

**GORHAM PLANNING BOARD ZOOM MEETING  
December 7, 2020**

**MEMBERS PRESENT**

**GEORGE FOX, CHAIRMAN  
JAMES ANDERSON  
MOLLY BUTLER-BAILEY  
SUSAN DURST  
VINCENT GRASSI  
THOMAS HUGHES**

**STAFF PRESENT**

**THOMAS POIRIER, DIRECTOR OF  
COMMUNITY DEVELOPMENT  
CAROL EYERMAN, TOWN PLANNER  
BARBARA SKINNER, CLERK OF  
THE BOARD**

**MEMBERS ABSENT**

**SCOTT FIRMIN, VICE CHAIRMAN**

George Fox, Chairman, called the zoom meeting to order at 7:00 p.m. The Clerk of the Board called the roll, noting that Scott Firmin was absent.

**APPROVAL OF THE NOVEMBER 2, 2020 MEETING MINUTES**

**James Anderson MOVED and Vincent Grassi SECONDED a motion to approve the November 2, 2020 meeting minutes. Motion CARRIED, 6 ayes (Scott Firmin absent).**

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**CHAIRMAN'S REPORT**

Mr. Fox said there was no Chairman's report this evening.

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**COMMITTEE REPORTS**

- A. Ordinance Review Committee – Mr. Grassi reported that the Committee had discussed tonight's agenda item dealing with new private way standards.
- B. Comprehensive Plan Implementation Committee – Ms. Butler-Bailey reported that this committee has not met since the Board's last meeting.

**ADMINISTRATIVE REVIEW REPORT**

Ms. Eyerman reported that there are no new administrative review applications under consideration at this time.

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**ITEM 1 Public Hearing** – Proposed amendments to the Land Use and Development Code to add new private way standards what would allow up to 25 lots or residential units.

Mr. Poirier told the Board that the Council is looking to revise standards coming before the Council for street acceptance, as well as providing proposed changes to allow private ways to serve up to 25 lots. A number of revisions are being recommended by staff, which are designed to ensure that all private way standards are consistent. Mr. Poirier advised the Board that this item has been reviewed by the Board's Ordinance Committee on two occasions, and the Committee made recommended changes. One of those changes involves maintenance of private ways, shown on page 10 of the proposed ordinance changes. Mr. Poirier reminded the Board that a recommendation will be made to the Town Council, which will then decide whether to accept that recommendation.

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

At Mr. Fox's request, Mr. Grassi, as chairman of the Ordinance Committee, summarized the Committee's proposed changes dealing with definitions, access roads, requirements for streets offered for acceptance, occupancy permits, and ownership of maintenance of private ways.

Mr. Hughes commented on the willingness of the Portland Water District to consider taking ownership of water and sewer mains on private ways that serve individual lots. Mr. Poirier confirmed with Mr. Hughes that homeowners' documents will be reviewed as part of a submission.

**Vincent Grassi MOVED and Thomas Hughes SECONDED a motion to recommend adoption by the Town Council of the proposed amendments under Chapter 1, Zoning Regulations, and Chapter 2, General Standards of Performance, to revise standards for public street and private ways, along with amended tables and schematics, with Planning Board's recommended changes. Motion CARRIED, 6 ayes (Scott Firmin absent). [7:12 p.m.]**

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**ITEM 2 Public Hearing – Site Plan – Walter Stinson, 551 Main Street – request for approval of a proposed storage facility, which would include the new construction of eight buildings with a total area of 64,575 square feet. Zoned I, Map 32, Lot 19.**

Ms. Eyerman said that at the Board's last meeting, there was a discussion about the sidewalk requirement. Staff has met with the applicant and it was determined that under the ordinance language recently adopted in the Code, the connection is to be between abutting parcels, not necessarily a sidewalk across the front of a parcel. Therefore, the applicant has been asked to provide an easement to the adjoining parcel, which is now on the plan. Mr. Fox confirmed that the applicant has been asked to provide an easement but not necessarily to build a sidewalk. Ms. Eyerman said the easement is for vehicles and sidewalk, if ever it is needed. Ms. Eyerman said that the applicant has chosen a spot in the most likely spot where this could be accomplished. Ms. Eyerman said that the applicant will also work with the Fire Department in the building permit stage on the sprinkler issue.

Owens McCullough, Sebago Technics, appeared on behalf of the applicant, and said that the access easement between the applicant's site and the abutter, outside the secure fence, has been placed on the plans. He said that the fence location has been adjusted to follow the tree line. In addition, the Maine DEP and NRPA permits have been filed for. Mr. Fox confirmed that what will be decided

on with the Fire Department about sprinklers will not change the buildings in any way, such as dimensions, configurations or appearances.

PUBLIC COMMENT PERIOD OPENED: None offered  
PUBLIC COMMENT PERIOD ENDED

Mr. Anderson told the Board that the company for which he works, Sheridan Construction, met with Mr. Stinson to possibly develop some budgets for the applicant, but he has not been involved in that work and feels that he can participate impartially and objectively in the discussion on this item. It was agreed that no motion would be necessary to permit Mr. Anderson's continued involvement with the project.

Ms. Butler-Bailey clarified with Ms. Eyerman that the Board originally waived the sidewalk requirement in the site plan ordinance review, but the access easement requirement is in the zoning ordinance. Ms. Eyerman said that by having that easement on the plans, the applicant has met the requirement.

Mr. Anderson asked if a sidewalk is developed, does the easement require that the applicant build that sidewalk or does it give someone else the right to do it. Ms. Eyerman said that the easement information will be submitted to the Town Attorney for review, but what usually happens is that the access is granted but someone else builds it, so it could be the Town building it. Mr. McCullough said that the easement has been created over the driveway so that the abutter on the vacant commercial lot can build their own driveway. .

Mr. Fox summarized the outstanding items as the DEP permitting, legal review of the easement language, and sprinkler issues. The consensus of the Board was to move the item to a future Planning Board consent agenda.

**James Anderson MOVED and Thomas Hughes SECONDED a motion to place further review of Walter Stinson's request for major site plan approval for the construction of a self-storage facility located at 551 Main Street on Map 32, Lot 19, on the next available Consent Agenda pending responses to remaining issues that include Maine DP approval and easement review and revisions to the plans. Motion CARRIED, 6 ayes (Scott Firmin absent). [7:39 p.m.]**

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**ITEM 3 Public Hearing – Site Plan - Michael Wagner – Ossipee Trail Garden Center – a request for after-the-fact approval for site plan expansion. Zoned R, Map 78, L11.001**

Ms. Eyerman gave the Board an overview of the project, noting that this is a request for after-the-fact approval and was last before the Board on September 9, 2019, with a site walk on September 26, 2019. Among the items under discussion are the removal and restoration of existing impervious areas, expansion of the Christmas tree farm, conversion of compost storage area to display garden, and the addition of concrete block storage bins for the mulch storage area.

Ms. Eyerman noted that there are two members on the Board now who were not members at the time of the review and site walk for this item. Ms. Durst and Mr. Hughes both indicated that they do not feel comfortable with reviewing and voting on the item.

Andrew Morrell, BH2M, appeared on behalf of the applicant Michael Wagner, also present. Mr. Morrell gave the Board the history of the site, saying that site plan approval was granted in 1995 and an amendment in 2002. He said that since the 2002 amendment, site improvements have been made over the years, and the applicant is now seeking after-the-fact approval to bring the site into code compliance. Since coming before the Board in 2019, the applicant has received Maine DEP and Army Corps of Engineers approval of all the permits needed for the site; these have been submitted to the Town.

Mr. Morrell described the changes to the site plan since the applicant was last before the Board as follows: 1) the applicant is no longer looking to permit an additional greenhouse structure but would like approval to replace the existing greenhouses over the new few years; 2) the impervious areas to be restored have changed based on DEP and Army Corps requirements; 3) 6 concrete block storage bins for the mulch storage area are being proposed; 4) the frame house is to be relocated; 5) the Christmas tree area will be expanded; and 6) three level spreaders will be installed to control runoff from the site. To satisfy current DEP stormwater permitting, the applicant has agreed to no longer mow portions of the wetlands, as well as the removal of other wetland impact areas throughout the site. The greenhouse originally proposed in 2019 is no longer part of the proposal.

Mr. Morrell said that all of staff comments from 2019 have been addressed. With regard to current staff comments concerning lighting, Mr. Morrell said that no new lighting is proposed for the site, the facility is never opened in the evening, there have never been any complaints from abutters, and the business sign has downward lighting. After discussion, the Board concurred that the lighting is not an issue that needs to be addressed.

PUBLIC COMMENT PERIOD OPENED: None offered  
PUBLIC COMMENT PERIOD ENDED

Mr. Anderson and Mr. Morrell discussed the changes to the plans, with Mr. Morrell noting that from a stormwater point of view nothing has changed, they have worked with DEP and Army Corps to secure the necessary approvals and permits before coming back before the Board, the applicant is not proposing a new greenhouse, and the mulch storage bins have been added.

Mr. Morrell said that the vegetation along Ossipee Trail is dense enough to screening the mulch storage bins. The height of the mulch bins will be 6 feet maximum, but the majority will probably be closer to 4 feet. The Board and Mr. Morrell discussed the construction of the block storage bins and the need for more buffering. It was agreed that evergreen trees would be added interspersed between the canopy trees, with a new Condition of Approval 10 being added to address the issue as follows: "That three evergreen trees shall be planted interspersed between the canopy trees near the wetlands on the southern edge of the site." Mr. Morrell said the Condition is acceptable and the applicant would be willing to install the trees.

**James Anderson MOVED and Vincent Grassi SECONDED a motion to approve Michael Wagner's request for after-the-fact Site Plan Amendment approval for an additional**

**greenhouse and impervious space, located on Map 78, Lot 11.001, in the Rural and Stream Protection zoning districts, based on Findings of Fact and Conditions of Approval as written by the Town Planner and amended this evening by the Board. Motion CARRIED, 4 ayes (Scott Firmin absent; Susan Durst and Thomas Hughes abstaining). [8:01 p.m.]**

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**ITEM 4 Public Hearing – Gravel Pit Amendment – Grondin Aggregates, LLC – Brandy Brook Quarry** – a request for approval to include the addition of a winter salt storage shed and stump and brush processing. Zoned R-SZ, Map 42, Lot 5.

Ms. Eyerman advised the Board that this is the first time this item has come before the Board. It is a request for approval for a winter salt storage shed and stump and brush processing at the applicant's Brandy Brook Quarry. She noted that yet to be provided by the applicant is information concerning erosion control, a stormwater management plan, building plans and construction schedule.

Larry Grondin, Grondin Aggregates, LLC, gave the Board an overview of the timeline of the Quarry, including the DEP permit of the quarry in 1997, Town blasting permit in 1998, and a 2004 change to the number of permitted blasts and abutter notification. He showed the Board the locations of the two proposed operations, inside the existing footprint. He said the salt storage shed is in a previously graveled area and is proposed to be 42' by 60' and approximately 20 feet tall, with a 30' apron in front of it for mixing and loading. The shed will be built out of 2x2x6' concrete blocks, temporary structure, aluminum frame, with vinyl over the top

Mr. Grondin commented that the staff notes item referring to a "proposed 300 ft. buffer... and a 200 ft. buffer" is incorrect in that both buffers are existing.

Mr. Grondin said that each of the required DEP permits has been obtained for the waste and stump processing and the salt shed. He provided the Board with a summary of the DEP's waste processing licensing standards as follows:

- Clean wood only – stumps and brush
- Not more than 3 acres
- Not in a 100-year flood plain
- Minimum 100' setback to property line
- Minimum 500' setback to all water supply springs and wells
- Minimum 100' setback to natural resources such as wetlands, streams
- Processing pad at least 1' above water table and 24" glacial till or equivalent with 6" drainage layer of gravel
- Surface water diverted around pad
- Operation cannot contaminate water, land or air from handling, storage, processing
- Access controlled and incoming materials inspected
- Processed wood to be distributed or disposed of within two years receipt at location

Mr. Grondin provided the Board with the following Maine DEP criteria for the salt storage:

- Cannot overlie sand and gravel aquifer



- Cannot overlies a source water protection area
- Cannot be within 300' of a private well

Operational requirements are as follows:

- All storage, mixing and loading will occur on an impervious pad of 3" of pavement
- The area outside the shed will be constructed to prevent stormwater from running into or across the pad
- All piles must be covered by constructing a building to prevent rain and snow from contacting the piles
- All loose salt spilled during unloading, loading or mixing must be cleaned up as soon as practicable
- A written operation and maintenance plan will be posted and training will occur on an annual basis

Mr. Grondin noted that among the abutter comments he has seen, the greatest concern appears to be salt contaminating private wells, and hopefully the DEP siting criteria and operational requirements listed above can provide some level of certainty. He said he has asked DEP how many similar piles are registered in Gorham, and they said probably about half a dozen, with 80 or so in Cumberland County. Mr. Grondin said that they will have to meet noise standards at the property line for the stump processing.

Mr. Grondin then introduced Shawn Frank, Sebago Technics, to address erosion control comments.

Shawn Frank, Sebago Technics, said he will work with staff on providing an erosion control sediment plan and stormwater, and said he would work with Public Works about revised grading.

Ms. Eyerman noted the following abutter comments received via email prior to the meeting: Aaron Frederick, November 30, 2020; Guy McChesney, November 30, 2020; Alton Benson, December 3, 2020; Margaret Young, December 3, 2020; Pam Benson, December 7, 2020 .

**PUBLIC COMMENT PERIOD OPENED:** Bud and Pam Benson, 109 Lovers Lane. Mr. Benson questioned the direction of the runoff from the salt shed, asked where the increased runoff is going to be diverted from the stump grinding operation, commented about the status of the access road and uphill water from that road going down toward the shed. Mr. Benson asked why the stump grinding operation could not be moved to the bottom of the pit, which would help reduce noise and help with erosion control. Mr. Benson also questioned the increased number of blasts to reduce the size of the blasts and asked for confirmation that the blasts are in fact reduced from the original ones. He said that the wood processing is 20% outside the original approved quarry limits and the runoff will be dirty as the stumps themselves are dirty.

Aaron Frederick 70 Lovers Lane, spoke about changes in the quarry with the increased number of blasts moving closer to abutters, the location of the quarry to Brandy Brook and the Little River, both of which have been opened as spawning grounds, measuring of water quality runoff to determine any impact on those water bodies, current noise issues and possible increased noise from the stump grinding operations.

Neil Hickey, 121 Cressey Road, abutter across the road from the quarry, questioned how to measure the noise from the quarry operation to determine if it is within the required guidelines, especially associated with the stump grinding operation.

Guy McChesney, on behalf of his mother-in-law Maria Rootes, owner of 121 Cressey Road. He said one of their concerns is the significant noise associated with the stump processing and asked why it should be located further up the hill versus down in the quarry. Mr. McChesney also spoke about the number of blasts over the years and possible damage to the foundation of his mother-in-law's foundation.

Pam Benson, 109 Lovers Lane, spoke about dust issues after blasts. Mr. Benson asked if gravel pit inspections are still done, with annual reports.

PUBLIC COMMENT PERIOD CLOSED

Mr. Fox said that the Board is considering two specific items this evening, but the comments brought up about blasting, dust and noise and other concerns are not directly under review this evening. Concerns about previously permitted activities would be the responsibility of the Code Enforcement Office to deal with. Mr. Fox said there is some overlap such as erosion control and runoff which the Board will consider as being applicable to the application before it, but there are other things which should be addressed by the Code Office such as previous permits.

Mr. Anderson noted that the plans provided by the applicant are not stamped plans, they don't have erosion control measures, and they don't show how stormwater management will take place. He asked if those are requirements in the site plan ordinance. Ms. Eyerman said it should have been submitted, but perhaps the applicant did not realize that it was a site plan application. Mr. Anderson said that it would alleviate some concerns to see a stormwater management plan on how runoff will be dealt with to keep it from entering Brandy Brook.

Mr. Grondin told the Board that he should have hired Sebago Technics from the beginning, but he said there already is a stormwater plan in place for this location and has been since the 90s. He said that when he submitted this application he did not think he would have to resubmit what has already been approved by the Town and DEP. Mr. Grondin said that once he saw the review comments from the Town's review engineer, he realized that he needed to obtain the services of Mr. Frank.

Mr. Fox asked how the stormwater plan in place will alleviate abutters' concerns about runoff from both the salt storage as well as the stump grinding operation. Mr. Grondin said the original erosion and sediment control plan for the quarry was submitted and updated to reflect the salt shed. Mr. Frank said that DEP's main concern is that the salt is under cover, and he can add to the plan the comments from Public Works that a containment area should be created to prevent any migration around the shed and stump grinding operations.

Mr. Grondin referred to Mr. Benson's comment about uphill water from the access road migrating down to the shed, saying the intent is to have all that water go past the apron, basically parallel with the road, and beyond the apron. Anything uphill of the apron will be diverted around it. Regarding Mr. Benson's comment that the stump grinding is outside of the currently permitted quarry, Mr. Grondin disagrees and would be happy to work with staff to show that they are not proposed to be within that buffer.

Mr. Fox referred to the comments about noise and asked how to insure that the noise standards are being met. Mr. Grondin said that noise can be measured in a similar operation, such as in Scarborough and Windham. He said they could take some measurements but the proposed stump processing operation is one of the last areas they anticipate mining so it made sense logistically to put it there. In reply to Mr. Fox about locating the grinding operation down in the quarry to mitigate the noise issue, Mr. Grondin said that perhaps they will take a look at doing that.

Mr. Fox said that the two concerns consistently expressed by the abutters involve stormwater runoff and noise. While knowing that Mr. Frank will look at the stormwater plan to make sure those standards are being met, Mr. Fox said the noise standard appears to be more difficult to confirm until the operation is running. Mr. Grondin said they screen loam near where the stump processing is proposed, and while the screening is probably not as loud, they can get some idea from that.

Ms. Eyerman noted that the Town's review engineer has not yet reviewed the revised submission made by Mr. Frank in October, inasmuch as not everyone has the time to review interim submissions before an applicant comes before the Board. Mr. Fox confirmed that even though a revised plan has been submitted, it has not yet been peer reviewed. In reply to Ms. Eyerman, Mr. Frank said he would like to make revisions to the plan to submit to the Town's engineer for peer review and that he would like to work with Public Works to address their comments as well regarding drainage and a containment area.

Mr. Fox summarized that a stormwater drainage and erosion control plan with proposed erosion and sediment controls will be submitted for peer review and that some information will be provided regarding noise levels in similar operations as to what levels can be expected.

**Molly Butler-Bailey MOVED and James Anderson SECONDED a motion to postpone further review of Grondin Aggregates, LLC's request for major site plan approval for a salt storage shed and stump grinding operations pending responses to remaining issues and revisions to the plans. Motion CARRIED, 6 ayes (Scott Firmin absent)**

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**ITEM 5 Pre-application – Brian Plowman, Black Gum Tree Subdivision** – a request for approval to construct a 10-lot subdivision. Zoned SR, Map 3, Lot 17.

Ms. Eyerman advised the Board that this application is a request for approval of a 10-lot subdivision off Burnham Road in the Suburban Residential zone, and includes a paved private driveway, individual domestic wells and subsurface wastewater systems on a lot that is approximately 16.4 acres in size. The site contains wetlands, a potential vernal pool, mature canopy trees and understory. Ms. Eyerman said that until very recently the site had the largest black gum tree in the state, but it unfortunately was blown over in the last storm. The applicant has provided both a conventional and a clustered layout, with approximately 6 acres of open space to be set aside in the clustered layout.

Steve Blake, BH2M, appeared on behalf of the applicant, Plowman Development Group. Mr. Blake described the property being right where Mitchell Hill and Burnham Roads fork. Mr. Blake showed the Board a conceptual clustered subdivision plan with 10 lots, ranging in size from  $\frac{3}{4}$  of an acre to about one acre. He showed the Board where the possible vernal pool is located on the plan, and



said that a Permit by Rule can handle the permitting for that particular vernal pool. Mr. Blake said that the applicant prefers the clustered subdivision plan, which would have some 6 acres of open space. In the conventional plan, Mr. Blake said there would also be 10 lots, all to be an acre and a half or larger, no open space, the road to be about 1200 feet long, compared to the road in the clustered option which is about 700 feet long. Mr. Blake said that unfortunately the wind has taken down the black gum tree, and a plaque of some sort will be created to memorialize the tree's site.

PUBLIC COMMENT PERIOD OPENED: None offered  
PUBLIC COMMENT PERIOD ENDED

Mr. Fox opened a Board discussion about clustered versus conventional subdivision layouts. Mr. Anderson commented that he lives near the site, and that many of the developments in the area are conventional; therefore he believes that larger lots will fit in better with the neighborhood. In addition, Mr. Anderson said that trying to find appropriate wells and onsite septic systems locations is more challenging in the smaller lots of a clustered subdivision. Mr. Blake replied that the lots in the clustered form will be roughly an acre, the soils are adequate for septic with wells in the back. Mr. Hughes said he agrees with Mr. Anderson, as did Mr. Grassi.

Mr. Fox asked what use is proposed for the open space in the clustered plan. Mr. Blake replied that some kind of low impact use, such as trails or a community garden. Ms. Eyerman asked if there are any trails in this area to which a connection could be made; Mr. Black replied that he is not aware of any, and there are private lots in the back of the site. Ms. Durst commented that the proximity of wetlands and the potential vernal pool in the conventional plan could impact some of the lots, and therefore said she prefers the clustered version.

Mr. Hughes asked about street width and lengths of proposed driveways. Mr. Blake replied that the street design is not yet finalized, but the street width would probably be 22 feet wide with no curbs and the driveways will be kept short.

After further discussion, an informal polling of the Board resulted in the following:

Clustered: Butler-Bailey, Durst and Fox  
Conventional: Anderson, Grassi and Hughes

As a result of the split poll, Mr. Fox recommended that Mr. Blake try to develop some kind of hybrid plan to present to the Board, protecting the sensitive areas and avoiding looking like a village size development in a rural part of town. Mr. Blake said that a way to accomplish that might be to try to maximize the lot sizes as much as possible. In reply to Mr. Hughes, Mr. Fox said that the Board has in the past indicated a preference of conventional or clustered, and while it is not binding, it does provide some guidance for an applicant.

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<b>OTHER BUSINESS</b>	<b>NONE</b>
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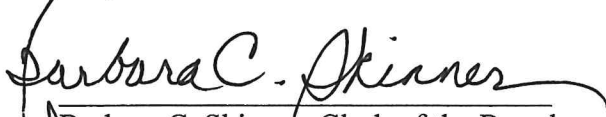
<b>ANNOUNCEMENTS</b>	<b>NONE</b>
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**ADJOURNMENT**

**Molly Butler-Bailey MOVED and Susan Durst SECONDED a motion to adjourn. Motion CARRIED, 6 ayes (Scott Firmin absent). [10:00]**

Respectfully submitted,

  
Barbara C. Skinner, Clerk of the Board  
December 7, 2020

**ITEM 3**

**MICHAEL WAGNER, OSSIPEE TRAIL GARDENS**

**FINDINGS OF FACT**

**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.

Part of the proposal is to for after-the-fact approval of greenhouses and other structures such as gazebo that have been installed. Other items proposed to be completed are restoring wetlands, installation of dumpster fencing, and installation of concrete bins for mulch and soil storage.

*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 lot is served from Ossipee Trail, State Route 25. The applicant has provide ITE trip generation information that identifies Garden Center of this size can generate 117 vehicle trips per day.

All roads have adequate capacity to accommodate the additional traffic generated by the site.

*Finding: Both the public and private roads serving the site have 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.

Currently all vehicles enter and exit from a 20' +/- wide gravel private way. The driveway has adequate sight distance and will provide for safe and convenient access into the site. No change to the site's existing access driveway is proposed.

*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 proposal is to utilize the bituminous area located around the buildings for parking spots, and no painted parking spaces are proposed.

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. People parking near the buildings will walk across the open gravel areas to access the buildings or planting areas.

No sidewalks are located along Ossipee Trail, State Route 25.

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.

The site will have 3 level spreaders meeting Maine DEP's Erosion Control guidelines for treatment of stormwater prior to being discharged into vegetated areas abutting Branch Brook.

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.

During construction of the greenhouse or any other construction activities the applicant will also comply with the "Maine Erosion and Sediment Control Handbook for Construction: Best Management Practices," Maine Department of Environmental Practices.

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.

The site is served by a private water supply well located on the southeastern corner of the lot. No increase in the amount of public water used on the site is anticipated and no changes to the water supply are proposed.

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 a septic system located on eastern edge of the site. The septic system serves the sales office structure. No increase in the amount of sewage disposal on the site is anticipated and no changes to the sewage disposal are proposed.

*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 lot is served by overhead power, cable and phone from Ossipee Trail. No changes are proposed to the existing utilities serving 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 proposed construction will disturb areas of the site that have been previously disturbed as part of the original construction of the site. The proposal is to restore 8,548 square feet of impervious area to vegetation.

*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 new septic field was designed by a licensed site evaluator and will treat sewage before it is discharged from the system. The new building is not proposed to impact the groundwater on the site.

*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 currently has unshielded flood style lights located on the greenhouses with unshielded cobra style lights on the sales office.

*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.

Waste disposal for the buildings is handled through two dumpsters located on the western edge of the gravel area. The dumpster will be screened with a fenced-in dumpster enclosure.

*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.

The site currently has a mix of landscaping located on it. No additional landscaping area is proposed to be located on the site.

Additional Christmas style trees are proposed to be installed in the non-wooded area located on the northwestern corner of the site.

*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 located in the Stream Protection Sub-district. No improvements are proposed within the 75' stream protection sub-district boundary.

*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.

The applicant has provided a letter from Key Bank dated October 1, 2020 identifying financing for the proposed project. Ossipee Trail Garden Center has been in business for 25 plus years at the site and has completed numerous improvements to the site during that time period.

*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 site is buffered from the public ways and abutting residential uses through some trees and other landscaped area on the site and woodland located on the northern third of the site. No clearing of

trees along the perimeter of the lot is proposed as part of the site plan amendment.

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).

Finding: *The development will comply with the A-weighted hourly equivalent sound level limits of 60 dBA daytime (7am-7pm) and 50 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, 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 all relevant conditions of approval from past Site Plan approvals shall remain in effect;
4. That any proposed use on the site shall meet the sound level requirements outlined under Chapter 4, Section 9, T. Noise;
5. That prior to the pre-construction meeting, the applicant will establish the following: a performance guarantee equal to 125% of the costs to complete the site improvements and an escrow for field inspection meeting the approvals of Town Staff;
6. That prior to the commencement of any site improvements, the applicant, its earthwork contractor, and the design engineer shall arrange a pre-construction meeting with the Town's Review Engineer, Public Works Director, Fire Chief, Code Enforcement Officer and the Town Planner to review the proposed schedule of improvements, conditions of approval, and site construction requirements;
7. That all site construction shall be carried out in conformance with the Maine Erosion and Sediment Control Best Management Practices, Maine Department of Environmental Protection, latest edition and in accordance with the erosion and sedimentation control information contained in the application;
8. That within 3 months of the Planning Board's approval the applicant shall have received all the required permits through the Code Department;
9. That the all site improvements approved for the site shall be completed prior to July 30<sup>th</sup>, 2021;

10. That three evergreen trees shall be planted interspersed between the canopy trees near the wetlands on the southern edge of the site;
11. That the Planning Board Chairman is authorized by the Planning Board to sign the Findings of Fact on behalf of the entire Board; and
12. That once the site plan has been recorded at the Cumberland County Registry of Deeds, a dated copy of the recorded site plan shall be returned to the Town Planner prior to the pre-construction meeting.