

**Town of Gorham
 Planning Board Meeting
 December 7, 2020**

ITEM 3 – Public Hearing - Site Plan Amendment Review— Wagner, Michael - Ossipee Trail Gardens
 - request for after-the-fact approval for site plan expansion. Zoned R, Map 78, Lot 11-1. The applicant is represented by Andrew Morrell, P.E., of BH2M.

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PROJECT TRACKING

DESCRIPTION	COMMENTS	STATUS
Pre-Application (optional)	None held	
Site Walk	The Planning Board held a site walk and PLBD notes from the site walk can be located on pages 12 and 13.	September 26, 2019
Public Hearing	The Planning Board identified that a site walk was needed for the project.	September 9, 2019
Site Walk	The Planning Board held a site walk for the project.	September 26, 2019
Public Hearing		December 7, 2020

The following staff notes are written to assist the Applicant with compliance to the Town of Gorham Land Use Development Code and may not be all inclusive of project requirements. Staff notes are review comments and recommendations prepared by the Town Planner and, if applicable, the Town’s peer review consultant, regarding applicability to The Gorham Land Use Development Code and standard engineering practices.

The Planning Board refers to staff notes during the review process; however it shall be noted that staff recommendations are non-committal and all final decisions are those of the Planning Board and not Town Staff.

George H. Fox, Chairman, Gorham Planning Board

PLACE MAP AND LOT NUMBER IN 1/4" HIGH LETTERS AT LOWER RIGHT BORDER OF ALL PLAN SHEETS.

1. OVERVIEW

This is the second time the proposed site plan has been before the Planning Board for full site plan amendment review. The last time was in September for both a Planning Board meeting and a site walk. Minutes from the site walk and the September meeting are on pages 12-16.

The site received site plan approval in 1995 and site plan amendment approval in 2007. Since the 2007 site plan approval, a number of new structures and impervious area have been added to the site. The applicant is coming forward to request after-the-fact approval for the disturbance, to propose a future greenhouse building, as well as to reclaim some impervious areas and to restore wetlands.

The applicant is represented by Austin Fagan, E.I., with BH2M.

2. WAIVER REQUEST

None requested.

3. ITEMS OF NOTE

- A. Public Hearing: This item is on for a public hearing, which will require the Planning Board to open the item for public comment.
- B. Lighting: The majority of the site lighting is not to have any type of shielding. The Planning Board should review and discuss whether any type of cut-off lighting is warranted for the site.
- C. Mulch Storage Bins: The applicant has revised the plans to include concrete bins to house the mulch and soil piles for sale. This is in place of a soil berm that was discussed at the Board's site walk. The Planning Board should review and discuss whether additional screening is warranted to break up the appearance of the concrete bins from Ossipee Trail, State Route 25.
- D. New Planning Board Members: Planning Board members who were not on the Planning Board for the September 2019 site walk and September 2019 Planning Board meeting but who would like to participate in the discussion will need to state for the record that they have reviewed the site walk notes and meeting minutes and feel they can participate in the discussion. The Planning Board will need to vote to allow new members to participate in the discussion.
- E. Aerial Photographs: Below is an aerial photograph of the site from Google earth image taken in May of 2018.

**Ossipee Trail Garden Center: 333 Ossipee Trail – M78/L11.001
Site Plan Amendment**



Google street view images were taken in October of 2018.

The picture is taken southerly of the existing driveway on Ossipee Trail looking northerly at the green houses and mulch storage areas.



The picture is taken just north of the driveway along Ossipee Trail looking easterly into the site.

Ossipee Trail Garden Center: 333 Ossipee Trail – M78/L11.001

Site Plan Amendment



4. STAFF REVIEWS

Assessing Department: November 9, 2020

No comments from Assessing. Thank you.

Code Department: November 11, 2020

1. Must get after-the-fact building permits for all green houses and all other structures that have not been permitted.
2. Need an engineered stamp set of plans on the relocation of the house to see show how it is supported in the ground.

Fire Department: November 10, 2020

The only issue I see is that the existing E911 property ID is not 4” high (it’s on the mailbox and is about 1”)

Planning Department: December 3, 2020

Application:

- a. Believe the AM and PM peaks identified are incorrect at 2 vehicles. If you assume 2 vehicles is the maximum per hour and multiple that times 24 hours in a day, the maximum trips per day would be 48 trips.

2nd Amended Site Plan:

- a. Mulch Storage bins to hold the mulch and soil piles for sale should identify a height of the bins. Also, site plan requires that all storage areas be buffered from abutting properties and public rights-of-ways. How is the applicant proposing to buffer the storage areas?

Police Department:

No comments received.

Public Works Department: November 17, 2020

- The Ossipee Trail Garden Center is looking to remove 8,548 sf of impervious area to keep the project out of Stormwater Law Permitting. Three level spreaders will be created that will use existing ditch systems to carry water into a stormwater treatment pond, before discharging into Branch Brook.
- Even though Branch Brook isn’t located in the Town’s MS4 area, special care must be taken with any discharged water to guarantee it meets both state and federal standards, Branch Brook is part of the headwaters of Douglas brook, which is a recognized wild trout stream in the Town of Gorham.
- All stormwater/ erosion control BMP’s must be in place during construction as per the Maine Erosion and Sediment Control Manual. No sediment migration is permitted off-site.

Woodard & Curran: December 1, 2020

Woodard & Curran has reviewed the recent stormwater submission for the Ossipee Trail Garden Center located at 333 Ossipee Trail, in Gorham, Maine. The Applicant is seeking after-the-fact permit approval for several existing unpermitted structures including greenhouses, a gazebo and dumpsters. The proposed work includes approval of unapproved structures, dumpster enclosure and gazebo, conversion of compost storage area to a garden, expansion of Christmas tree farm, relocation of a frame house, removal of impervious area and restoration of wetland impacts. We reviewed the plans for compliance with the applicable Town of Gorham Land Use and Development Codes and General Engineering practices. The following documents were reviewed:

- Amended Site Plan Application Response to Comments Letter and attachments, dated November 3, 2020, prepared by BH2M Inc, on behalf of Michael Wagner.
- Second Amended Site Plans, Sheets 1-5, dated November 3, 2020, prepared by BH2M Inc, on behalf of Michael Wagner.
- Stormwater Management Report, dated October 2020, prepared by BH2M Inc, on behalf of Michael Wagner.

We provide the following comments:

General Civil Engineering

- Since the previous submission, the Applicant has received a NRPA Tier 1 Wetland Alteration Permit (#L-28778-TC-A-N) from the Maine DEP and a Maine General Permit from the ACOE (# NAE-2020-01906) for wetland alterations onsite over the past 25 years and proposed work, and copies have been provided to the Town.
- Per the Maine DEP Erosion and Sediment Control BMP Manual, the winter construction period begins on November 1st. Please revise Winter Construction note 1 accordingly.
- Please revise silt fence symbol by the mulch storage area such that it is located downgradient of proposed soil disturbance.

Chapter 4 – Site Plan Review

Section 4-9 – Approval Criteria and Standards

- The applicant has received Maine DEP and ACOE permit approvals for the proposed work. Post-development peak flows exceed pre-development peak flows for all three design storm events (2-, 10-, and 25-year events). However, all stormwater runoff from the site appears to discharge directly from the site into the adjacent Branch Brook without flowing onto the Town right-of-way or abutting properties and the Applicant has asserted that Branch Brook has capacity to accommodate the increase in runoff without adverse impacts to downstream conditions. We take no exception to the revised stormwater design.

Please contact our office if you have any questions.

**TOWN OF GORHAM PLANNING BOARD
SITE PLAN REVIEW REPORT AND
FINDINGS OF FACT
For
MICHAEL WAGNER
OSSIPEE TRAIL GARDEN CENTER: SITE PLAN AMENDMENT**

December 7, 2020

Applicant/ Property Owner: The applicant and current owner is Michael Wagner, 333 Ossipee Trail, Gorham, Maine 04038.

Property: The lot is identified as Tax Map 78, Lot 11.001, and is located at 333 Ossipee Trail, Gorham, Maine 04038.

Consultant: Andrew Morrell, P.E., with Sebago Technics, Robert Libby, Jr., PLS, and Austin Fagan, EI, with BH2M, and Alex Finamore, CWS, LSE, with Mainly Soils, LLC.

Project Description: The applicant is seeking after-the-fact approval for existing unpermitted site improvements for dumpsters, gazebo, existing greenhouses, new location for compost areas, and other storage areas.

The applicant is also requesting approval for one additional greenhouse of 4,320 square feet.

Site Description: The site is 13.70 acres in size and is a lot located off Ossipee Trail, State Route 25. The lot is served by private water, private septic system, and overhead utilities.

The site currently has 5 existing greenhouses and 1 existing sales building and a mulch storage and garden display areas.

Applicability: The applicant's proposal requires site plan review because it involves the amendment to a previously approved site plan.

Zoning: Rural (R) District where the proposed use is a special exception use per Chapter 1, Section 1-8, Subsection B. 14) of the Code.

Variances: None required.

Waivers: No waivers requested.

Pursuant to the Application:

A Site Plan Review was held on September 9, 2019.

A Site Walk was held on September 26, 2019.

A Public Hearing/Site Plan Review was held on December 7, 2020.

The projects and plans and other documents considered to be a part of the approval by the Planning Board in this ruling consist of the following:

BH2M, plans (the plans) prepared by Andrew Morrell, P.E., consist of the following:

Site Plan –

- Sheet 1 – Second Amended Site Plan – 11/03/20
- Sheet 2 – Existing Conditions – 11/03/20
- Sheet 3 – Wetland Impact Plan – 11/03/20
- Sheet 4 – Wetland Impact Plan – 11/03/20
- Sheet 5 – Erosion Control Details – 11/03/20

Other documents submitted consist of the following:

- Site Plan Application – 08/06/19
- Plans – 08/06/20
- Wetland Delineation Report – Alexander A. Finamore, Mainely Soils, LLC – 08/06/19
- Maine DEP NRPA Permit #L-28778-TC-A-N – 11/03/20
- Army Corps of Engineers General Permit #NE-2020-01906 – 11/03/20
- Letter of Financial Capacity - Jennifer Clifford – 11/03/20
- Letter of Technical Capacity – Ossipee Trail Garden Center - 11/03/20
- Project Construction Schedule – 11/03/20
- Stormwater Management Report - 11/03/20
- Gorham Town Planning Department Comments – 09/03/19; 12/03/20
- Gorham Assessor - No Comments
- Gorham Fire Chief - No Comments
- Gorham Code Enforcement Officer – 11/18/20
- Gorham Public Works Director – 11/17/20
- Woodard & Curran – 09/04/19

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.

See Items of Note B. regarding shielding of lights.

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.

See Item of Note C: is buffering needed for the proposed concrete mulch and soil storage bins.

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 30th, 2021;
10. That the Planning Board Chairman is authorized by the Planning Board to sign the Findings of Fact on behalf of the entire Board; and
11. 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.

SUGGESTED MOTIONS:

FOR SITE PLAN AMENDMENT APPROVAL:

Move to approve Michael Wagner's request for Site Plan Amendment approval of additional greenhouse and impervious space, located on Map 78, Lot 11.001, in the Rural (R) and Stream Protection zoning districts, based on Findings of Fact and Conditions of Approval as written by the Town Planner (and amended by the Planning Board).

OR

POSTPONE SITE PLAN AMENDMENT APPROVAL:

Move to postpone further review of Michael Wagner's request for Site Plan Amendment approval pending submission of additional materials and revisions to final plan.

OR

TO PLACE ITEM ON A THE CONSENT AGENDA:

Move to place Michael Wagner's request for Site Plan Amendment approval on a future Consent Agenda pending responses to remaining issues.

PLANNING BOARD MEETING

September 9, 2019

ITEM 4 Public Hearing – Site Plan Amendment – Michael Wagner, Ossipee rail Gardens – a request for after-the-fact approval for site plan expansion, located at 333 Ossipee Trail, zoned Rural, Map 8, Lot 11-1

Mr. Poirier told the Board that this is the first time the application has been before the Board for site plan review. The property received site plan approval in 1995, as well as site plan amendment approval in 2007. Additional greenhouses and impervious areas have been added to the site since 2007, so this is an application for after-the-fact approval for those improvements. Mr. Poirier noted that there are some wetland impacts that appear to trip a requirement for DEP and Army Corps permitting. The Board should decide whether a site walk is warranted.

Michael Wagner, owner of Ossipee Trail Garden Center, came to the podium and described his business as having been in operation since 1995. Mr. Wagner said that over the years the business has expanded to provide more services and products that their customers require to beautify their properties.

Andrew Morrell, BH2M, came to the podium and explained that this site received site plan approval in 1995, and there was also an amendment in 2002 to add an additional greenhouse. There have been some site improvements made since 2002. Mr. Morrell pointed out to the Board some of those improvements for which after-the-fact approval is being sought include unapproved greenhouses, dumpsters added, addition of a gazebo, a mulch storage area, and a compost storage area. Mr. Morrell said that a series of agricultural growing areas have been installed on the site, with some wetland impacts and addition of impervious areas. He said that the project is also subject to after-the-fact approvals from DEP and the Army Corps of Engineers. He said they are actively working with DEP and Army Corps on site to review the site with them.

Mr. Morrell said the most significant items under discussion will be impervious areas and wetlands. He said that the impervious area approved in 2002 for the site was approximately .82 acres; currently there are approximately 2.23 acres of impervious, so there has been an increase of 1.41 impervious area created since 2002. What the applicant is doing is working with the DEP to eliminate portions of this impervious area, roughly .45 acres of areas, areas which currently are graveled areas for access to the site. These areas will be removed and returned to their vegetative state. Mr. Morrell replied to a question from Mr. Poirier that eliminating the .45 acres will reduce the project below the 1 acre threshold of impervious area since 1997, when the stormwater ordinance was enacted by the DEP. The current proposed relocation of the mud bed to reduce more impervious area may be adjusted in a future submission. A frame house will be removed and will be replaced with an expansion of the Christmas tree farm. A compost area will be transitioned into a display garden, and a small portion of a mulch storage area will be eliminated and the impervious area removed and returned back to its vegetated state.

Mr. Morrell said the applicant also would like to include in this approval the addition of a 6th greenhouse on to a graveled area that is already impervious. All of the adjustments would leave the impervious area on site at roughly .98 acres since 1997, which would not be subject to a DEP stormwater permit.

Mr. Morrell pointed out to the Board areas of wetland area impact approved in 1995 and 2002 as part of site plan approvals, roughly .26 acres. The wetlands have been recently delineated. He pointed out the agriculturally exempt wetland impact areas, roughly 1.06 acres, mostly plantings that have occurred over the years that are considered by the DEP to be agricultural and not a wetland impact. He pointed out on the plan wetlands that will be restored as part of this approval, totaling approximately .77 acres. Each of these specific areas have been walked by the DEP. Many of the wetland areas are areas where the applicant is currently mowing, and there have been no other wetland impacts other than mowing. The applicant has agreed to stop mowing those areas, and

therefore there will no longer be an impact. There are other areas where minor grade changes have occurred, and the applicant will be returning those back to their original grade and restoring the wetlands back to where they were, per DEP requirements. Mr. Morrell pointed out other wetland impacts that have already happened as part of the development since 2002 that will be permitted as part of this project with the DEP. It will be a Tier 1, after-the-fact wetland permit. It is the intention to formally file the application with the DEP and the Army Corps after this meeting.

In reply to Mr. Fox, Mr. Morrell pointed out all the wetland impacts associated with mowing, which the applicant will discontinue. Mr. Morrell pointed out other areas where some material will have to be removed. Mr. Morrell said that those areas are basically all associated with portions of the site that the applicant is actively using as part of his business, such as the area used for mulch storage, the area that was graded for the sign to be installed, and a gravel area installed around the perimeter of the greenhouses. The areas for which a Tier I permit are those which the applicant needs to run his business.

PUBLIC COMMENT OPENED; None offered.
PUBLIC COMMENT PERIOD ENDED

Mr. Anderson and Mr. Morrell discussed the wetland impact areas that will remain. Mr. Fox confirmed with Mr. Morrell that with the only new change is for the additional greenhouse and everything else is after-the-fact approval. Mr. Grassi asked about the DEP and Army Corps permits. Mr. Morrell said they have met with DEP but as yet have not met with Army Corps, with the intent to have those permits in hand before returning for site plan approval. In reply to Mr. Fox, Mr. Morrell said that timing for the acceptance of the permits could be 60 to 90 days. Timing of the construction of the new greenhouse, if approved, would be sometime next year.

Mr. Poirier asked Mr. Morrell if there are any issues in meeting the Town's stormwater ordinance. Mr. Morrell replied that handling stormwater on this site is something that he would like to discuss with staff, especially in light of the flat topography of the site. There will be just under an acre of new impervious area that has been on the site since the 2002 approval, in 2002 it was approved for .82 acres of impervious area, and currently the site has 2.23 acres of impervious. Mr. Morrell said the applicant is going to be eliminating .45 acres, which will leave about .98 acres of new impervious area since the 2002 approval. Mr. Poirier asked if there is any concern about Army Corps not permitting the agricultural impacts which are considered exempt by DEP. Mr. Morrell said they have not met on site with Army Corps, but they have had telephone contact and sent them these plans; Army Corps has some different agricultural exemptions they may consider.

Staff was instructed to schedule a site walk. The Board asked to be able to see the new areas since 2002 and those which are expected to continue to move forward should be, those areas which will be permitted and those areas to be restored back.

Molly Butler-Bailey MOVED and Vincent Grassi SECONDED a motion to postpone further review of Michael Wagner's Ossipee Trail Garden site plan amendment pending submission of additional materials and revisions to the final plan and the scheduling of a site plan. Motion CARRIED, 6 ayes (Scott Firmin absent).

SITE WALK NOTES

SEPTEMBER 26, 2019

SITE PLAN AMENDMENT REVIEW – Michael Wagner, Ossipee Trail Gardens – a request for after-the-fact approval for site plan expansion. Zoned Rural, Map 78, Lot 11-1.

ATTENDEES

Planning Board Members

George Fox, James Anderson, James Hall, Vincent Grassi, Michael Richman

Staff

Tom Poirier, Director of Community Development

Carol Eyerman, Town Planner

Barbara Skinner, Clerk of the Board

Owners, Applicants and Representatives

Austin Fagan, BH2M

Michael Wagner, Owner/Applicant

Abutters, Neighbors and Interested Parties

John Bruno, 44 Alexander Drive

Michael Parenteau, 68 Alexander Drive

Planning Board Concerns

- Wetland alteration permitting required from MeDEP and Army Corps of Engineers, including NRPA Tier 1 permits
- Plan to remove several existing impervious areas to less than one acre
- Restoration of wetland area by stopping mowing activity
- Placement of berm to delineate edges of wetlands at materials storage areas; possible requirement for erosion control mix
- Wetland area with frame house to be replaced with Christmas tree expansion area – per DEP “sell and harvest” policy
- Revegetation along back of greenhouses; removal of gravel in mum area
- New frame house to be set on sand, gravel, mesh
- New dumpster location/will have appropriate screening

Notes taken by Barbara Skinner