this demonstrates that the current proposal is not in line with the Comprehensive Plan and that is one of the requirements for approval for subdivisions. He said the abutters have raised a number of health/safety concerns. The ability of this Board is to take this into account in its evaluation. Health and safety is one of the primary goals of the Planning Board approval and is important to the Town as one of the goals. He said how does the Town view these two (2) duplexes as multi-family, since they will be used as group homes. He said they are asking the Planning Board to treat these two duplexes as they would any other duplexes. This is not about the use as group homes, it is about the demand on the area - the amount of them, the density of them and traffic. He said the Town and its Planning Board can properly consider these very concerning health and safety issues and concerns the abutters have raised. Dan Cobb said that there was a follow-up opinion from the Town Attorney speaking to points in his letter to the Board. Doug Webster then provided that letter to Langdon.

Theresa Grover, who is an abutter addressed flooding concerns. She said her driveway has flooded over from where the existing water dumps into the pond and keeps on going. She said there are three culverts that were put in with the raised driveway. She said the one culvert to her driveway that goes down five feet from their built up road cannot sustain the massive amount of water that pours through those culverts. It has taken the culvert out of her driveway and cost her significant repairs. She said every spring and winter her driveway does flood. She provided the Board photographs of one of the floods that she has and is still happening. She has a big concern with the soil, water, and flooding issue as well. She then follow up with the health and safety issues. There were 88 emergency calls for 2021. She received her FOAA request from the Town for the EMS and Fire. She

said there were 260 calls where EMS and Fire had to respond. This is a high demand on the Town's emergency services. Mr. Thayer also owns a group home on Egypt Road. She said in 2022, there have already been 22 emergency calls to that location. This is an average of one call per week. There have been five (5) accidents already in 2022. She feels this is excessive on a private road. She said the safety concerns are still happening. She said she does not feel safe in her driveway or in her home because of these issues. She provided the Board the summary of information she put together, along with the photographs. There being no further Public Comment, the Public Comment portion was then closed.

Dan Cobb said this Board is not talking about the specific use of the group home on the property. It is off the table and is not going to be discussed. Dan said it is a landlord renting units. There has been very impactful testimony from the neighbors on how it is affecting their lives and living in that area. He said it is a big problem and it needs to be fixed. This project is not going down a good path. There have been attorney opinions on both sides. He said he is not interested in seeing this project go back through litigation again, as well as the neighbors and the applicant. He said to Wayne Wood that he would like to see the Board provide feedback to him on waivers – soils and stormwater. He asked Wayne if his applicant is willing to have a neighborhood meeting or something where they can talk face-to-face, not in a public meeting, to work these issues out and make things better. Wayne said he can entertain that. Dan stated to Wayne that he would not be getting approval this evening. There is input that needs to be considered with respect to waivers. Dan said he would like to see this resolved in a matter of fashion and that this would be a lot better in the end. At this point Dan said he would like feedback from the Board Members on the discussion points and the waivers.

#### Discussion Points:

**1. Does the board agree that a soils study should be required if any additional lots or dwelling units are proposed?** Kristen said this pertains to any additional lots. Kristen stated that Staff advises that a soils study is not required as part of this subdivision amendment, but advocates that the Board may require a soils study if any additional lots or dwelling units are proposed in the future. (5-0 – Unanimous – Yes)

**2. Does the board endorse waiving the groundwater impact study now that more comprehensive septic and well inclusion zones are shown on the revised plan?** Melinda Shehee had a clarifying question. She said that notes applies to the septic and well, not the drainage. Kristen said the groundwater is separate from stormwater. Doug Webster said that there were some questions raised from Mr. Carver and in response to that, Doug said what was proposed was to have the septic inclusions 200 feet from the stream, which is well above the minimum requirement for the Maine Subsurface Water Disposal System rules, as an attempt to try to accommodate the concern that was addressed at the prior meeting. Melinda said clearly stormwater is a problem and has not been fully addressed. Dan Cobb said that this is specific to groundwater. Melinda said she would endorse the waiver. (4-1 – Melinda Shehee).

**3. Does the board endorse not requiring stormwater information for the existing road, given the prior subdivision approval and town records indicating inspections were done by the prior town consulting engineer?** Keary Sibole said the Board does not endorse, not requiring. A stormwater analysis is required for the existing road. (5-0 – Unanimous - Yes). Dan Cobb's advise to Wayne was to do his homework and get everything buttoned up. Tamara Lee Pinard said stream crossings have changed over time. Doug Webster commented that the review of the design was done by the site design, the pre-construction meetings, and inspections were done by Gorrill Palmer. He said the opinion received in the last couple of days in response to Mr. Thaxter's letter did provide some guidance. Doug said if the Planning Board has an amendment to an approved subdivision in front of them, the review is limited in scope to those elements that are changing. He said it is relevant that there have been flooding issues that have been raised and it is relevant that the additional clearing in the vicinity of where the flooding has been reported, raises questions with regards to the stormwater. He said one path for the Boards consideration would be to ask for a stormwater review of existing conditions together with the proposed additional clearing and lots with particular attention towards the flooding that has been reported down gradient from the project site. Melinda said two new units will change the way the drainage works. She said it makes sense to have another look at the way the drainage situation given all the information. The Board was acceptable to this.

**4. Does the board want to consider requiring improvements to the road base of Gracewoods Lane, given the reports from public safety? (See draft Condition of Approval A.)** Kristen said this references something in the prior approval. The Staff Memo was written before they had received input from the attorney. Wayne Wood said the issue was not what it was portrayed originally as. Dan Cobb said that this is why we request information 72 hours ahead of time. He said this makes things at these meetings confusing. Keary Sibole said she would consider this. She said there is some misrepresentation of the goals of this project from the very beginning. She is under the assumption that the road base was created under the assumption that there would be two buildings on this lot and now we are looking at two more and potentially two more after that. She said she would consider requiring improvements to the road base. Tamara Lee Pinard said she feels conflicted because of the legal advice and that the Board cannot consider that. Dan said that the Board can only consider what it presented to them. He said the Board cannot consider what it may or may not be. Keary asked if the road base can be contributing to the road flooding? Dan said on this one, he is not ready to say, "no." He said he does not necessary agree with the Town's Attorney's opinion on that. He said his feedback is not a "yes" or a "no." David Phelps said some changes are improvements to the road base and should be considered. Melinda commented that she needs to digest the lawyer's feedback as well. Dan said the input on this is not definitive.

At this point, Dan Cobb allowed Wayne Wood to respond. He stated that this has been 17 years in the works between approvals. He said he has no intention of doing anything with it right now. He said something may change and in 17 years there is a good possibility that something will. On the road standards, he said, as he recalled, the standards that the Town of Gray has utilized for private road approval, this would meet the standards up to ten (10) dwelling units, in which time, the only change would be to pave the road. For the purposes of the materials for the base of the road, SW Cole Engineering signed off on every bit of gravel that went into the road. He said it was designed by an engineer, checked by an engineer, and inspected by an engineer. It

was built by the standards that are required by the Town of Gray for a private road, not just four (4) units - two (2) lots, but considerably more than that. He stated, are we looking to dig up what is there to prove that they put down what was already certified to by the Town Engineer as being appropriate. He said that would be the road base that is being talked about. He said if you are talking about maintenance of the surface of the road, potholes, grading etc., he said that is a different discussion. Dan stated that Mr. Wood specifically talked about the road base. He said the concern is more about the overall road quality, not necessarily the engineered base of the road and how that relates to the stormwater issues that may be happening. Doug Webster said the cross section that was on the original plans, there is a 20-foot road with two (2), two (2)-foot shoulders. He said the current standard is correct. He said the current standard for up to ten (10) dwelling units is a 16-foot travel way with three-foot shoulders. Doug said the road base was put in the way it was supposed to (as designed) and meets the current standard. The issue was maintenance and ice. The stormwater review will look at what is happening, not so much with the base. He said, it is conceivable if the stormwater is not moving the way that it needs to move, it could cause the icing that was the source of the comments from Public Works regarding being called to the site to tow a public safety vehicle that had gone off the roadway of Gracewoods Lane, due to conditions. Dan said the Board is more interested in the overall stormwater impact, as it relates to any clearing, existing conditions, and how that may or may not be affecting the road, the road base, and anything else that stormwater can affect, including the neighbors down stream of it.

**5. Given the input from neighboring property owners, provided in writing and in-person at the May 10, 2022 public hearing, it seems prudent for the board to have a discussion with the applicant regarding the various questions and concerns that were raised. Is it possible for the board and the applicant to agree upon any project design elements to mitigate impacts to nearby properties.** Dan Cobb suggested having some pro-active conversations and bring some mutually agreeable design elements back to the Board. He said he does not necessary agree with what he heard from either attorney. Dan said that he is better off working out what he can amongst themselves first. Robert Thayer, the developer, was present and stated that he is willing to talk to any of the neighbors. He said his goal is to not ruin anybody's home, life, or whatever. He said the buildings have been there 15-17 years and he said he has never heard a complaint. Dan suggested maybe some increase communication can maybe solve a lot of issues. He suggested they have a neighborhood meeting and maybe the Town can help facilitate this through the Planning Department.

Keary Sibole asked Wayne how they were going to address the safety and health concerns? Wayne stated that the people have to have a place to live. She said, clearly there is something about this subdivision, that is creating safety concerns to the abutters. She said that is one of the biggest concerns the Board has heard from the public. Wayne said people with special needs are living there. He said he does not know how to cure that problem. Robert Thayer said that they have one resident who suffers from panic attacks and anxiety and when she gets scared she calls 9-1-1 because that is her support. He said they are trying to help her with her anxiety, but she has the right to call. Keary Sibole said she does have the right to call 9-1-1, but if it is something that is turning into a safety issue for the neighbors, it is a different concern. Dan stressed to be careful about talking about individuals about personal stuff. He then stated that the Public Hearing has been closed.

Dan Cobb said he feels for the neighbors. There are safety and welfare issues. He mentioned a Nuisance Property Ordinance and properties that are overly burdensome to public services. The Planning Board is not the right form to resolve this. He then offered to the neighbors and asked Dan Maguire if maybe this is something the Town Council is more equipped to deal with and increase the quality of life for everyone in the area. Dan Maguire said the Planning Board does not have the tools or the ability to address mental health issues. The Ordinances do not have the ability to address mental health issues. The Town Council also has so much that they can do. He said this is a difficult situation. He said the Town's Attorney was also clear that this is not part of the discussion here. He said he will encourage Town Councilors to view the recording so they have a better understanding of what the issues are. Dan Cobb then encouraged the neighbors to follow up with Town Council and share their experiences and challenges with them. It is a different forum and they have different abilities then the Planning Board has. He said it is limited to as to what can be addressed.

Dan Cobb stated to Wayne that he has his feedback on the waivers. Hopefully, he will have some communication and come back and let the Board know where he is. This will be taken up when it is brought back. The following motion was made.

**MOTION:** *by Tamara Lee Pinard, seconded by Keary Sibole, to move to table this item.*

**VOTED:** *5-0 (Passed).*

***Before adjournment, Kristen reminded those Board Members who voted, that they need to sign the Avesta Plan before they leave.***

**VII. ADJOURNMENT:** The following motion was made to adjourn the meeting.

**MOTION:** *by Melinda Shehee, seconded by Keary Sibole, to adjourn the meeting at 8:56 p.m.*

**VOTED:** *5-0 (Passed).*

Respectfully submitted,

Doreen M. Christ, Transcriptionist/Minute Taker - Town of Gray

DRAFT

# TOWN OF GRAY TOWN COUNCIL HYBRID AND REMOTE MEETING POLICY

Pursuant to 1 M.R.S § 403-B

*Adopted September 7, 2021*

*Amended June 7, 2022*

## PURPOSE

The Town of Gray strives to provide an open and transparent government that maximizes the ability of its residents to participate in the public process. This Policy sets forth the conditions upon which the Gray Town Council may conduct a hybrid or remote meeting, as that term is defined in this Policy.

## DEFINITIONS

### A. **Hybrid Meeting**

A public proceeding, as defined in 1 M.R.S. § 402(2), as may be amended, conducted with some meeting attendees in person/face-to-face at a designated physical location while connecting with other meeting attendees by remote means.

### B. **Public Meeting**

A “public proceeding,” as that term is defined in 1 M.R.S. § 402(2), as may be amended.

### C. **Remote Means**

Means “remote methods” as that term is defined in 1 M.R.S. § 403-B(1), as may be amended. For purposes of this Policy, “remote means” may include, but is not necessarily limited to: Zoom, Go-To-Meeting, Skype, Google Meet, or other comparable internet-based telephonic or videoconferencing platform. Remote means does not include text-only means such as e-mail, text messages, or chat functions.

### D. **Remote Meeting**

A public proceeding, as defined in 1 M.R.S. § 402(2), as may be amended, conducted solely by remote means.

## HYBRID MEETINGS WITH/WITHOUT REMOTE PARTICIPATION BY INDIVIDUAL TOWN COUNCILORS

The Town Council shall conduct its meetings using the hybrid format whenever feasible as it affords the most participation and transparency. Members of the Town Council are expected to be physically present for all public meetings except when being physically present is not practicable for one or more members.

Circumstances under which physical presence for one or more members is not practicable may be, but are not limited to:

- A. Illness or other physical condition, or temporary absence from the Town of Gray, that causes the member to face significant difficulties travelling to and attending the public meeting in person; or
- B. To provide a reasonable accommodation to a member with a disability.

A Town Councilor who believes it is not practicable, as set forth above, for him/her to attend a meeting in person shall notify the Chair (or in his/her absence, the Vice Chair), as well as the Town Manager, of the existence of such circumstances as far in advance as is possible.

Staff is encouraged to use remote participation in hybrid meetings when feasible except when their physical presence will better facilitate discussions and/or meetings are held during normal business hours.

The physical address, remote link and dial in phone number will be published on all posted agendas in advance of the meeting.

## REMOTE MEETINGS OF THE TOWN COUNCIL

The Town Council shall conduct its meetings using the hybrid format unless the Chair (or in his/her absence, the Vice Chair), in consultation with the Town Manager, makes a determination that an emergency or urgent issue exists that requires the Town Council to conduct a remote meeting, including, but not limited to, inclement weather and/or disasters or catastrophes caused by either natural or man-made causes. The determination of such an emergency or urgent issue shall be made as soon as practicable, and notice of a meeting being conducted solely by remote means shall be disseminated consistent with 1 M.R.S. § 406, as may be amended, the Town Charter and this Policy.

## PUBLIC NOTICE OF HYBRID OR REMOTE MEETINGS

When the Town Council conducts a hybrid or remote meeting, the following shall occur:

- A. Notice of the public meeting shall be provided in a manner that provides ample time to allow public attendance. Such notice shall be disseminated in a manner that is reasonably calculated to notify the general public of the time, date, location, and method to be used to conduct the meeting. Such notice shall provide information regarding how members of the public may attend the public meeting remotely and shall provide the physical location where members of the public may participate in person, if applicable.
- B. Members of the public shall be provided with a reasonable opportunity to participate in the public meeting by remote means, which shall at a minimum include an effective means of communication between such members of the public and the Town Council. Reasonable accommodations may be provided when necessary to provide access to individuals with disabilities.
- C. Unless the entire Town Council is conducting a remote meeting as provided in Section ~~III~~ IV of this Policy, members of the public must be provided the option to attend the meeting in person or by remote means.
- D. Unless the entire Town Council is conducting a remote meeting as provided in Section ~~III~~ IV of this Policy, the Chair (or in his/her absence, the Vice Chair), at the start of the meeting, shall announce the name of any Town Councilor(s) participating by remote means.
- E. All public documents and other materials considered by the Town Council shall be made available to members of the public by the same or more efficient means as they are provided to individual Town Councilors. This requirement may be met by: (i) posting all public documents and materials to be considered by the Town Council on the Town's website at least one (1) business day prior to the meeting; (ii) making physical copies of all documents and materials to be considered by the Town Council available for in person pick-up at the Town Office at least one (1) business day prior to the meeting; or (iii) enabling the "screen-sharing" function of the remote means utilized for the meeting in such a way that members of the public are able to view all relevant documents and materials while the Town Council is reviewing and discussing the same.

## **QUORUM**

A Town Councilor who participates in a hybrid or remote meeting is considered present for purposes of determining the presence of a quorum and voting.

## **ROLL CALL VOTE REQUIRED**

All votes taken during a hybrid or remote meeting must be taken by roll call vote that can be seen and heard if using video technology, and heard if using only audio technology, by all Town Councilors and the public.

## **ZOOM PREFERRED**

The preferred hybrid or remote means for all Town boards and committees shall be Zoom. The platform shall be set up and hosted by a Town official and a digital recording shall be preserved. The use of private accounts to host a hybrid or remote meeting can be used if the Town account is not available but must be recorded. The recording should then be provided to Town Staff.

## **DISRUPTIONS AND ADJOURNMENT**

If during the conduct of a hybrid or remote meeting, the meeting is interrupted through disruptions or glitches in the technology, the meeting may be recessed for up to 15 minutes to restore communication when audio-visual communication cannot be maintained with a quorum of Town Councilors. If the interruption cannot be resolved within 15 minutes, and the Town Council has not provided reasonable notice to the public as to how the meeting will be continued at an alternative date and time, then adjournment may be considered. If the meeting being conducted is a hybrid meeting with no remote participation by individual Town Councilors and a remote connection to the public location identified in the Town Council's notice pursuant to Section VI(a) of this Policy is interrupted or lost, the meeting shall continue at the public location without the need for a recess or adjournment.

## **EXECUTIVE SESSIONS**

To preserve the executive session privilege of any portion of a meeting closed to the public, the Chair should confirm with each attendee that no unauthorized person is present or has access to any executive session being conducted via hybrid or remote means. There shall be no audio or visual recording of an executive session.

## **OTHER TOWN BOARDS AND COMMITTEES**

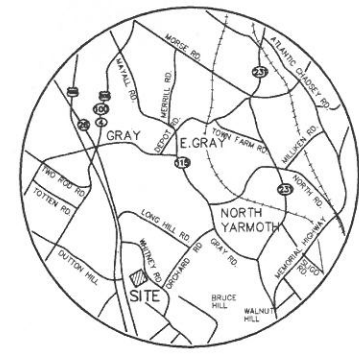
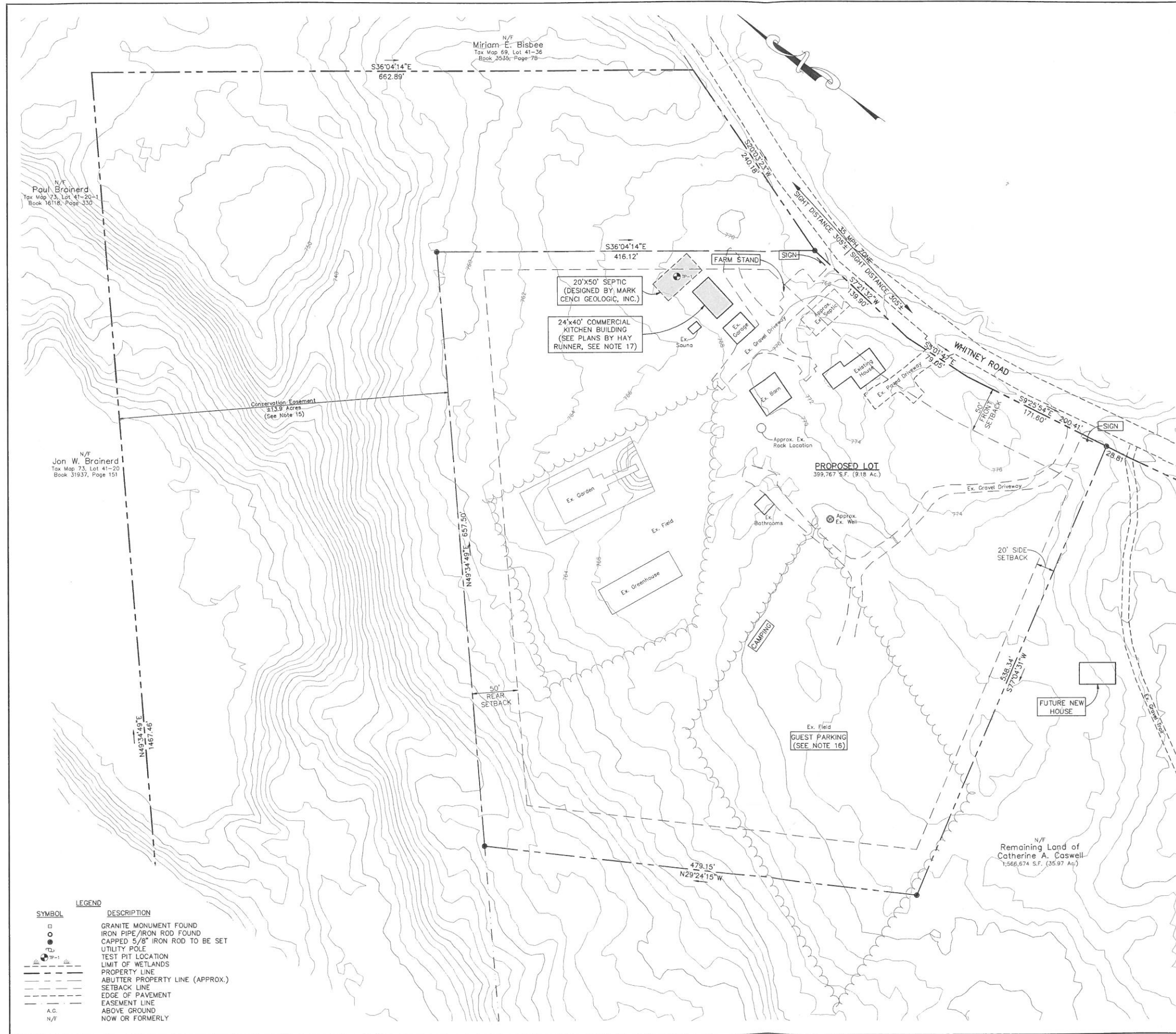
This policy applies to all Town Council boards or committees, unless the board or committee adopts its own policy.

## **APPLICABILITY**

This Policy does not apply to Town Meetings.

## **AMENDMENT; SEVERABILITY; EFFECTIVE DATE**

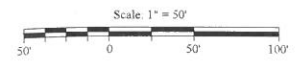
This Policy may be amended as needed by a majority vote of the Town Council. The provisions of this Policy are severable, and if any provision shall be declared to be invalid or void, the remaining provisions shall not be affected and shall remain in full force and effect. This Policy shall take effect immediately upon adoption by the Town Council.



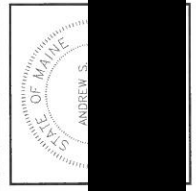
**LOCATION MAP**  
SCALE: 1" = 2 MILES

- NOTES:
- OWNER/APPLICANT: CATHERINE A. CASWELL  
120 WHITNEY ROAD  
GRAY, ME 04039
  - ENGINEER: ANDREW MORRELL PE# 13285  
BH2M  
3808 MAIN STREET  
GORHAM, ME 04038
  - SURVEYOR: DARREN J. HARDY PLS#2371  
WSP USA INC.  
9 EXECUTIVE PARK DR, SUITE 101  
MERRIMACK, NH 03054
  - WETLANDS/TEST PITS/SEPTIC: MARK CENCI GEOLOGIC, INC.  
93 MILL ROAD  
NORTH YARMOUTH, ME 04097
  - DEED REFERENCES: BK. 15618, PG. 39
  - TAX MAP REFERENCE: MAP 69, LOT 41-33
  - ZONING: RURAL RESIDENTIAL & AGRICULTURE (RRA)
  - AREA OF PARCEL: 1,966,441 ± S.F. (45.14 ± AC.)
  - MINIMUM STANDARDS: MIN. LOT SIZE - 80,000 S.F.  
FRONTAGE - 200' MIN.  
SETBACKS - 50' FRONT  
20' SIDE  
50' REAR
  - SEWER SERVICE: SUBSURFACE WASTEWATER DISPOSAL SYSTEM  
(DESIGNED BY MARK CENCI GEOLOGIC, INC.)
  - WATER SERVICE: EXISTING ONSITE WELL
  - ELEC./TEL./CABLE: OVERHEAD-FROM EX. POLES ALONG WHITNEY ROAD
  - CONTOURS: MAINE GIS 2' CONTOURS
  - PLAN REFERENCES: A. "PLAN OF LAND ON WHITNEY ROAD, GRAY, MAINE, MADE FOR CATHERINE A. CASWELL", DATED MARCH 22, 2022, BY WSP USA INC.  
B. "STANDARD BOUNDARY SURVEY FOR STANLEY M. BRAINERD" BY JOHN D. PALMITER, PLS #1057 ON JUNE 28, 1997 AND RECORDED IN BOOK 197 PAGE 317 IN THE CUMBERLAND COUNTY REGISTRY OF DEEDS.  
C. "STANDARD BOUNDARY SURVEY MADE FOR CATHERINE A. CASWELL" BY OWEN HASKELL, INC. RECORDED IN BOOK 206 PAGE 236 IN THE CUMBERLAND REGISTRY OF DEEDS.
  - ORIGINAL CONSERVATION EASEMENT GRANTED TO THE TOWN OF GRAY, C.C.R.D. BOOK 3662, PAGE 91. RELOCATED TO THIS AREA PER PLAN REFERENCE 14A.
  - PARKING TO ACCOMMODATE KITCHEN WILL BE VIA THE EXISTING GUEST PARKING AREA ON SOUTHERN PORTIONS OF THE SITE.
  - FOR UTILITY LOCATIONS AND DRAINAGE FOR COMMERCIAL KITCHEN BUILDING SEE SITE PLAN SUBMITTED BY HAY RUNNER.
  - WETLANDS ON THE PARCEL ARE SUMMARIZED IN THE REPORT BY MARK CENCI GEOLOGIC, INC. DATED JULY 9, 2013.

SYMBOL	DESCRIPTION
□	GRANITE MONUMENT FOUND
○	IRON PIPE/IRON ROD FOUND
●	CAPPED 5/8" IRON ROD TO BE SET
⊙	UTILITY POLE
⊙-1	TEST PIT LOCATION
⊙	LIMIT OF WETLANDS
---	PROPERTY LINE
---	ADJUTER PROPERTY LINE (APPROX.)
---	SETBACK LINE
---	EDGE OF PAVEMENT
---	EASEMENT LINE
A.G.	ABOVE GROUND
N/F	NOW OR FORMERLY



NO.	DATE	REVISION DESCRIPTION
1	8/12/22	Submitted Site Plan to town



**BH2M**  
Bert J. Huff, McDonald, Mitigan, Inc.  
Engineers, Surveyors  
3808 Main Street  
Gorham, Maine 04038  
Tel: (207) 538-2771  
www.bh2m.com

FOR  
Catherine A. Caswell  
120 Whitney Road  
Gray, Maine 04039

**SITE PLAN**  
**COMMERCIAL KITCHEN BUILDING**  
WHITNEY ROAD  
GRAY, MAINE

DESIGNED A. Morrell	DATE August 2022
DRAWN Dept.	SCALE 1" = 50'
CHECKED A. Morrell	JOB. NO. 22165

SHEET  
**1**  
REPRODUCTION OR REUSE OF THIS DOCUMENT WITHOUT THE EXPRESSED WRITTEN CONSENT OF BH2M INC. IS PROHIBITED.

Catherine Caswell  
Caswell Farm Creative LLC  
120 Whitney Road  
Gray, Maine 04039

Town of Gray  
Henry Pennell Municipal Complex  
24 Main St  
Gray, ME 04039

August 11, 2022

Planning Board,

My name is Catherine Caswell and I currently own 48+/- acres at my 120 Whitney Road property located on Map 69, lot 41-33 in a RRA zone in Gray. I have four uses operating at Caswell Farm and they include Residential, Event Center with Camping and Agricultural. My agricultural business was started soon after I bought the family farm in 1996. This was a small production which primarily consisted of salad greens and other organic vegetables that I sold to restaurants in Portland.

In the 25 years that followed I have grown my agricultural business, Caswell Farm Creative, to help support my other uses which work together to create a true farm to table property that supports my family as a working farm.

I originally received conditional use approval to change my COO and establish my Event Center in 2014. I have returned twice for amendments to the use one in 2015 to establish covered areas, again in 2016 for temporary camping permission and 2018 for the addition of a deck off the existing barn.

I am currently applying for approval to increase my agricultural viability with the addition of a 24'x40' Commercial Kitchen on property in order to help me create added value products from my surplus produce, create space for educational workshops that pertain to food security, diversity and homesteading. My intent is to offer more public access to this open space.

My intent here is to lay out the current and proposed uses, uses not specifically allowed and how they might comply with similar uses that are variations of permitted and conditional uses. I have to meet the threshold with the Gray Town Code Enforcement office and now seek approval from the Gray Planning Board.

Sincerely,

A black rectangular redaction box covers the signature area. Above the box, there are faint, handwritten scribbles in blue ink.

Catherine Caswell  
Owner Caswell Farm Creative LLC



# CASWELL FARM

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GRAY MAINE

Currently the uses of Residential, Event Center (40x40 two story barn) with a temporary camping permit and Agricultural production exist at 120 Whitney Road as follows: my primary residential home is on this property, I share part of this home with Event business. I host weddings approximately 16-18 weekends a year with my season spanning for June through October. This shared space is rented overnight on occasion, approximately half of these dates. The camping option for these couples is only offered with overnight packages and used only a couple times a year. I file and receive temporary camping permitting from the State of Maine DHHS annually. My Agricultural business, Caswell Farm Creative LLC, includes approximately 2 acres with a 88x30 greenhouse and has been in production since I bought the farm in 1996 and has grown to supplying local restaurants and a small farm stand.

The proposed commercial kitchen is to grow my ability to sell my surplus produce by creating added value products, workshops based on the products I grow, foraged, propagate or design. I plan to expand my current farm stand of 6x10 to the allotted 200sf farm stand with the intent to continue to sell my farm based produce and products in conjunction with selling to my previously established farm to market accounts.

The 48 acre property in overview includes the above uses, the proposed commercial kitchen, a new single family residence for myself, a conveyance of 2 acres to an abutting neighbor and 14 acre in an environmental easement, all outlined on the included map. I would also like to outline the existing and new proposed uses, how they would be considered similar uses as they pertain to my existing uses and define some parameters on the new uses that do not easily fit into a similar use category.

I believe the similar use of a Commercial Kitchen as described falls into the similar use as defined in the purpose of the RRA Zoning Districts, General Agriculture and the Table of Permitted Uses And Conditional Permitted Uses (402.5.3). Some of these purposes include encouraging low density development which will enhance and protect the open space/rural to promote Agritourism on agricultural, forested and open space land by allowing owners to offer accommodations, food and hospitality services. General agriculture as defined in Chapter 402 includes cultivation of soil for food products or other useful or valuable growth of a field, garden, nursery or greenhouse. Many of my current uses are a result of permitted uses or approved conditional uses as allowed in the Table of Uses for RRA. These uses include general agriculture, places for public assembly, camping and farm stands.

Some activities that would not easily fit in the purpose of the RRA Zoning Districts or the Table of Permitted and Conditional Uses but can be seen as similar to the existing uses by way of the definition of General Agriculture include wholesaling, schools and retail locations. I am proposing this Commercial Kitchen be considered in the context of agriculture/ agritourism. Retail would be limited to the farm stand, which is permitted and would comprise of farm made produce and products only. Currently I sell produce from the farm to market locations such as restaurants and caterers and do not believe my volume constitutes wholesaling. No buyer is coming to the property and this is a typical activity for farms and their product. Our workshops would center on our agricultural production, food preparation and homesteading. These workshops would not be pursuant to approval by the State Board of Education or aspire to accredit anyone.

I hope I have accurately outlined the overview of my property and how a commercial kitchen will fit into the working of the farm. I believe this added use will pull together a true sense of place that provides access, experience and connection to farming and food culture. I believe this addition can be approved under the various ordinances and definitions provided in our code book.

## **Follow up: Primary Similar use is Article 4 Zoning Districts-Purposes of the Rural Residential and Agricultural District**

The Rural Residential and Agricultural district is located in the most rural and sparsely populated sections of the town, and extend beyond the areas of gray that may reasonably be serviced by public water and sewer. It is the intent of the district to encourage low density development which will enhance, reinforce and protect the rural/open space environment currently characterizing these areas of the town to promote agritourism and agriculture, forested an open space land for the use and enjoyment of these lands by allowing owners or operators of land to develop and offer accommodations, food and hospitality services on lands within this zone.

### **Workshops:**

Workshops of 2-3 a month would be between 2-4 hours each, including a food component. The group size for these would consist of approximately 10-12 participants.

### **Traffic/Parking estimates:**

Currently this location hosts wedding events and sees about 50 cars arriving within a short time period between 3-5pm on weekend evenings. I have an entrance to a large field for guests. I have a separate entrance for access to the back of the barn for rental drop offs, catering and the farm stand with a smaller parking area. Both entrances are clearly labeled for short and long term parking. This access would also host the parking area for the kitchen. Approval for these entrances were given in prior approvals and nor overall increase is expected with his addition. Due to the long sightline at 120 Whitney Road no workshop or sporadic visit to the farm stand would surpass wedding traffic.

### **Farm employees:**

Employees for the farming business would be 3-4 and their arrival should not affect traffic on Whitney road.

### **Farm stand:**

We currently have a 6'x10' farm stand at the farm. Farm stands are allowed in the purposes of RRA and are defined with a maximum size of 200 square feet in floor area. Supporters would use the same curb cut with the kitchen and barn access. All parking is off the road.

### **Septic needs:**

Waiting for a confirmation the site is acceptable for a septic needed for a commercial.



# CASWELL FARM

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## GRAY MAINE

### Standards Applicable to Conditional Permitted uses:

1. Will be compatible with the general character of the neighborhood with regard to design, scale and bulk of purposed structures.

*The proposed 40' x 24' structure will mimic in design, materials and aesthetic the existing farmhouse, 40' x 40' barn and 88' x 30' high tunnel on the 48 acre parcel.*

2. Will not have a significant detrimental effect on the use and peaceful enjoyment of abutting property as a result of noise, vibrations, fumes, odor, dust, light or glare.

*The proposed kitchen will comply with all applicable setbacks and further enclose the existing processing operations already in use on the property, therefore reducing disturbances to the abutting properties.*

3. Will not have a significant adverse effect on adjacent or nearby property values.

*Caswell Farm Creative, LLC has been on operating on property for the past five years with no adverse effect on property values.*

4. Will not result in significant hazards to pedestrian or vehicular traffic, or significant traffic congestion.

*The property has already undergone an approval process that considers traffic patterns, emergency vehicles and egress. The proposed project will include off street parking.*

5. Will not result in significant fire danger.

*The proposed commercial kitchen will comply with all applicable State of Maine and Gray building and fire codes.*

6. Will not result in significant flood hazards or flood damage, drainage problems, ground or surface water contamination, or soil erosion.

*The proposed commercial kitchen will include all plumbing and drainage systems required by the State of Maine and Gray building and plumbing codes. The buildable lot conforms to all flood zone building requirements.*

7. Will be served adequately by, but will not overburden, existing public services and facilities, including fire protection services, roads, water and storm drainage systems.

*The property includes an approved hammerhead turn around and egress. All other services and facilities, including fire suppression, well and septic are private.*

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KNOW ALL MEN BY THESE PRESENTS, THAT  
W. STEARNS CASWELL  
OF 19 ELWOOD ROAD DELMAR  
AND STATE OF NEW YORK, FOR CONSIDERATION PAID,  
GRANT(S) TO CATHERINE A. CASWELL

OF 120 WHITNEY ROAD GRAY  
COUNTY OF CUMBERLAND  
AND STATE OF MAINE WITH WARRANTY COVENANTS, THE  
FOLLOWING DESCRIBED PREMISES:

A certain lot or parcel of land with the buildings thereon, situated in Gray in  
said County and State and being Lot No. 21 in the Third Division of land in  
said Gray and bounded and described as follows:

MAINE REAL ESTATE TAX PAID

Beginning on the Town Road leading by the former residence of Orin F.  
Whitney on the Westerly side of said road and on the line between Gray and  
Cumberland; and thence running Southwesterly on the Town Line to land  
now or formerly of Abram Verrill; thence Northwesterly on the line of said  
Verrill's land to land now or formerly of Albert Cary; thence Northeasterly  
by said Cary's land to land now or formerly of Orin F. Whitney; thence  
Southeasterly by Whitney's land to the above-named road; thence Southerly  
by said road to the bound first mentioned said parcel contains forty-eight and  
three-quarters (48 3/4) acres, more or less.

Meaning and intending to convey the same premises conveyed to the  
Grantor by deed from Willard S. Caswell, Sr. dated November 29, 1984 and  
recorded in Book 6652 Page 33.

Witness his/her/their hand(s) this 22 day of July, 2000.

[Redacted]

Witness

[Redacted]

W. Stearns Caswell

15618-39

State of New York  
County of Albany

July 22, 2000

Then personally appeared the above-named person(s), known to me  
(or satisfactorily proven) to be the person(s) whose name is subscribed to the  
within instrument and acknowledged that he/she/they executed the same for  
the purposes therein contained. In witness whereof, I hereunto set my hand  
and official seal.

RECEIVED  
RECORDED REGISTRY OF DEEDS Before me,  
2000 JUL 26 PH 3: 16

[Redacted]

Notary Public

CUMBERLAND COUNTY  
[Redacted]

HOWARD W. BULLOCK  
Notary Public, State of New York  
Qualified in Chenango County  
0487510  
His Commission expires March 22, 2010

CATHERINE A. CASWELL  
LOT DESCRIPTION  
LOT " 33 "

A CERTAIN LOT OR PARCEL OF LAND WITH THE BUILDINGS THEREON, SITUATED IN THE TOWN OF GRAY, COUNTY OF CUMBERLAND, AND STATE OF MAINE, BOUNDED AND DESCRIBED AS FOLLOWS;

BEGINNING AT A POINT ON THE WESTERLY SIDE OF WHITNEY ROAD AT THE MOST EASTERLY CORNER OF LOT 33 AT THE LAND NOW OR FORMERLY OF BISBEE;

THENCE ALONG THE WESTERLY SIDELINE OF WHITNEY ROAD THE FOLLOWING SIX COURSES:

S 20° 03' 23" W, 240.18 FEET  
S 07° 21' 32" W, 139.90 FEET;  
S 03° 01' 47" E, 79.05 FEET;  
S 09° 25' 54" E, 200.41 FEET;  
S 10° 52' 01" E, 575.30 FEET; AND  
S 18° 51' 16" E, 206.62 FEET TO A POINT AT THE CORNER OF LOT 33A;

THENCE, ALONG LOT 33A THE FOLLOWING THREE COURSES:

S 51° 39' 22" W, 381.07 FEET  
S 38° 20' 38" E, 225.85 FEET;  
N 51° 39' 22" E, 334.18 FEET TO A POINT ON THE WESTERLY SIDELINE OF WHITNEY ROAD;

THENCE, S 28° 42' 41" E, 60.86 FEET, ALONG THE WESTERLY SIDELINE OF WHITNEY ROAD TO A POINT AT THE LAND NOW OR FORMERLY TERISON. SAID POINT BEING ON THE TOWN LINE BETWEEN GRAY AND CUMBERLAND, FROM WHENCE A MARKED STONE ON THE EASTERLY SIDE OF SAID WHITNEY ROAD BEARS, N 51° 39' 22" E, A DISTANCE OF 48.66 FEET.

THENCE, S 51° 39' 22" W ALONG A STONE WALL ON THE SAID TOWN LINE, 648.67 FEET TO AN INTERSECTION WITH A STONE WALL ON THE SOUTHERLY LINE OF LAND NOW OR FORMERLY OF BRAINERD;

THENCE, N 37° 02' 01" W, 2064.28 FEET ALONG SAID BRAINERD LAND BY THE REMAINS OF AN ELECTRIC FENCE AND PARTIALLY BY A STONE WALL TO A POINT AT THE LAND NOW OR FORMERLY OF GORDON;

THENCE, N 49° 34' 49" E, 1467.46 FEET ALONG THE LAND OF GORDON TO A POINT AT THE SOUTHWEST CORNER OF LAND NOW OR FORMERLY BISBEE;

THENCE, S 36° 04' 14" E, 662.89 FEET ALONG SAID LAND OF BISBEE TO A POINT ON THE WESTERLY SIDELINE OF WHITNEY ROAD AND THE POINT OF BEGINNING.

LOT 33 CONTAINING 50.14 ACRES, MORE OR LESS.

ALL AS SHOWN ON A PLAN ENTITLED: "STANDARD BOUNDARY SURVEY ON WHITNEY ROAD, GRAY, MAINE MADE FOR CATHERINE A. CASWELL " BY OWEN HASKELL, INC DATED JUNE 26, 2001 REVISED 11/30/04, JOB NO. 2000-216.

July 23, 2001

Conservation Easement Description

A certain lot or parcel of land situated in the Town of Gray, County of Cumberland, and State of Maine, bounded and described as follows:

Beginning at a point on the westerly side of Whitney Road, said point being the northeasterly corner of land now or formerly of W. Stearns Caswell;

Thence, from said point of beginning, S 20° 03' 23" W along said road 240.18;

Thence, N 36° 04' 14" W across land of said grantor herein 416.122 feet;

Thence, S 49° 34' 49" W across land of said grantor herein 1261.31 feet to a point on the easterly line of land now or formerly of Brainerd;

Thence, N 37° 02' 01" W along said land 365.05 to a point on the southerly line of land now or formerly of Gordon;

Thence, N 49° 34' 49" E along said land 1467.46 feet to a point at the southwest corner of land now or formerly of Bisbee;

Thence, S 36° 04' 14" E along said land 662.89 feet to the point of beginning, containing 13.9 acres.

All as shown on a plan titled: "Standard Boundary Survey .... made for Catherine A. Caswell" by Owen Haskell, Inc. dated June 26, 2001, Job No. 2000-216.

## MAP LEGEND

	Area of Interest (AOI)		Very Stony Spot
	Area of Interest (AOI)		Well Spot
	Soils		Other
	Soil Map Units		Special Line Features
	Special Point Features		Gully
	Blowout		Short Steep Slope
	Borrow Pit		Other
	Clay Spot		Political Features
	Closed Depression		Cities
	Gravel Pit		Water Features
	Gravelly Spot		Streams and Canals
	Landfill		Transportation
	Lava Flow		Rails
	Marsh or swamp		Interstate Highways
	Mine or Quarry		US Routes
	Miscellaneous Water		Major Roads
	Perennial Water		Local Roads
	Rock Outcrop		
	Saline Spot		
	Sandy Spot		
	Severely Eroded Spot		
	Sinkhole		
	Slide or Slip		
	Sodic Spot		
	Spoil Area		
	Stony Spot		

## MAP INFORMATION

Map Scale: 1:4,810 if printed on A size (8.5" x 11") sheet.

The soil surveys that comprise your AOI were mapped at 1:24,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for accurate map measurements.

Source of Map: Natural Resources Conservation Service  
 Web Soil Survey URL: <http://websoilsurvey.nrcs.usda.gov>  
 Coordinate System: UTM Zone 19N NAD83

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Cumberland County and Part of Oxford County, Maine  
 Survey Area Data: Version 7, Jan 8, 2009

Date(s) aerial images were photographed: Data not available.

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

**REGULATORY REVIEW**

PROJECT ADDRESS: 120 WHITNEY ROAD, GRAY, ME 04039  
 MAP/LCT: 069-041-033-000  
 LOT NUMBER: 33-0  
 LAND USE CATEGORY: RURAL RESIDENTIAL & AGRICULTURE

**SUMMARY OF PROPOSED STRUCTURE**

A NEW COMMERCIAL KITCHEN IS PROPOSED TO BE PLACED ON THE RRA PROPERTY AT 120 WHITNEY ROAD. IT WILL BE LOCATED ALONG AN EXISTING DRIVEWAY AND NEW PARKING AND SEPTIC WILL BE NEEDED ON THE PROPERTY AS WELL. THE SPACE WILL BE 24' x 40' AND HAVE A PARTIAL SECOND STORY. IT WILL BE 26'-6" TALL AND FIT WITHIN ALL REQUIRED SETBACKS.

**PURPOSES OF THE RURAL RESIDENTIAL & AGRICULTURE DISTRICT**

(PER TOWN OF GRAY ZONING ORDINANCE 402.4.2.A)  
 THE RURAL RESIDENTIAL AND AGRICULTURAL DISTRICT IS LOCATED IN THE MOST RURAL AND SPARSLEY POPULATED SECTIONS OF THE TOWN, AND EXTENDS BEYOND THE AREAS OF GRAY THAT MAY REASONABLY BE SERVICED BY PUBLIC WATER AND SEWER. IT IS THE INTENT OF THIS DISTRICT TO ENCOURAGE LOW DENSITY DEVELOPMENT WHICH WILL ENHANCE, REINFORCE AND PROTECT THE RURAL/OPEN SPACE ENVIRONMENT CURRENTLY CHARACTERIZING THESE AREAS OF THE TOWN AND TO PROMOTE AGRI/TOURISM ON AGRICULTURAL, FORESTED AND OPEN SPACE LAND FOR THE ACCOMMODATIONS, FOOD AND HOSPITALITY SERVICES ON LANDS WITHIN THIS ZONE.

**LOT DIMENSION & DENSITY STANDARDS**

MINIMUM LOT AREA:	80,000 SF	ACTUAL LOT AREA:	2,090,880 SF
MINIMUM STREET FRONTAGE:	200 FT	ACTUAL STREET FRONTAGE:	1,441.46 FT
MINIMUM AREA PER DWELLING UNIT:	40,000 SF		
MAXIMUM LOT COVERAGE:	10%	CURRENT LOT COVERAGE:	.0016%
		PROPOSED LOT COVERAGE:	.0021%

**MINIMUM SETBACKS**

ALLOWED FRONT:	50 FT	ACTUAL FRONT:	40 FT*
ALLOWED SIDE:	25 FT	ACTUAL SIDE:	275 FT*
ALLOWED REAR:	50 FT	ACTUAL REAR:	400 FT*
ALLOWED MAX BUILDING HEIGHT:	35 FT	ACTUAL BUILDING HEIGHT:	28 FT* (EXISTING BARN)

PROPOSED NEW BUILDING HEIGHT:  
 PROPOSED SIDE:

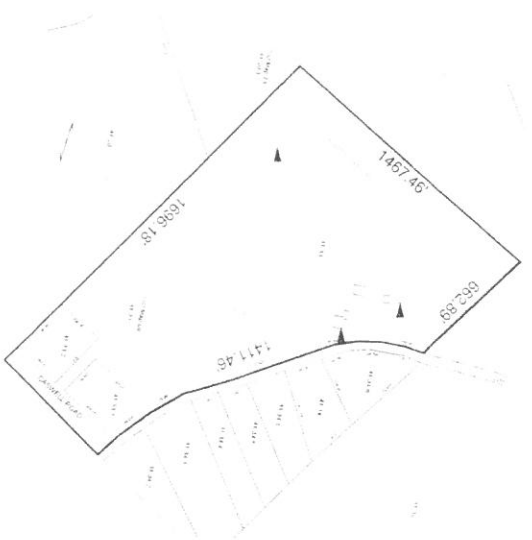
26'-6" FT  
 222 FT\*



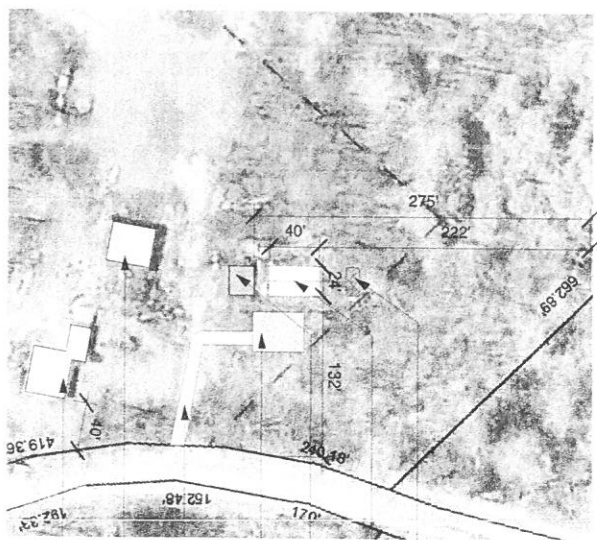
CASWELL FARM KITCHEN

120 WHITNEY ROAD, GRAY  
 01/12/22

\*DENOTES APPROXIMATION BASED ON AERIAL MAPS

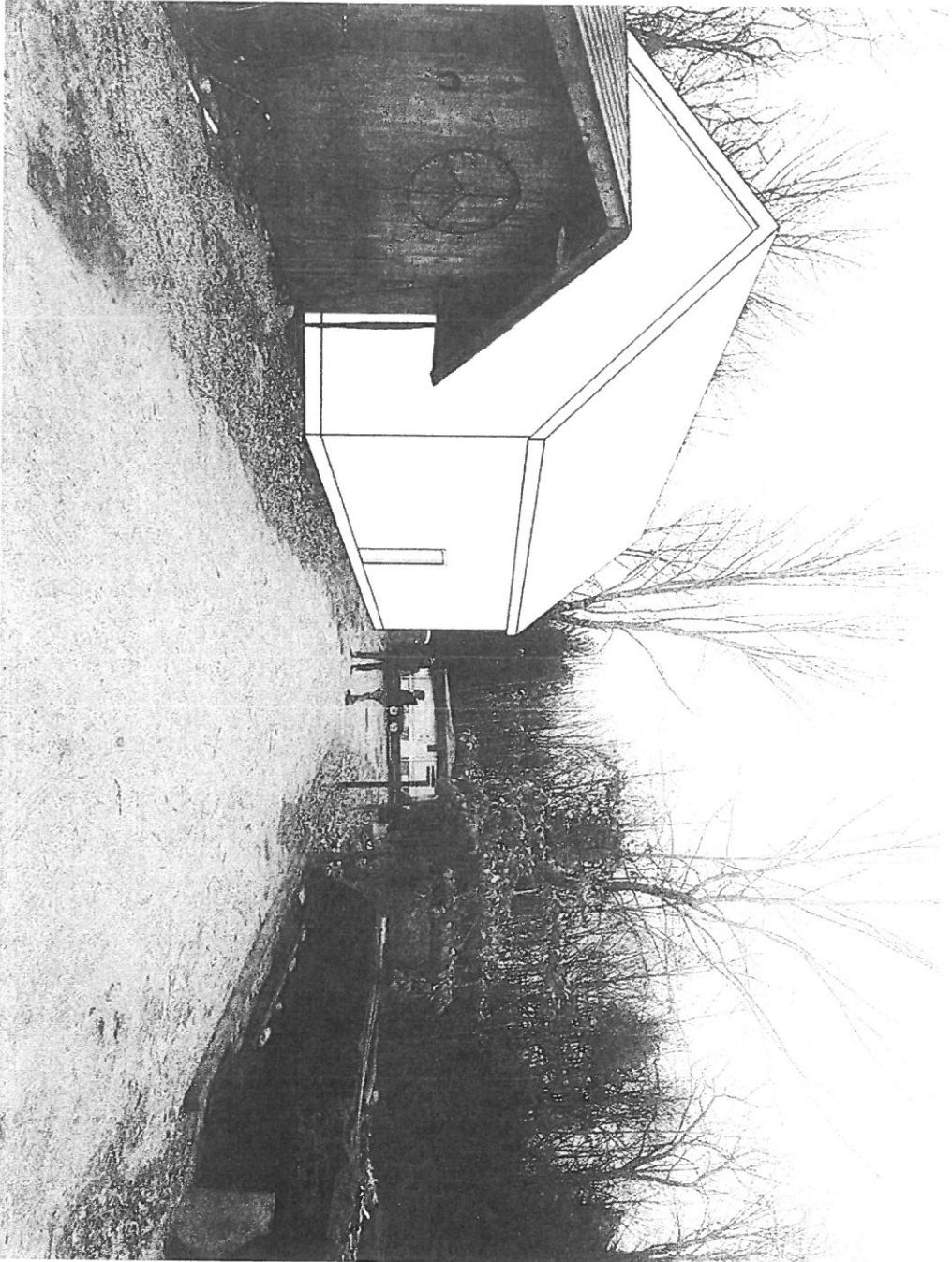


1 PROPERTY MAP  
 1" = 400'-0"



2 PROPOSED NEW STRUCTURE  
 1" = 100'-0"

VIEW FROM MAIN DRIVEWAY

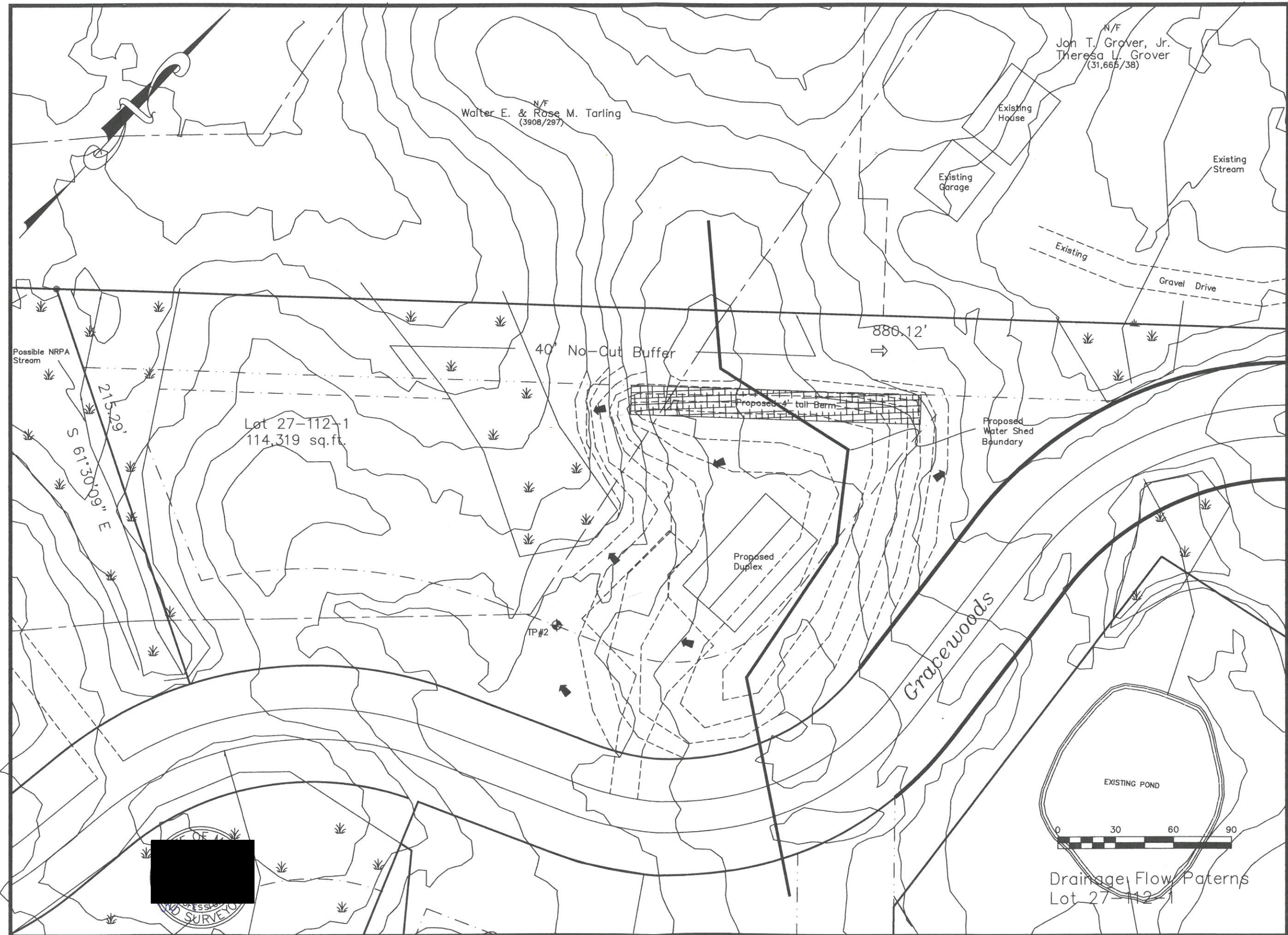


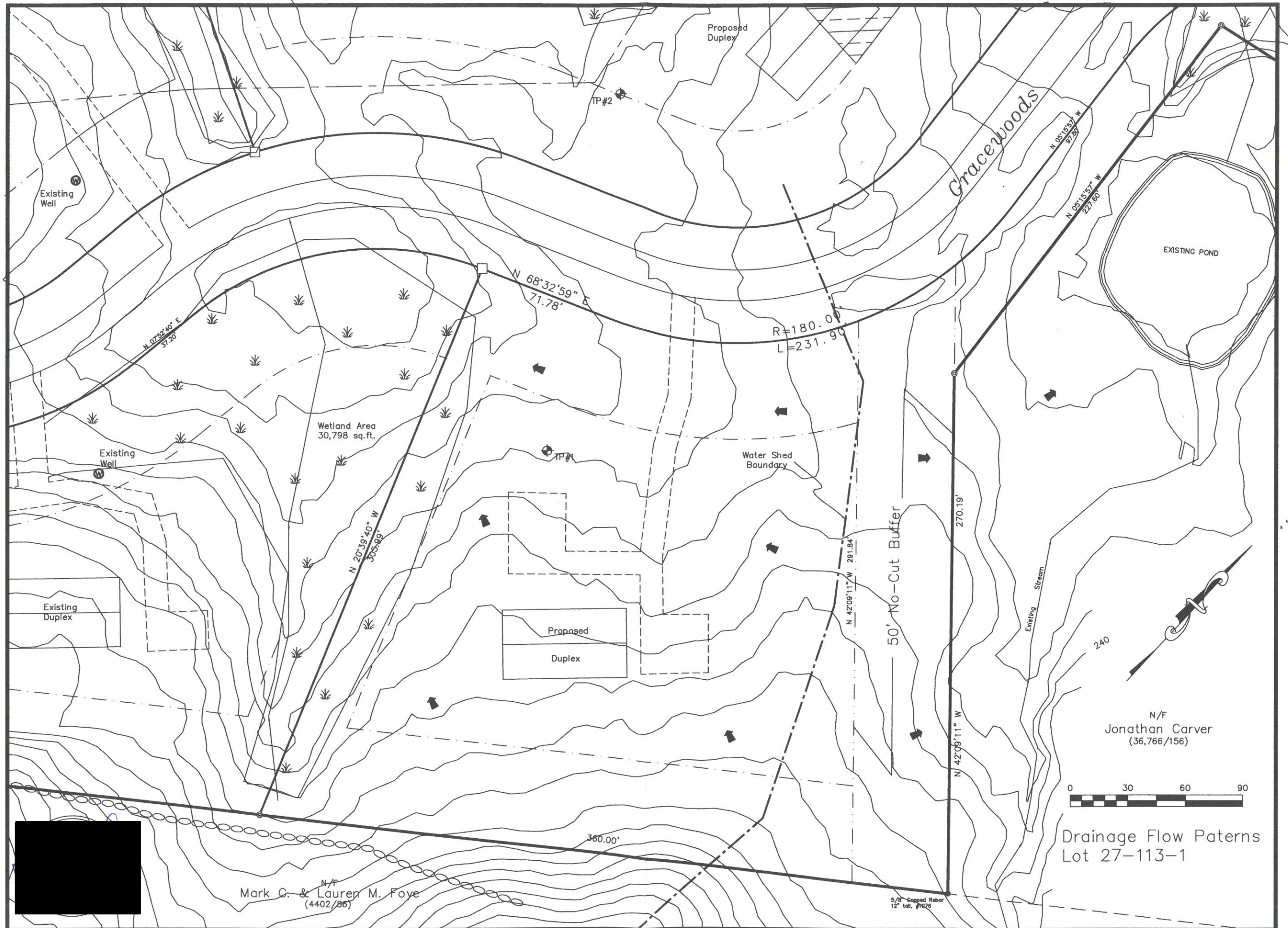
# HAY RUNNER

CASWELL FARM KITCHEN

120 WHITFIELD ROAD, CRAVY

01/12/22





N/F  
 Jonathan Carver  
 (36,766/156)

0 30 60 90

Drainage Flow Patterns  
 Lot 27-113-1

N/F  
 Mark C. & Lauren M. Foye  
 (4402/86)

5/8" Gapped Rebar  
 12" tall, #1025

Approved by the Town of  
Freeport Planning Board:

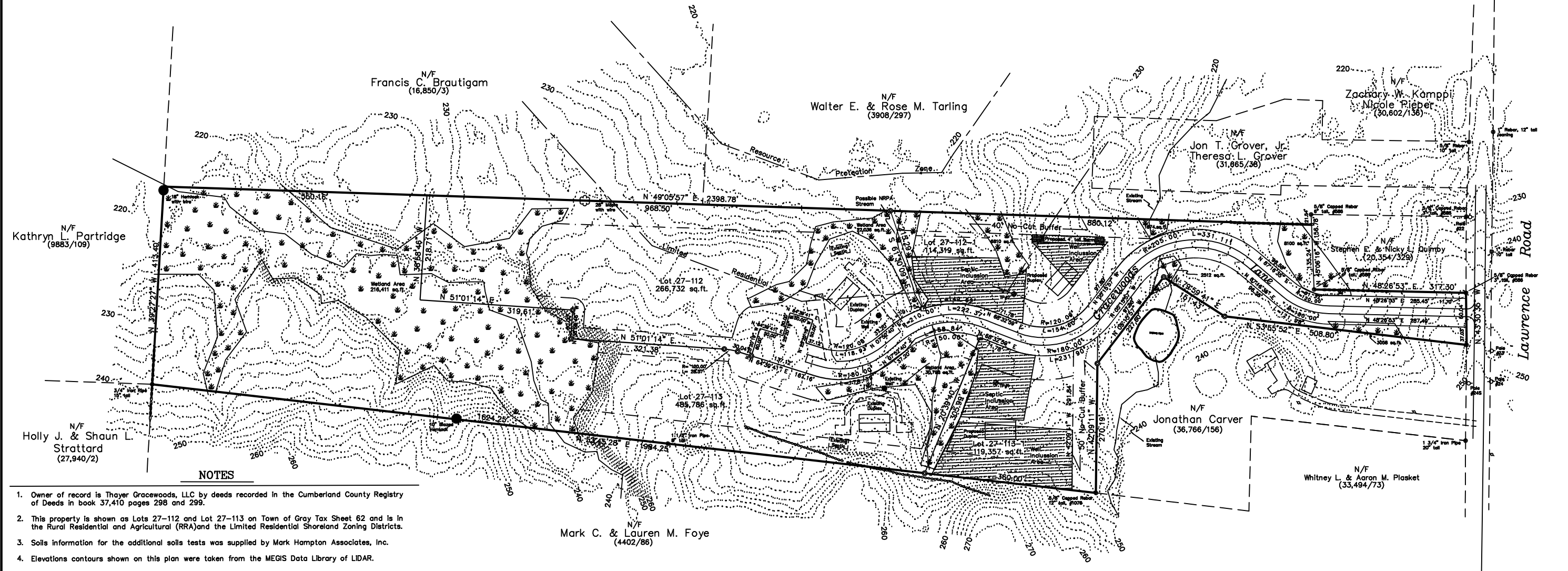
Conditions:

Signed:

Date:

LEGEND

- Iron Pipe or Pin Found
- ⊙ 5/8" Capped Rebar Set (#1328)
- Utility Pole
- Stone Wall
- ◆ Soils Test
- ✱ Wetlands
- N/F Now or Formerly of  
(3908/297) CCRD Deed Reference
- Zoning Boundary



NOTES

1. Owner of record is Thayer Gracwoods, LLC by deeds recorded in the Cumberland County Registry of Deeds in book 37,410 pages 298 and 299.
2. This property is shown as Lots 27-112 and Lot 27-113 on Town of Gray Tax Sheet 62 and is in the Rural Residential and Agricultural (RRA) and the Limited Residential Shoreland Zoning Districts.
3. Soils information for the additional soils tests was supplied by Mark Hampton Associates, Inc.
4. Elevations contours shown on this plan were taken from the MEGIS Data Library of LIDAR.
5. These two new lots will be served by individual drilled wells and on-site septic systems.
6. Wetlands information shown on this plan is from the previously approved plans of the Gracewood Subdivision.
7. These two new lots will be serviced by underground utilities.
8. All roads in this subdivision shall remain private roads to be maintained by the developer or the lot owners and shall not be accepted or maintained by the Town except for roads that meet requirements for winter maintenance under a public easement.
9. See MDEP approval ~ permit L-22627-TB-A-N for a stream crossing and the Tier 1 wetland impact.
10. Gracwoods Lane shall be maintained year round for emergency vehicle access.
11. This plan is an amendment to the "Amended Gracewood Subdivision Plan" as approved by the Town of Gray Planning Board and recorded in the Registry of Deeds in plan book 208 page 263 which is an amendment to the original Gracewood Subdivision Plan approved by the Gray Planning Board on 08/24/06 and recorded in the Registry of Deeds in plan book 206 page 571.
12. These new dwelling units will install fire suppression sprinkler systems as per the Fire Chief.
13. Per Section 401.13.6.YH.5 of the Subdivision Ordinance cleared openings within the Limited Residential Zoning District shall not exceed in the aggregate, 25% of the lot area or 10,000 sq.ft., whichever is greater, including land previously developed.
14. All site alterations and construction shall follow the "Best Management Practices for Soil Erosion and Sedimentation Control" current edition as available from the MDEP.
15. The "No-Cut Buffers" as shown on this plan shall be kept in a natural vegetative state with only dead or diseased trees or trees that pose a safety hazard that may be removed.

NET RESIDENTIAL ACERAGE CALCULATIONS

Total Lot Area	24.97 acres	
Area in RRA	21.96 acres	Area in LR 3.01 acres
Wetlands	6.79 acres	0.47 acres
Steep Slopes	0.20 acres	0.00 acres
Flood Zone	0.00 acres	0.00 acres
Roads(10% of total)	2.50 acres	0.00 acres
	12.47 acres/ 80,000 sq.ft.	2.54 acres/ 80,000 sq.ft.
	6.79 lots or 13.6 dwelling units	1.38 lots or dwelling units
	Total lots allowed is 8 or 15 dwelling units	



State of Maine, Cumberland ss.  
Registry of Deeds  
Received \_\_\_\_\_ 19\_\_\_\_  
at \_\_\_\_h\_\_\_\_m\_\_\_\_ and recorded in  
Plan Book \_\_\_\_\_ Page \_\_\_\_\_  
Attest: \_\_\_\_\_  
Register



2nd Amended Gracewood Subdivision  
On  
Lawrence Road  
Gray, Maine  
For Record Owner  
Thayer Gracwoods, LLC  
116 Hawthorne Lane, South Portland, ME 04106

WAYNE T. WOOD & CO.  
30 Wood Dr.  
Gray, Maine 04039  
Drwn. By: WTW  
Scale: 1" = 100'  
Drwg. No. 1 of 1  
Bk. No.

(207)657-3330  
Date July 2022  
Job No. 25038A