

**PLANNING BOARD MEETING
December 5, 2016**

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

Members Present

EDWARD ZELMANOW, Chairman
JAMES ANDERSON
SCOTT FIRMIN
GEORGE FOX
LEE PRATT

Members Absent

Scott Herrick

Staff Present

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

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

APPROVAL OF THE NOVEMBER 7, 2016 MEETING MINUTES

George Fox MOVED and James Anderson SECONDED a motion to approve the minutes of November 7, 2016 as written and distributed. Motion CARRIED, 5 ayes (Scott Herrick absent).
[7:05 p.m.]

COMMITTEE REPORTS

- A. Ordinance Review Committee** – Mr. Zelmanow noted that there was no quorum for the Ordinance Committee meeting scheduled to take place before this evening's meeting. Therefore the discussion of the proposed language for landscape companies and contractors' yards in the Rural District will be moved to 6:00 p.m. on January 9, 2017, before the Board's regular meeting.
- B. Streets and Ways Committee** – Mr. Zelmanow noted that this Committee has not met since the last Board meeting.

CHAIRMAN'S REPORT – Mr. Zelmanow announced that there is still a vacancy on the Planning Board and invited anyone interested in serving to contact the Clerk's office for more information.

ADMINISTRATIVE REVIEW REPORT – Mr. Poirier reported that there are four Administrative Review projects under review, as follows: Roger Gagnon, 198 Main Street, for a commercial garage; KR Commercial Properties, retail auto sales and indoor storage at 342/346 South Street; PineCrest Bed and Breakfast, on hold awaiting resubmission of plans; and V&M Rentals, temporary additional storage.

CONSENT AGENDA **Subdivision Amendment – James and Sharon Gregoire** – request for approval to amend the previously approved 6-lot Wilson Field Subdivision to relocate the proposed underground utilities, located off Brackett Road and Snowberry Drive, Map 28, Lots 7.001 and 7.002, Rural Manufactured Housing zoning district.

There being no one on the Board or from the public wishing to have any item removed, and the Conditions of Approval having been shared with the applicants,

George Fox MOVED and Lee Pratt SECONDED a motion to approve the item on the Consent Agenda. Motion CARRIED, 5 ayes (Scott Herrick absent). [7:14 p.m.]

Scott Firmin asked to be recused from participation in the review of Item 1, as he has been in the past, because of a potential professional conflict.

George Fox MOVED and Lee Pratt SECONDED a motion to allow Mr. Firmin to recuse himself from participation in this matter. Motion CARRIED, 4 ayes (Scott Firmin abstaining, Scott Herrick absent).

ITEM 1 PUBLIC HEARING – Site Plan Review – Sebago Brewing Company - request for approval of a facility to accommodate a brewery, tasting room, event/function center, warehousing and corporate offices on a 6.05 portion of the Shaw parcel on Route 25, 616 Main Street, Map 32, Lot 12, Industrial zoning district.

Mr. Poirier said that at the last meeting on November 7, 2016 the applicant proposed revising the grade by lowering the site elevation. Revised plans have been submitted reflecting this change. Also at that meeting the Board asked staff to submit the landscape plans for review; Robert Metcalf of Mitchell & Associates has reviewed the original and revised plans and has provided comments. Additional reviews were a traffic review by TY Lin, Portland Water District review and approval of the private pump station and sewer mains, and a review by the Town's Attorney of the legal documents. Mr. Poirier said that abutter comments were received today from Frank Nappi, Jr., of Nappi Distributors.

Andrew Morrell, BH2M Engineers, came to the podium and introduced Kai Adams of Sebago Brewing, Mike Hayes from Grant Hayes Associates, building architect, and Keith Smith of Terrence DeWan Associates, landscape architects. Mr. Morrell reviewed the changes made to the plans since the November 7, 2016, submission. He said the grade of the front parking lot closest to Main Street has been lowered a foot and the rest of the site and the building have been lowered two feet. These changes did not affect the site layout but did affect the utilities and storm drain system, which has been updated accordingly to allow some of the site to sheet flow to the proposed wet pond. Vegetated ditches to convey runoff to the wet pond have been added. The foundation drain from the building has been eliminated. The pump station has been redesigned and relocated across from the proposed building along the service entrance drive. The southerly site entrance has been revised to better restrict traffic to the right in and right out only movements. DEP permits are expected soon.

Kai Adams, Sebago Brewing, came to the podium and spoke about the landscape review, saying that the focus of this project is to be part of a farmscape and an agricultural conservation. He said that this will not be an industrial park and they do not want to hide their business but want to be part of the agricultural landscape on site. They are even considering putting in some barley fields in conjunction with the hop fields on the plan. He said they would like their customers to engage with the trail system, snowmobile trails, cross country skiing. Mr. Adams asked the Board to consider granting conditional approval this evening, and thanked the Board for its help in the process.

Mike Hayes, Grant Hayes Associates, said that any recent adjustments to the drawings have been minor. The footprint of the building has not changed, having a predominantly first floor operation of some 20,000 square feet with offices of the second floor and mezzanines in the production area that bring the building closer to 35,000 square feet. From an exterior standpoint, the most recent adjustment is a farmer's porch added to the first floor level of the building. Exterior coolers will be fenced in entirely with fencing that looks like the siding on the building. In reply to Mr. Zelmanow, Mr. Hayes said that the silos will be predominantly white with perhaps some galvanized steel. Most of the equipment on the pad will be hidden by a very long fence.

Keith Smith, landscape architect with Terrence DeWan Associates, said that the landscaping is proposed to be tiered along the front of the parking lot with a mix of perennials, shrubs and ornamental grasses designed more to provide a filtered view rather than solid buffering. Mr. Smith said that much of the proposed landscaping is designed to provide winter character as well as blooming in the spring and summer. Along the outside activity area will be lawn area, with one of the changes being to put the hop trellises down below the parking area. Deciduous trees will be planted throughout the site to provide shade for parking areas and buffering from Main Street. Mr. Smith described the proposed signage as being 35.5 square feet, up lit with a spot fixture which will be ground mounted and with evergreen plants underneath. Materials on the sign will be a stainless steel face and building materials matching that of the proposed structure.

In reply to Mr. Zelmanow, Mr. Adams said that they hope to be able to harvest the hop trellises and there are certain width and height requirements to do that. Mr. Zelmanow commented that the landscaping now provides a good balance between the Code requirements and how the project is proposed to interact with the site. Mr. Zelmanow also said that he believes that Sebago will take care of maintaining the landscaping so that it looks good for the public to see.

Mr. Anderson discussed with Mr. Morrell the comments received from Nappi about traffic stacking up in the left turn lane and whether the majority of truck traffic coming into the site would impact that left turn. Mr. Adams said that most of their trucks come from Nappi, and they would get perhaps one or two trucks a day coming from the east, from the turnpike, which will be able to make the left turn. Mr. Fox said he is unsure as to why that "slip lane" exists in the first place. Mr. Zelmanow said that the stamped area was intended to balance the left turn in on the other side to create the width on the other side. Mr. Morrell replied that the existing stamped pavement is proposed to be converted into a left turn lane into the facility, and what concerns Mr. Nappi is the potential conflict with vehicles exiting their facility turning left. Mr. Zelmanow confirmed that stop bars will be installed at the two exits and the length of the left turn lane will be mentioned, per TY Lin's recommendations. Mr. Fox confirmed with Mr. Morrell that the applicant is in agreement with all of TY Lin's recommendations and will incorporate them. Mr. Morrell agreed that the 8 parking spaces by the "do not enter/no left turn" entrance will not be marked as employee parking.

Mr. Morrell said that changes have been requested to the pump station maintenance agreement. Mr. Zelmanow confirmed with Mr. Morrell that sheet two will be updated to remove the wooded area.

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

Concerning the Maine DEP permit, Mr. Morrell confirmed that the revised information submitted to the Board has also been submitted to DEP. Mr. Anderson said he is comfortable with approving the project with a condition of approval about the DEP permit. Mr. Poirier read a new Condition of Approval #21 as follows: "That the applicant shall submit Maine DEP permit approvals prior to the Planning Board's endorsement of the final plan."

George Fox MOVED and Lee Pratt SECONDED a motion to grant Sebago Brewing Company's request for site plan approval of a facility to accommodate a brewery, tasting room, event/function center, warehousing and corporate offices on Map 32 Lot 12 in the Industrial zoning district with Findings of Fact and Conditions of Approval as written by the Town Planner and modified this evening by the Planning Board. Motion CARRIED, 4 ayes (Scott Firmin abstaining, Scott Herrick absent). [7:50 p.m.]

Mr. Firmin returned to his position on the dais.

ITEM 2 PUBLIC HEARING – Preliminary Subdivision/Site Plan Review – Great Falls Construction, Inc. – requesting site plan approval for a 5 story, 23,822 square foot multi-use building at 7 Railroad Avenue, having a first level bowling facility with food and beverage services; first level commercial/retail space; recreation space; and studio, 1 and 2 bedroom apartments with associated parking, located on Map 103, Lot 81, Urban Commercial zoning district.

Mr. Poirier told the Board that the project requires subdivision plan approval because more than 3 dwelling units are involved and site plan approval due to the multi-family housing portion of the site. Two waivers have been requested, one being from the requirement to provide a Class A High Intensity Soil Survey, and the other waiver is for the Board's requirement to hold separate meetings for preliminary and final approval. This item has been submitted to the Town's traffic peer review engineer for comments.

Owens McCullough, Sebago Technics, came to the podium and introduced Jon Smith, applicant, and Mike Richmond, architect. Mr. McCullough told the Board that the applicant's Contract Zone application for this site will go before the Town Council on Tuesday, December 6, 2016. Mr. McCullough reviewed the highlights of the project, noting that the building will be 3 to 5 stories, a bowling alley and restaurant on the first floor, some commercial spaces, up to 40 market-rate apartments on the upper floors, and a wine bar on the upper level. The building has been designed with a railroad station theme. The site will be served by private water and sewer and underground utilities. There will be a wide sidewalk along the front of the building, either concrete or brick, along with tree wells and a canopy around the building on Railroad Avenue and Elm Street. There will be one primary entrance into the site, which will be off Railroad Avenue. A second entrance exists at My Fit. The sidewalk in front of the My Fit area will be rebuilt, and the crosswalk at Mechanic in front of My Fit will be reconfigured.

Mr. McCullough said that a crosswalk to Hannaford on Railroad Avenue will be added. He also discussed adding a raised sidewalk on the plan on Elm Street and the proposed raised sidewalk designed to increase visibility and safety at the intersection. Mr. McCullough acknowledged that the Public Works Director has some reservations about the speed table, but noted that the Board had indicated a desire for it. He said that Elm Street and Railroad Avenue will have a 3-way controlled stop, and there will be controlled stops at Mechanic and Railroad and at Robie and Lincoln.

Lighting on the site will include under mounted lighting on the canopy, cut-off lighting along the back of the building, some lighting for the parking lot on site and on the building, at the dumpster location, and at the landscaped island at the corner. He said that the under-canopy lighting will also pedestrian lighting along the sidewalk. Colonial-style light fixtures will be installed along the sidewalk as well.

On-street parking will be on private property, with the small parking area originally proposed on Elm Street pulled back so that it is on now on private property as well. Most of the parking in the back will be for the benefit of the tenants because the residential entrance is in the back. Mr. McCullough discussed the size of the proposed parallel on-street parking stalls shown on the north side of Railroad Avenue, along with two 12-foot travel lanes.

Mr. McCullough spoke about using the stream as a buffer between this project and abutting properties, noting that the stream ranges from 30 to over 40 feet in width with dense growth that will be maintained. The owner will police the area for trash and rubbish but there will be no cutting in that area unless there was some damage due to a storm event. Also shown on the plan is a potential pedestrian connection to the Village School.

Discussing the review comments, Mr. McCullough said that the Fire Chief comments are straight forward and will be addressed. They have applied to the Maine DEP to secure a Permit-by-Rule for the project, and a Notice of Intent to Comply will have to be filed for erosion control before construction. Insofar as sight

distances are concerned, Mr. Zelmanow asked that the sight distance from Robie to Elm be added to the plans. Mr. McCullough said that water main information will be added to the plan. Mr. McCullough said that as the site is already developed, no state or federal regulatory permitting involving stormwater is required as no thresholds for new impervious surfaces are being breached. Two tree filters are being added to the project. Because there will be so much roof runoff, the quality of the runoff will be improved.

Mr. McCullough said that a traffic analysis has been done which involved counting multiple intersections at Robie and Lincoln Street, Elm Street and Railroad Avenue, Main Street and Elm Street, Mechanic Street and Railroad Avenue, and the intersection of Main, Mechanic Street and New Portland Road. The results of the traffic analysis show that trip generation from this project would have no substantive impact on the intersections. DOT is looking at the trip generation numbers for concurrence. Mr. Zelmanow confirmed with Mr. McCullough that the other commercial spaces traffic uses were figured into the traffic analysis.

Mr. Zelmanow and Mr. McCullough discussed the need for auto turn information for tractor trailers and emergency vehicles in the lot behind the building, with Mr. McCullough agreeing to provide that information to the Board.

Mr. McCullough said that there will be temporary snow storage somewhere on site but the snow will have to be removed.

Mike Richman, Custom Concepts, came to the podium and spoke about the colors proposed for the building and the master sign plan. Mr. Zelmanow asked that benches be added to the site. Mr. Richman said the proposed lap pool on the roof would be for residents only. There will be emergency access only from the residential area lobby of the building to the commercial area lobby.

Mr. Fox said that two items of concern to the public have been the height of the building and the traffic out toward the school in the back. He said that he would support anything that can be done to reduce the volume and speed of traffic heading that way, and the raised crosswalk is a reasonable solution. Mr. Poirier said he has spoken with the Public Works Director and the traffic peer review engineer, and the consensus is that neither one is saying that a raised crosswalk is either needed or not needed, it is the speed table that they feel may not be needed in that location, but perhaps could be needed in another location at some time in the future if it becomes warranted. Mr. Poirier said that perhaps a condition of approval could be crafted to deal with reviewing speeds in the area in the future to determine if a speed table is warranted and where it should be located. Jon Smith, applicant, came to the podium and said that isolating the installation of a speed table to the future outside of the project would be significantly more expensive. Mr. Smith said with so many loose ends, he would like some certainty on the project. After further discussion, the Board ultimately agreed that the speed table should be located where it is now on the plans, with a sign advising what lies ahead.

PUBLIC COMMENT PERIOD OPENED: Susan Robie, 34 Robie Street, said that as there are no speed numbers in the traffic study, it is difficult to decide where a speed table should be to slow it down. There is no way to determine how the project will affect the neighborhood. Ms. Robie asked how many parking spaces are included in the plan, and are they counting the parking spaces across Railroad Avenue. Mr. McCullough said those spaces are not counted and are only spaces added for the benefit of the Town. Ms. Robie said that if those spaces were not part of the project, they should not be shown on the plan. In response to Mr. Zelmanow, Mr. McCullough pointed out on the plans where the 6 handicapped parking spaces are located, with 2 handicapped spaces for the My-Fit facility. Mr. Smith said that the State Fire Marshal's office will analyze the numbers proposed post approval/pre building. In reply to Ms. Robie, Mr. McCullough said that this applicant is not obligated to provide parking for the Sebago Brewing across the street.

PUBLIC COMMENT PERIOD ENDED.

Noting the applicant's request for preliminary approval, Mr. Zelmanow said that there is too much outstanding to grant that request, but the Board can consider the applicant's waiver request for a Class A High Intensity Soil Survey.

George Fox MOVED and Scott Firmin SECONDED a motion to grant Great Falls Construction, Inc.'s request to waive the submission requirement under Chapter III, Section III, B. 11) for a Class A High Intensity Soil Survey. Motion CARRIED, 5 ayes (Scott Herrick absent). 9:10 p.m.

Mr. McCullough said they would like the Board to consider granting both preliminary and final approval inasmuch as they believe they have satisfied all the requirements posed by the peer review engineers and staff. Mr. Zelmanow said that even some of the preliminary approval requirements have not been met, such as (a) the development needing to be in conformance with the new Comprehensive Plan of the Town, which requires avoiding adding more traffic on side streets. Another one of the criteria which does not seem to be met is "Will not cause congestion or unsafe conditions with respect to use of the highways or public roads, existing or proposed on or off the site," again relating to the traffic study. Mr. Zelmanow noted on the many instances where the traffic review engineer noted that "no information has been provided." Mr. Zelmanow said he does not know what the back story is, he only knows that information needed by the Board in reviewing the project has not been provided.

Mr. McCullough complained about the review process not being fair. Mr. Poirier described the current review process, compared to the previous process whereby an applicant would not appear before the Board until after all reviews had been completed and the project was all set. In those days staff would hold an application back because it wasn't ready, but unfortunately applicants were not happy with that procedure. So that process was changed by the Town Council to the way it is now, with an application being submitted and reviewed by staff and then put on the Board's agenda.. In this case the applicant submitted its original packet November 10 and the traffic study came in on November 16, technically both of those did not meet the deadline but staff worked with the applicant to turn things around in two weeks, even with the Thanksgiving holiday intervening.

Mr. Poirier said that at this time the traffic engineer needs more information about the traffic being added to Mechanic and New Portland Road light. The big question for the Board is whether a speed study should be done, which the applicant has indicated it does not want to do. Mr. McCullough said that this is an existing condition that the applicant should not have to fix. Mr. Zelmanow said he believes that this speed problem is not something the applicant should address, that it is a Town issue. Mr. Anderson concurred, saying he does not believe the speed issue is created by the developer and said he believes it is not the applicant's responsibility. Mr. Pratt agreed, saying that it needs to be addressed but not by the developer. Mr. Firmin said that with the additional speed controls proposed in the way of a three-way stop sign and adjustments to the roadway, he would be satisfied with an analysis that those measures would likely impact speed. Mr. Zelmanow said that resolving the speed issue needs to involve the Town Council, Public Works and the Police Department. Ultimately it was the consensus of the Board that the applicant does not need to perform a speed study.

Mr. Poirier and Mr. McCullough discussed the Town's traffic review engineer's comments about the trip generation information for a bowling facility; Mr. Poirier suggested that the applicant's traffic engineer and the Town's traffic peer review engineer discuss traffic counts and modeling.

Mr. Zelmanow briefly reviewed the various approval criteria, noting that the majority of the criteria have been met except for a) involving conformance with the Comprehensive Plan and b) involving traffic, which means that the Board cannot grant approval because the project does not meet all the criteria. Mr. Anderson noted that he has not had the opportunity to review the additional information referred to by Mr. McCullough and is therefore not comfortable with preliminary approval at this time. After discussion with the Board Chairman, Mr. Poirier said that if the applicant can provide the missing traffic information and anything else

still required, staff will do its best to get this item on the January 9, 2017 Planning Board agenda, or, failing that, to hold a second meeting in January to accommodate the applicant and hopefully would consider granting preliminary and final approvals in one meeting.

James Anderson MOVED and George Fox SECONDED a motion to postpone further review of Great Falls Construction, Inc.'s request for preliminary subdivision and site plan approvals pending responses to remaining issues and finalizing revisions to the plans. Motion CARRIED, 5 ayes (Scott Herrick absent). [9:46 p.m.]

Five Minute Break

ITEM 3 PRELIMINARY SUBDIVISION REVIEW – Normand Berube Builders – request for approval of a 6-lot subdivision on approximately 17.67 acres, on property located off County Road on Shiers Meadows Drive, Map 4, Lot 4.001, Rural zoning district.

Mr. Poirier explained that this item was last before the Board on September 12, 2016, when the Board discussed road design and standards, and lot layouts. The Board held a site walk on September 28, 2016 to look at the land and any proposed road layouts. The applicant has submitted revised plans, and having reworked the density calculations, the number of lots has been reduced from 7 to 6 lots. The layout is now for two private ways and the applicant is not moving forward with a Town road as originally contemplated. The existing private way, Shiers Meadows Road, would be upgraded to a paved 7-10 lot private way, and the second private way would be a 2-6 lot gravel private way. Mr. Poirier said that there is no requirement in the Code to access abutting lands from a private way, that is only a requirement for someone proposing a Town road.

Andrew Morrell, BH2M, reminded the Board about the discussions held at the site walk about the public road layout with a cul de sac that had been originally proposed, with the consensus being that the current private ways is better for the site. Mr. Morrell said that the applicant is now proposing a 6-lot subdivision with two private ways. The existing Shiers Meadows Drive, now serving 3 house lots, will be upgraded to the 7 to 10 lot paved private way standard, plus it will be extended a little over 500 feet. The other private way, Grassland Drive, will be built to the 2-6 lot gravel private way standards.

Mr. Morrell replied to a question from Mr. Zelmanow that he does not believe any Maine DOT approval will be required, but he will confirm that with DOT before coming back for final subdivision approval. Mr. Morrell confirmed that everything will remain private.

In reply to Mr. Anderson, Mr. Poirier said the Board can condition the applicant's securing a letter of intent to fund the project before final approval is granted.

PUBLIC COMMENT PERIOD OPENED: Kurt Albert, 103 County Road, came to the podium and expressed concern about access to the abutting back portion of his lot with no right-of-way showing to his property. In response to a query from Mr. Zelmanow, Mr. Poirier read the pertinent section of the Code that "In subdivisions where only private ways are proposed, the subdivision does not need to comply with Paragraph C1) or C2) above. In the event that a street approved as a private way in the subdivision is later presented to the Town for acceptance as a public street, the road connection right-of-way must be included in a deed to the Town for acceptance at the same time as the street and if the subdivision is located wholly or partly in the Development Transfer Overlay District, the Urban Residential District or the Village Centers Districts, the road connection must be fully construction prior to street acceptance." It is the developer's

choice whether to keep a road private or to present it to the Town for acceptance as a public road. Mr. Zelmanow suggested that Mr. Albert contact the developer to discuss the matter.
PUBLIC COMMENT PERIOD ENDED.

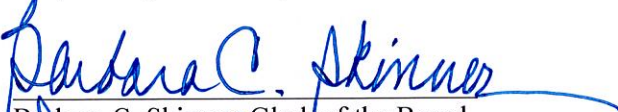
Mr. Anderson confirmed with Mr. Morrell that the nitrate plume analyses have been done.

George Fox MOVED and James Anderson SECONDED a motion to grant preliminary approval to Normand Berube Builders for Shiers Meadows Subdivision on County Road, Map 4, Lot 4.001, in the Rural zoning district and Stream Protection Sub District, based on Findings of Fact as written by the Town Planner. Motion CARRIED, 5 ayes (Scott Herrick absent). [10:13 p.m.]

ADJOURNMENT

George Fox MOVED and Scott Firmin SECONDED a motion to adjourn. Motion CARRIED, 5 ayes (Scott Herrick absent). [10:16 p.m.]

Respectfully submitted,


Barbara C. Skinner, Clerk of the Board
December 5, 2016

ITEM 1 SEBAGO BREWING COMPANY SITE PLAN

CHAPTER IV, Section IX – Approval Criteria and Standards

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

The proposed use and size of the building conform to the requirements of the Land Use and Development Code.

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.

Access to the site is via Main Street, State Route 25, which is classified as a principal arterial road by the Maine Department of Transportation. The driveway currently serving the site is located along the southeastern corner of the parcel.

The applicant is proposing improvements to Main Street, State Route 25 to line up the left hand turn lane into Nappi and the left hand turn lane into Sebago Brewery. The improvements will meet the requirements of the Maine Department of Transportation and the Town of Gorham approvals.

The Traffic Peer Review Engineer has some revisions that are required to the site plan and the plan detailing off-site improvements to Main Street. Staff has crafted Condition of Approval #18 which requires the applicant to amend the plans to the satisfaction of the Traffic Peer Review Engineer prior to the Planning Board's endorsement of the final plan.

Finding: Main Street, 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.

Two entrances/exits are proposed as part of the development of the site. The easternmost entrance is proposed to be right-in and right-out only. The western entrance on the site will be an all-access and egress entrance. The western entrance is to be located directly across from the Nappi entrance.

The Traffic Peer Review Engineer has some revisions that are required to the site plan and the plan detailing off-site improvements to Main Street. Staff has crafted Condition of Approval #18 which requires the applicant to amend the plans to the satisfaction of the Traffic Peer Review Engineer prior to the Planning Board's endorsement of the final plan.

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.

Customer parking will be directed to the parking lots located to the front of the building. Employee-only parking lots will be located on the southern and northern side of the building. Commercial truck deliveries will be directed to the loading docks located to the rear of the northern side of the building.

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.

The proposal is to locate sidewalks along the front of the customer parking area to direct customers into the main entrance of the building. A sidewalk on the northern side of the building is for employees and directs them into the side employee entrance.

Sidewalks along Main Street are not required as part of the development.

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.

Stormwater from the site will be collected in a closed stormwater system located on the southern half of the site and will be directed to the northern third of the site, where the stormwater will be treated in a wet pond and discharged into the abutting wetlands.

The lot is located within the Town of Gorham's Urbanized Area and subject to the Town of Gorham's Post-Construction Stormwater Management Ordinance.

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.

"Site Grading Plan," sheet 3: illustrates the locations and type of erosion control devices to be installed during construction. "Details A" and "Details B" plans, sheets 9 and 10: identify parameters for erosion control and winter erosion control measures to be utilized on site.

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 to be served by two 6" water main stubs into the existing water main located in Main Street, which is a 12" water main.

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 applicant is proposing to gravity drain sewer to a private pump station located on the western edge of the leased area. The private pump station will pump sewage in a 4" sewer main and discharge into a sewer manhole located on the southern side of Main Street behind the Irving Gas Station. The sewer pump station and force main are private and are required to be maintained by the owners.

The pump station will have enough capacity to handle any sewage flows from Sebago Brew, uses on Shaw Brothers Family Foundation, Inc. parcel, and flows from parcels 32-10 and 32-12-1. All the above lots are allowed to connect into the proposed private pump station.

The Town Attorney and Town Staff have some comments regarding the legal documents involving the private pump station. Also, Staff has received comments from the Portland Water District regarding the treatment of sewer and the private pump station. Staff has added Conditions of Approvals #18 and 20 to deal with these comments.

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 will be served by underground power, utilities, and natural gas from utilities located in Main Street, State Route 25.

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 applicant is proposing to leave the area along the eastern and western property line undisturbed. The area along the eastern property line contains mostly an emergent wetland.

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.

Any storage of hazardous materials must be in compliance with federal, state, and local requirements.

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 applicant is proposing a mix of pole lights for the customer parking lots and commercial truck delivery areas. The applicant is also proposing a mix of wall packs and overhanging lights to illuminate around the building.

All lighting is proposed to be full cut-off style.

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.

The applicant is proposing to locate four dumpsters on the northern corner of the building. Adequate circulation has been provided to ensure access for emptying of the dumpsters, which will be done by a private waste hauler on a regular basis.

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.

Landscaped islands are proposed between the parking area and Main Street as well as in the center of the parking lot and the front of the building. The applicant is also proposing to install landscaping on the east and west side of the developable area to break up the view of the development from traffic driving along Main Street.

Dumpsters are located to the rear of the site and will be screened from Main Street by a retaining wall.

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 applicant is proposing to limit the wetland impacts to 2,512 square feet. The wetland impacts are limited to the greatest extent possible.

The leased portion of the lot being developed by Sebago Brewing 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.

The applicant has provided a letter from William R. Schad, Regional Vice President, TD Bank, N.A., dated June 28, 2016, identifying the applicant's financial capacity to complete the project.

The applicant has hired civil and traffic engineers, soil scientist, landscape architects, and building architects to complete the plans and approval documents.

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 applicant is proposing to landscape the area in front of the building and each row of parking. The applicant is also proposing to install landscaping on the east and west side of the area to be developed.

A plan was developed by a Licensed Landscape Architect with Terrence J. DeWan & Associates.

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 70 dBA daytime (7am-7pm) and 60 dBA nighttime (7pm-7am).

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 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;
4. That any proposed use on the site shall meet the sound level requirements outlined under Chapter IV, Section IX, T. Noise;
5. That the building shall meet all applicable sections of the NFPA 101 Life Safety Code and NFPA Fire Prevention Code 1;
6. That the building construction plans shall be submitted to the State Fire Marshal's Office and the Gorham Fire Department for review and permitting with the State Fire Marshal's Office stamped construction plans being provided to the Fire Department at the time the building permit is issued.

7. That building shall be completely sprinkled meeting all applicable sections of the Town of Gorham's Sprinkler Ordinance with the sprinkler plans being submitted to the State Fire Marshal's Office and the Gorham Fire Department for review and permitting at least two weeks prior to the start of installation of the system;
8. That there shall be a separate sprinkler room for the main controls of the system and the main fire alarm panel with the room having an outside door marked Sprinkler Control Room;
9. That the Fire Alarm System plans shall be submitted to the Gorham Fire Department for review and approval and the Fire Alarm System installer shall meet with the Gorham Fire Department prior to the start of installation;
10. That bollards shall be placed in front of the natural gas meter for protection;
11. That sprinkler test papers shall be provided to the Fire Department before a certificate of occupancy is issued;
12. That a lock box and master key shall be installed at the front entrance as well as the sprinkler control room;
13. That a complete listing and MSDS sheets of any hazardous materials or chemicals on shall be provided to the Fire Department;
14. That the applicant shall provide a recorded copy of the Utility Easement Deed to Todd L. Flannery and Karl L. Flannery prior to the pre-construction meeting being held for the project;
15. That prior to the pre-construction meeting, the applicant will establish the following: a performance guarantee totaling 125% of the costs to complete the construction and an escrow for field inspection meeting the approvals of Town Staff and the Town's Attorney;
16. 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;
17. That the owner of the lease area on Map 32, Lot 12 is responsible for compliance with the Town of Gorham Stormwater Ordinance, Chapter 2 - Post Construction Stormwater Management.;
18. That the applicant shall make all the required changes to the legal documents and site plans meeting the approvals of Town Review Staff and the Town Attorney prior to the Planning Board's endorsement of the final plan;
19. That the applicant shall make the required changes to the plan as outlined by Ty Lin's Peer Traffic Engineer review dated December 1, 2016 meeting its approval prior to the Planning Board's endorsement of the final plan;
20. That the applicant shall submit Portland Water District approvals for the pump station and treatment of sewage prior to the Planning Board's endorsement of the final plan;

21. That the applicant shall submit Maine DEP permit approvals prior to the Planning Board's endorsement of the final plan.
22. That the Planning Board Chairman is authorized by the Planning Board to sign the Findings of Fact on behalf of the entire Board; and
23. 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.