

**PLANNING BOARD MEETING  
April 1, 2019**

Municipal Center, Burleigh H. Loveitt Council Chambers  
75 South Street, Gorham, Maine

**Members Present**

**GEORGE FOX, ACTING CHAIRMAN  
JAMES ANDERSON  
MOLLY BUTLER-BAILEY  
SCOTT FIRMIN  
VINCENT GRASSI  
BRIAN PLOWMAN  
MICHAEL RICHMAN**

**Staff Present**

**THOMAS M. POIRIER, Town Planner  
BARBARA C. SKINNER, Clerk of the Board**

George Fox, Acting Chairman, called the meeting to order at 7:00 p.m. The Clerk called the roll, noting that all members were present..

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**APPROVAL OF THE MARCH 4, 2019 MEETING MINUTES**

**Molly Butler-Bailey MOVED and Brian Plowman SECONDED a motion to approve the minutes of March 4, 2019 as written and distributed.**

Discussion: Mr. Firmin noted that he is not a member of the Ordinance Review Committee but instead is a member of the Comprehensive Plan Implementation Committee.

**Motion CARRIED with Minutes as corrected, 6 ayes (James Anderson abstaining as not having been a Board member at the meeting).**

**APPROVAL OF THE MARCH 18, 2019 MEETING MINUTES**

**James Anderson MOVED and Vincent Grassi SECONDED a motion to approve the minutes of March 18, 2019 as written and distributed. Motion CARRIED, 5 ayes (Molly Butler-Bailey and Brian Plowman abstaining as not having been present at the meeting).**

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**ELECTION OF OFFICERS**

The Clerk opened the nominations for the position of Chairman. Scott Firmin nominated and Brian Plowman seconded George Fox for the position of Chairman. There being no other nominations, the nomination of George Fox as Chairman was voted and approved, 6 ayes (George Fox abstaining).

The Chairman opened the nominations for the position of Vice Chairman. Brian Plowman nominated and James Anderson seconded Scott Firmin for the position of Vice Chairman. There being no other nominations, the nomination of Scott Firmin as Vice Chairman was voted and approved, 6 ayes (Scott Firmin abstaining).

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- A. Ordinance Review Committee** – Vincent Grassi, Chairman, reported that the Committee met prior to this meeting and discussed three items: 1) Amendment to private way requirements, which was forwarded to the full Planning Board for public hearing; 2) Amendment to allow one farm animal under 50 pounds, which was discussed with additional input requested from the Town Attorney; and 3) Amendment to regulate growing of adult-use marijuana, with the proposed setback in Standard F

changed to 50 feet and the second sentence in Standard G amended, and will be forward to the full Board for public hearing.

B. Comprehensive Plan Implementation Committee – No meeting.

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**ADMINISTRATIVE REVIEW REPORT** – Mr. Poirier reported that staff is still working with the owner of 19 Bartlett Road to address circulation on a driveway and an additional garage door on the existing commercial building and there will be a meeting scheduled with the applicant in the near future. Staff has also received a proposal from an applicant on Lovers Lane for an outdoor year-round educational/adventure facility for children.

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**ITEM 1 Site Plan Review – Harvey Performance Company** – a request for approval to construct a two-phase manufacturing facility, with phase 1 consisting of a single story, 76,887 square foot building, 1,300 foot access drive and 172 parking spaces, and phase 2 to consist of an additional 30,000 square feet to the building and 115 parking spaces, zoned Narragansett Mixed-Use Development zoning district, Map 39, Lot 2.

Steve Vatcher, vice president of operations, introduced Adam Martin, plant manager for the Gorham facility, Gordon Brewster and Dana Watts, SMMA Architects, Cambridge, Massachusetts, and from Northland, Josh Benthien and Brad Fries. Mr. Vatcher told the Board that Harvey Performance Company is a producer of high performance machine tools used in the metals cutting industry. He said their customers are typically in the aerospace, automotive and medical devices fields. Harvey's headquarters are in Raleigh, Massachusetts, and in Gorham they are known as Helical. Helical has been operating in the Gorham Industrial Park since 2013, and was acquired by Harvey in 2015, with almost 100 employees in the Gorham site. The current facility is now outgrown, which is what prompts this expansion. They would like to stay in Gorham, particularly for the sake of their employees, to minimize any disruption to their commute times.

Shawn Frank, Sebago Technics, gave the Board an overview of the proposed site, approximately 13 acres of the total site. He said that phase one is a 76,887 square feet building to be served by 172 parking spaces, with phase two to be an addition to the building of 30,000 square feet, as well as 115 additional parking spaces. Access would be off Route 202, Narragansett Street, close to the existing gravel drive, and would be about 1,400 feet long, culminating in a cul-de-sac. The access drive will be designed to Town standards for industrial/commercial development in anticipation of additional development on the site.

Mr. Frank said there are some issues in the Narragansett Mixed Use Development district standards on which they would like clarification, particularly regarding buffering and landscaping, the route to get power to the site, building materials, and the off-site sidewalk. In particular, Mr. Frank referred to Performance Standards 2) Buffer yards, saying that the buffer will be forty feet, as required because the site is along the Bernard Rines Bypass, but there is a lot of existing vegetation, part on this site and part on the abutting property. Mr. Frank also questioned the number of landscape planting required along the entire 1,057' frontage along the Bypass, asking if the landscaping required could be reviewed based on the actual development area for phase one and then adding additional landscaping for phase two rather than basing the required landscaping on the total frontage.

Mr. Frank said that initially the power supply into the site was to be underground from Narragansett Street, but because Harvey Performance is a very heavy power user, discussions have been held regarding getting power from across the site on Cressey Road, which has three-phase power. They would like to bring power overhead, across the Bypass to a new pole to be set within the State right-of-way, and from there come underground to service the proposed building. Mr. Frank said that CMP was talking \$300,000 to get from point a to point b, so taking the power from Cressey Road would just be for the Harvey Performance site, and

working with CMP it would be their intent to set a new pole to service future development on the rest of the site via the standard underground 3-phase power on Narragansett.

Insofar as the requirement to construct 2,257 feet of sidewalk is concerned, Mr. Frank said that from the Harvey Performance standpoint, it would be preferable to have some sort of in lieu fee which could be paid on a per-phase basis rather than being involved in constructing a sidewalk.

Mr. Frank said that parking has been re-worked so that there is now parking on the side of the building facing Narragansett Street in order to create a better entrance to the building.

Mr. Frank told Mr. Anderson that the reason to bring power in overhead from Cressey Road is based on the size of the cables that would have to otherwise be installed under Narragansett Street.

Dana Watts of SMMA told the Board that one of the first things they noticed was the strip of parking in front of the building, which they decided to relocate around to the side of the building not only for convenience but also to free up the landscaping between the building and the access drive. The visitor entrance has also been moved to the south side. The design concept calls for a large manufacturing "box," approximately 24 feet high to the roof edge, and a smaller office "box" in front, with the exterior designed to suggest mimicking what Harvey Performance tools do. Mr. Watts discussed the various elevations, describing three different kinds of panels and panelized structures, with a flush vertical metal panel on the main building, a textured vertical panel at the junction of the main building and the office section, and a similar material on the horizontal for the office building.

Mr. Fox asked Mr. Watts what the materials are proposed to be, and how the standard requiring three different building materials is being met. Mr. Watts said that everything is panelized material, the main material being a metal sandwich panel, running from grade level to the roof and being essentially flush with perhaps a slight stipple such as stucco. For the second and third material, they are looking at a high-pressure laminate system, but are also considering an insulated metal panel with a corrugated texture to it, and using different colors, textures and finishes on the materials to create the balance among the three different materials.

Mr. Anderson asked if something could be added to the back of the building to break up the visual of a 200 foot long wall. Mr. Watts said when the building expands, that wall is somewhat sacrificial, but they do recognize that it is a fair distance of a singular material and there are things they can explore with Harvey to break that up such as reveals between panels or appliques that can be applied to the panels.

Mr. Grassi asked if there will be any mechanical systems located on the roof or outside the building. Mr. Watts said the manufacturing facilities are broken down by their functions and processes, with some of them having certain temperature and humidity control requirements. Mr. Watts said there will be a tool bay, a finishing and polishing bay, a second tool bay, and the office component. They will try to keep equipment off the roof the office component because it is lower than the main building, so equipment for the office will be on the higher roof instead. The other departments will have a series of units on the roof, clustering units near the areas they are serving and as far back from the edge of the roof as possible.

Mr. Richman asked if there is a roof parapet or some sort of detail to hide the roof top equipment because anything sticking up will detract from the building, and asked if there is a way to do that. Mr. Watts said that there is no roof parapet, the roof edge is at a high point and is draining into the center in a butterfly pattern of roof drainage. Mr. Watts said that preliminary sight line analyses from three different points indicates that all of the roof top units will be far enough back so that the edge of the roof will screen 95% of the units. The only exception is the office unit. Mr. Richman referred to the Narragansett Mixed-Use design standard 7 a) 6., Roof Design, "The following design elements are highly encouraged: variations within one architectural style; visible roof lines and roofs that project over the exterior wall of a building enough to cast a shadow on the ground; and overhanging eaves, sloped roofs and multiple roof elements. Architectural methods shall be

used to conceal flat roof tops. All roof-top mechanical equipment shall be screened so that it is not visible from grade.” Mr. Richman asked if there is a simple solution to make sure that nothing is visible from Route 202, something that could project out, create a shadow and also conceal what is behind it. Mr. Anderson suggested that a similar sight-line analysis be done from Route 202.

PUBLIC COMMENT PERIOD OPENED:       None offered.  
PUBLIC COMMENT PERIOD ENDED.

Mr. Plowman said he believes bringing in power from Cressey makes economic sense for the project. Mr. Anderson and Mr. Grassi concurred. Mr. Frank said that discussions with CMP did include service to the overall potential development as well, but because of the uniqueness of the Harvey Performance facility, the overhead to that one pole is only for the Harvey site. Mr. Firmin said that if cost is a driver for the service coming in from Cressey, he would like a future submission to include some kind of cost savings breakdown.

Shawn Moody, property owner, came to the podium and told the Board that the two quotes from CMP were to go overhead across Cressey and the Bypass, one pole, is about \$32,000, while to go underground up Narragansett to the facility was about \$325,000, not counting the excavation costs. Mr. Moody said that not only is the cost significant, but a certain amount of redundancy is required to running cable up and back to service the facility, requiring two poles into the entrance into the Harvey site, which will also not be aesthetically pleasing.

Mr. Fox said that it appears that the Board is open to allowing the power to be run as Harvey wants, but some kind of documentation should be provided to show why the Board would allow it.

Ms. Butler-Bailey asked staff if the Board has the ability to amend the ordinance requirement for underground power. Mr. Poirier said that the applicant is proposing to serve the lot from overhead power across the Bypass, but once the overhead power is brought to the site, the power will be run underground to the building and meet the requirements of the ordinance.

Mr. Firmin recommended that particularly for the side of the building that faces the Bypass, the applicant take into consideration the requirement of a) 4., “Exterior building materials shall not include smooth-faced concrete block, tilt-up concrete panels, or T-111. Prefabricated steel panels are excluded unless they contain architectural details with intricate designs.”

Mr. Fox spoke about landscaping along the Bypass and the applicant’s desire for a more modified approach. Mr. Frank asked that the Board only require landscaping adjacent to the lot area to be developed. Ms. Butler-Bailey said it is important to keep in mind that this is the first time the Board is interpreting the requirements for a development under the Narragansett Mixed-Use Development district, and it might be well to consider this in light of future projects in this district.

Mr. Firmin asked for a dimensional rendering of the building from the Bypass, showing as well what the proposed buffer might look like. Mr. Frank said it is more the specific numbers, and their plan is to provide a complete landscaping plan.

In reply to Mr. Frank, Mr. Poirier said that the off-site sidewalk is more of a staff issue.

The Board agreed that a site walk should be scheduled, with the centerline of the access road staked, as well as the corners of the building, plus and minus dimensions of the parking areas, landscape buffer and the utility pole location. Mr. Anderson asked for stakes to show the 40 foot buffer.

**Scott Firmin MOVED and James Anderson SECONDED a motion to postpone further review of Harvey Performance Company, LLC’s Site Plan pending submission of additional materials,**

revisions to the plan and a site walk being held by the Planning Board. Motion CARRIED, 7 ayes. [8:03 p.m.]

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**ITEM 2 Site Plan Review – Nouria Energy Ossipee Trail, Inc.** – a request for approval for a lot split at 433 Ossipee Trail, zoned Roadside Commercial, Map 77, Lot 17 and 18.03.

Silas Canavan, Walsh Engineering, appeared on behalf of the applicant and introduced Tom Healy, the owner's representative, and someone representing the buyer of one of the lots. Mr. Canavan explained the project, a proposed lot split at the corner of Ossipee Trail and Dingley Spring Road. Being proposed is a split of the existing lot into two lots: one lot will retain the office/garage building and use and the other lot will retain the single family residence and the gas station convenience store use. The boundary line for the split would be the existing driveway associated with the office and garage. Each lot will have over two acres. Mr. Canavan said there is an access easement that will be associated with parcel one, giving access to parcel two, using the existing driveway. There is a shared well so there is an easement to access and maintain the well, which is on parcel one, so the easement is for the benefit of parcel two. Mr. Canavan said that the septic systems have been added to the plans, including information from a former owner because there was no HHE information on file for the septic system in the back. Mr. Canavan said that a parking easement has been removed on parcel two benefiting parcel one that would have allowed them to construct parking on that side because it conflicted with an existing stormwater system and adjacent septic system. There is no proposed construction on the site.

Mr. Fox asked Mr. Poirier if there is anything that has not been covered by the applicant. Mr. Poirier said that most items at issue were cleanup items, but he confirmed with Mr. Canavan that the septic field is located behind the office building. Mr. Canavan said that because there was no HHE on file, they contacted the former owner who confirmed the location of the septic system.

Mr. Poirier noted that Finding 1, Sewage Disposal, last line, should be amended to read "The office garage use has a septic tank located to the east of the building which then flows to a septic field located *behind the office building.*"

PUBLIC COMMENT PERIOD OPENED:       None offered.  
PUBLIC COMMENT PERIOD ENDED.

In reply to Mr. Anderson, Mr. Poirier confirmed that the reference to expansion of the existing outdoor storage area mentioned in the staff notes is not germane to this project. Mr. Richman confirmed that the lot split would not make any structures nonconforming. Mr. Canavan and Mr. Anderson discussed access to the storage tanks.

**Scott Firmin MOVED and Brian Plowman SECONDED a motion to approve Nouria Energy Ossipee Trail's Site Plan Amendment request for approval of a lot split at 433 Ossipee Trail, Roadside Commercial, Map 77, Lot 17 and 18.03, based on Findings of Fact and Conditions of Approval as written by the Town Planner and amended by the Planning Board. Motion CARRIED, 7 ayes. [8:15 p.m.]**

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**ITEM 3 Preliminary Subdivision and Site Plan Review – Little Falls Condominiums – STJ, Inc.** – a request for approval of a 4-duplex condominium development of 8 units and associated parking and infrastructure off Tow Path Road, zoned Urban Residential/Manufactured Housing, Map 111, Lot 63-401.

Mr. Poirier advised the Board that the project was before it on January 14, 2019 for a pre-application discussion. It will be on for review for subdivision, site plan and private way approvals as the project moves

forward. The applicant is requesting a waiver from the requirement to submit a Class A High Intensity Soil Survey and replace it with a Class B Survey. When the item was discussed as a pre-application, it was identified that the current private way standards do not allow private ways to serve more than two dwelling units on a lot; a proposed amendment to the Land Use Code to remedy the discrepancy to the standard was heard by the Board's Ordinance Committee this evening and will be forwarded to the full Board for a future public hearing.

Mr. Firmin advised the Board that he works for the Portland Water District and was involved with the project that decommissioned the sewage treatment plant on this site, but he sees no conflict with his participation in the discussions on the item.

**James Anderson MOVED and Vincent Grassi SECONDED a motion to allow Mr. Firmin to participate in the review of the application. Motion CARRIED, 6 ayes (Scott Firmin abstaining).**

Shawn Frank, Sebago Technics, introduced Mark Curtis of STJ, Inc. Mr. Frank introduced the project as four duplexes and one of the main issues is the fact that there is no legal road frontage for this property, so the intent of the private way, possibly "Little Falls Drive," is to create the road frontage necessary. After construction, the private way would be a driveway with parking on both of sides. A sidewalk connection is proposed on the south side of Tow Path, crossing Tow Path in the area of the Rod and Gun Club and then going up the other side of Tow Path to Route 202. A sidewalk is shown along Little Falls Drive up to the parking area but extending the sidewalk up to the buildings seems like a lot of pavement. The intent is to use the existing poles and to run underground from that to service the duplexes. Water and sewer are available through the Portland Water District. The units will be sprinkled.

PUBLIC COMMENT PERIOD OPENED:       None offered.  
PUBLIC COMMENT PERIOD ENDED.

Mr. Anderson and Mr. Frank discussed the review engineer's comments about stormwater impacts on the upstream abutter.

Mr. Poirier explained to Mr. Anderson the Board's actions regarding meeting with a consultant regarding the requirements for Class A surveys and the granting of waivers to allow more clarity and flexibility for applicants and for the Board as to when they can waive the requirement and when they cannot.

Mr. Anderson said with the project to be served by public sewer and water, he is satisfied with a Class B survey.

Mr. Fox confirmed with Mr. Frank that the intent is to run the electrical service underground from the existing pole, a distance of some 300 hundred feet. Mr. Anderson asked what the cost difference would be between leaving the poles there and using the overhead and the requirement to run underground.

Mark Curtis, STJ, said that he does not have anything in writing, but he estimates that the 300 feet will cost \$6,000 for the wire from CMP, and then the cost of digging the backfill associated with that, so easily \$15,000. The area in which the poles are located has no new proposed development on either side of it, there are no houses facing it, and the poles have been there a long time.

Mr. Plowman said he thinks going overhead from the existing poles and then going underground from there would be fine. Mr. Anderson confirmed that it would be a pad-mounted transformer instead of pole mounted. Mr. Curtis said that they would drop down from the last pole and CMP will advise where it wants the pad-mounted located.

Mr. Firmin asked if that would be something the Board could see on a site walk. Mr. Plowman said he did not believe he would need a site walk, but The Board agreed that a site walk would be useful to see the

existing overhead service. Mr. Fox recommended postponing a decision about the overhead electric service until after the site walk. Mr. Frank was asked to stake out the centerline of the private way and building corners for the site walk, and where the mid-block crosswalk is proposed to be. Mr. Poirier said he had had some discussions with the Public Works Director, who has some concerns regarding right-of-way constraints; this information will need to be provided at the applicant's next submission. He said that area would be good to see at the site walk.

Mr. Richman said it appears on the plans that the parking is touching the side of the buildings, which seems very tight. Mr. Frank concurred, saying the pavement goes up to the foundations. Mr. Curtis said the parking spaces are right up tight to the buildings.

Mr. Anderson and Mr. Frank discussed the number of daily trips, with Mr. Frank agreeing to revisit the numbers. Mr. Plowman said his area of concern is sidewalks along the road, which are proposed. Mr. Curtis said there will be no dumpster pads.

**James Anderson MOVED and Brian Plowman SECONDED a motion to grant the applicant's request to waive the submission requirement under Chapter 3, Section 3, B. 11) for a Class A High Intensity Soil Survey and replace it with a Class B High Intensity Soil Survey. Motion CARRIED, 7 ayes. [8:29 p.m.]**

PUBLIC COMMENT PERIOD OPENED;      None offered.  
PUBLIC COMMENT PERIOD ENDED.

The Board concurred that a site walk should be scheduled.

**Molly Butler-Bailey MOVED and Brian Plowman SECONDED a motion to postpone further review of STJ, Inc.'s request for preliminary subdivision, private way and site plan approval pending responses to remaining issues, revisions to the plans and a site walk being held. Motion CARRIED, 7 ayes. [8:50 p.m.]**

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**ITEM 4    Preliminary and Final Subdivision Review – Christensen, Kurt** – a request for approval of Fort Hill Road Subdivision, a four-lot residential subdivision located off 765 Fort Hill Road, zoned Rural/Manufactured Housing, Map 85, lot 14.

Mr. Poirier reminded the Board that this applicant was last before the Board on December 3, 2018. The applicant is requesting both preliminary and final approval at one meeting; however, the applicant has not submitted a waiver request for that. Mr. Poirier said that the applicant has provided missing legal documents, but due to the short time allowed for turnaround, the additional material has not yet been reviewed. Therefore, staff recommends that the Board review the item this evening only for preliminary reviews, with the applicant to return at the May 6, 2019 meeting for final review.

Austin Fagan, BH2M Engineers, said that preliminary approval was not granted at the December 3, 2018 meeting because the outsale had not been removed from the subdivision. An ability-to-serve letter from the Portland Water District has not yet been received. Mr. Fagan said he believes all of staff's comments have been addressed with a submission on the 21<sup>st</sup>, so staff has not had time to review submission prior to this meeting. Therefore at this time, the applicant is hopeful that the project can be placed on the consent agenda for the next meeting.

PUBLIC COMMENT PERIOD OPENED:      None offered.  
PUBLIC COMMENT PERIOD ENDED

Mr. Anderson asked if access to lot 1 will be through Plummer Road. Mr. Fagan said access for that lot will be off Fort Hill Road. Mr. Fox confirmed with Mr. Fagan that the conditions of approval are satisfactory. In response to Mr. Firmin, Mr. Poirier said that the Board can grant preliminary approval this evening, staff can review the legal documents that have been submitted, have the applicant provide the mylar and then grant final approval at the next meeting.

Mr. Fox asked about granting a waiver for preliminary and final at the same meeting. Mr. Poirier said that if this were done, the Board is looking to grant final approval this evening. Mr. Fox asked the Board how it felt about granting the waiver, and if it were granted, how would outstanding issues be dealt with. Mr. Anderson asked Mr. Poirier if it would be easier for staff to review what has just been received from the applicant if the application were placed on a consent agenda. Mr. Poirier recommended that the item be placed on a consent agenda to deal with anything that may come up. Mr. Firmin confirmed with Mr. Fagan that being on the consent agenda would work for the applicant as well. Mr. Poirier told Mr. Fagan that the comments from the Water District need to be addressed.

**Scott Firmin MOVED and Molly Butler-Bailey SECONDED a motion to grant Kurt Christensen's request for preliminary subdivision approval for Fort Hill Subdivision and to postpone final subdivision approval to a future Planning Board consent agenda, pending responses to remaining issues and finalizing revisions to the plan. Motion CARRIED, 7 ayes. [9:00 p.m.]**

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**ITEM 5 Application Discussion – James Dyer – a request for approval for an additional building on Firewood Lane off Mitchell Hill Road, zoned Suburban Residential, Map 3, Lot 4.**

Mr. Dyer told that Board that he is the owner of Southern Maine Firewood and has been processing firewood at the site for 30 years this year. Basically what he would like to do is put up a maintenance building with a small office and bathroom so they aren't working outside through the winter. The proposed location for the building is some 100 feet from any abutter and probably won't even be visible.

Mr. Poirier said that when this use was originally permitted, it was very contentious and went through a long and difficult process. Part of discussing this with the Board this evening is to determine what kind of abutter concerns would present themselves this evening. Mr. Poirier said the applicant did not want to start the process and spend a lot of money if there were going to be the same kind of controversial abutter comments, making for a difficult process. So the application was placed on the Board's agenda this evening to see what would happen. Mr. Poirier said he provided the Board with the detailed conditions of approval placed on the Board's original approval in 1998. In addition, Mr. Poirier said if the building goes on an impervious area, what would the Board look to receive from the applicant as he moves forward regarding engineered plans and stormwater details if the site is already impervious.

Mr. Fox said that in answer to the first question about abutter interest in this is obvious as there is no one in the Council Chambers in the audience, so he will not even go through the formality of asking for public comments.

Mr. Dyer told Mr. Plowman that he is thinking about a building 32 by 50 feet on slab, conventional wood structure. He is proposing a 14 foot door on the front to allow entry with a front end loader, shop area halfway down and maybe a second floor for a small office and storage area. There would also be a bathroom, which would require a septic plan. Mr. Fox said that having indoor storage would also benefit abutters. Mr. Richman asked how the new building would compare to the existing building. Mr. Dyer said it would almost look like the existing building, maybe not as tall, perhaps a steeper pitch, the current building being at 3:12 and the proposed 4:12. In reply to Mr. Anderson, Mr. Poirier said that Mr. Dyer would have to provide a site plan for the Board's signature, and if the building will be built on an already impervious area, having stormwater analysis done may not be necessary. The Board can say that the pre and the post requirements can equal the same because it is such a small building the amount of runoff will be minimal at



best. Mr. Anderson asked if the Board can waive the requirement. Mr. Poirier said the Board has the ability with the Town's ordinance, which hasn't changed in many years, but if Mr. Dyer has a DEP permit, the Board cannot waive DEP requirements.

Mr. Poirier said that staff and the Public Works Director can work with the applicant's engineer about the location for the building. Mr. Firmin asked for some information as to what stormwater would look like coming off the roof. Mr. Dyer said the roof would look like that current building's steel roof with no gutters.

Mr. Fox said that there is interest in trying to find a proper but commonsense approach and suggested the applicant work with staff to start to develop a more detailed plan to streamline the process.

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**OTHER BUSINESS**                      **None**

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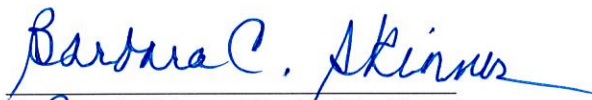
**ANNOUNCEMENTS**                      **None**

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#### **ADJOURNMENT**

**Scott Firmin MOVED and Molly Butler-Bailey SECONDED a motion to adjourn. Motion CARRIED, 7 ayes. [9:25 p.m.]**

Respectfully Submitted,

  
Barbara C. Skinner, Clerk of the Board  
April 1, 2019

**ITEM 2**

**NOURIA ENERGY OSSISPEE TRAIL LOT SPLIT**

**CHAPTER 4, SITE PLAN REVIEW, SECTION 9 – Approval Criteria and Standards**

The Planning Board, following review of the Site Plan Application Amendment, makes these findings based on the Site Plan Review criteria found in Chapter 4, Section 9 – Approval Criteria and Standards of the Town of Gorham Land Use and Development Code.

A. Utilization of the Site: The plan for the development will reflect the natural capabilities of the site to support development.

The applicant is proposing to split the lot and provide required easements. No changes are proposed to any existing structure, impervious areas, or landscaping. The applicant has provided the Planning Board with a site plan sheet set showing the proposed new lot areas.

*Finding: The plan for the development reflects the natural capabilities of the site to support the development and the natural features and drainage ways are preserved to the greatest extent practical.*

B. Access to the Site: Vehicular access to the site will be on roads which have adequate capacity to accommodate the additional traffic generated by the development.

The site is accessed from Ossipee Trail, State Route 25, which is considered a minor arterial by the Maine Department of Environmental Protection. No changes are proposed that would increase the number of vehicle trips to either of the proposed lots.

*Finding: Ossipee Trail, State Route 25, has adequate capacity to accommodate the traffic generated by the development.*

C. Access into the Site: Vehicular access into the development will provide for safe and convenient access.

The lot currently has three interconnected driveways for access into the lot. No changes are proposed to any of the existing driveways located on the site.

Parcel 1 is proposed to retain the driveway located on the southern end of the lot near the office and garage building. A 25' access easement will be granted over the driveway to allow lot 2 to utilize the southern driveway.

Parcel 2 is proposed to retain the 2 u-shaped driveways that provide easy access to the gas pump islands.

*Finding: The plans provide for safe and convenient vehicular access into the development.*

D. Internal Vehicular Circulation: The layout of the site will provide for the safe movement of passenger, service and emergency vehicles through the site.

The three driveways are interconnected to allow for interconnected trails between the parcels. The proposal is to keep the driveways interconnected to allow trips between the 2 parcels.

Finding: *The layout of the site provides for the safe movement of passenger, service, and emergency vehicles through the site.*

E. Pedestrian Circulation: The development plan will provide for a system of pedestrian circulation within and to the development.

No pedestrian improvements are proposed for the project. Parking is provided in front of the single-family residence for the use of the house. The gas station and the office/garage uses have parking areas located near the buildings to allow for safe walking into the buildings from the parking areas.

No changes are proposed for pedestrian circulation.

Finding: *The plans provide a system of pedestrian circulation within the development.*

F. Storm water Management: Adequate provisions will be made for the disposal of all storm water collected on streets, parking areas, roofs or other impervious surfaces through a storm water drainage system and maintenance plan which will not have adverse impacts on abutting or downstream properties.

No new impervious areas are proposed for the site and new stormwater management infrastructure is proposed on the lot. No increase in stormwater is anticipated with the proposed amendment.

Currently the stormwater is allowed to sheet flow into lawn or other vegetated areas and to filter into the groundwater. The lot has 3 catch basins with dry wells and all of the catch basin and dry wells will be located on parcel 2.

Finding: *The stormwater run-off will not have adverse impacts on abutting or downstream properties and the biological and chemical properties of the receiving waters downstream will not be degraded.*

G. Erosion Control: For all projects, building and site designs and roadway layouts will fit and utilize existing topography and desirable natural surroundings to the fullest extent possible.

The site is relatively flat across both proposed parcels 1 and 2. No construction or earth moving activities are proposed as part of the site plan amendment.

Finding: *The plan utilizes existing topography and desirable natural surroundings to the fullest extent possible.*

H. Water Supply: The development will be provided with a system of water supply that provides each use with an adequate supply of water meeting the standards of the State of Maine for drinking water.

Currently the uses share a water supply well located on the eastern third of the lot. The water supply well is proposed to be located on Parcel 1. An easement is proposed for use, access, and maintenance for the well from Parcel 1 to parcel 2.

Finding: *The development provides a system of water supply that provides for an adequate supply of water meeting the standards of the State of Maine for drinking water.*

I. Sewage Disposal: A sanitary sewer system will be installed at the expense of the developer if the project is located within a sewer service area as identified by the sewer user ordinance. The Site Plan Review Committee or Planning Board may allow individual subsurface waste disposal systems to be used where sewer service is not available.

The site is served by private septic systems. One of the septic systems is located on the northern portion of the lot to serve the existing single-family residence. The convenience store's waste heads to a septic system located on the southern edge of proposed parcel 2. The office garage use has a septic tank located to the east of the building which then flows to a septic field located behind the office building.

Finding: *The development provides for sewage disposal for the anticipated use of the site.*

J. Utilities: The development will be provided with electrical and telephone service adequate to meet the anticipated use of the project.

The lots are served by overhead power, cable and phone from utilities located in Ossipee Trail right-of-way. No changes to the existing utilities are proposed on the site.

Finding: *The development will provide for adequate electrical and phone service to meet the anticipated use of the project.*

K. Natural Features: The landscape will be preserved in its natural state insofar as practical by minimizing tree removal, disturbance and compaction of soil, and by retaining existing vegetation insofar as practical during construction.

The lot currently has small groups of trees located in between buildings and impervious areas. No new areas are proposed to be developed and the applicant is not proposing to remove any of the existing trees located on the lot.

Finding: *The development of the site will preserve the existing vegetation to the greatest extent practical during construction.*

L. Groundwater Protection: The proposed site development and use will not adversely impact either the quality or quantity of groundwater available to abutting properties or public water supply systems.

The three structures are served by existing septic systems designed by a licensed site evaluator. No changes are proposed to the sites existing septic systems.

Finding: *The proposed development will not adversely impact either the quality or quantity of the groundwater available to abutting properties or public water supply systems.*

M. Exterior Lighting: *The proposed development will provide for adequate exterior lighting to provide for the safe use of the development in nighttime hours.*

The site has a series of pole-mounted lights throughout the site. Both parcels will have a series of light poles located on them.

No changes are proposed to the site's existing exterior lighting.

Finding: *The proposed development provides for adequate exterior lighting to provide for the safe use of the development during nighttime hours.*

O. Waste Disposal: *The proposed development will provide for adequate disposal of solid wastes and hazardous wastes.*

Each lot will be required to maintain its own waste disposal area. If a dumpster is required on either parcel then the lot owner will be required to install a dumpster pad in a suitable location with screening fence meeting the approval of the Town Planner.

Finding: *The proposed development provides for adequate disposal of solid wastes and hazardous wastes.*

P. Landscaping: *The development plan will provide for landscaping to define street edges, break up parking areas, soften the appearance of the development and protect abutting properties from adverse impacts of the development.*

Both parcels 1 and 2 have existing landscaping along the front of the parcels with a series of trees located around both parcels. No additional landscaping is proposed on either parcel.

Finding: *The proposed plan will provide landscaping to soften the appearance of the development.*

Q. Shoreland Relationship: *The development will not adversely affect the water quality or shoreline of any adjacent water body. The development plan will provide for access to abutting navigable water bodies for the use of occupants of the development.*

The lot is not located in the Shoreland Overlay District.

Finding: *The development will not adversely affect the water quality or shoreline of any adjacent body of water.*

R. Technical and Financial Capacity: *The applicant has demonstrated that he has the financial and technical capacity to carry out the project in accordance with this Code and the approved plan.*

No improvements are required on the lot that will require a performance guarantee to be established.

The applicant has hired an engineering firm, Walsh Engineering, to provide an amended site plan of the proposed improvements.

Finding: *The applicant has the financial and technical capacity to complete the project in accordance with Gorham's Land Use and Development Code and the approved plan.*

S. Buffering: *The development will provide for the buffering of adjacent uses where there is a transition from one type of use to another use and to screen service and storage areas. The buffer areas required by the district regulations will be improved and maintained.*

The lots have a series of small groups of trees located throughout both parcels 1 and 2 to break up the appearance of the existing uses on both sites. No additional buffering is proposed for either parcel.

Finding: *The development provides buffering to screen service and storage areas.*

T. Noise: *The applicant has demonstrated that the development will comply with the noise regulations listed in Table 1 – Sound Level Limits and the associated ordinances.*

The uses at the site are required to meet the A-weighted hourly equivalent sound level limits of 60 dBA daytime (7am-7pm) and 50 dBA nighttime (7pm- 7am) is required for the western property boundary with the abutting Suburban Residential Zone. The uses at the site are required to meet the A-weighted hourly equivalent sound level limits of 70 dBA daytime (7am-7pm) and 60 dBA nighttime (7pm- 7am) for all other property boundaries.

Finding: *The development will comply with the A-weighted hourly equivalent sound level limits of 70 dBA daytime (7am-7pm) and 60 dBA nighttime (7pm- 7am).*

### **Conditions of Approval**

1. That this approval is dependent upon, and limited to, the proposals and plans contained in this application and supporting documents submitted and affirmed by the applicants and that any variation from the plans, proposals and supporting documents is subject to review and approval by the Planning Board or Site Plan Review Committee, except for minor changes which the Town Planner may approve.
2. That prior to the commencement of construction of the site plan, the applicant is responsible for obtaining all required local, state and federal permits;
3. That the applicant shall provide property line information and site information in auto-CAD format to the Town Planner within 30 days of the signature of the final plan by the Planning Board;
4. That all relevant conditions of approval from past Site Plan approvals shall remain in effect;
5. That any proposed use on the site shall meet the sound level requirements outlined under Chapter 4, Section 9, T. Noise;

6. That the Planning Board Chairman is authorized by the Planning Board to sign the Findings of Fact on behalf of the entire Board; and
7. That these conditions of approval must be added to the site plan and the site plan shall be recorded at the Cumberland County Registry of Deeds within thirty (30) days of the date of written notice of approval by the Planning Board, and a dated mylar copy of the recorded site plan shall be returned to the Town Planner prior to the pre-construction meeting.