

**Lake Trout Realty/Sebago Brewpub Site Plan Amendment – M103/L80  
Administrative Review**

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**1. OVERVIEW**

This is a request to approve construction of a 2 square foot addition to an existing commercial building at 29 Elm Street.

**2. STAFF COMMENTS**

**Gorham Town Planner** – 12/09/2021

**December 9, 2021**

- i) Items to be discussed or additional material provided:
  - 1) MS4 Regulated area
  - 2) Architectural seal
  - 3) Urban Commercial = zoning
  - 4) Pedestrian connections
  - 5) Addition size?
  - 6) Lighting plan
  - 7) Erosion control
  - 8) Waste hauler
  - 9) Impervious coverage
  - 10) 2 entrances
  - 11) Financial capacity
  - 12) Emergency vehicle access

**Gorham Fire Chief** – 11/24/2021

**November 24, 2021**

I have reviewed plans that were submitted dated Nov. 17, 2021

1. The building will meet all applicable sections of NFPA 1 Fire Code and NFPA 101 Life Safety Code. Building plans shall be submitted to the Fire Department for Plans review and permitting.
2. If there will be an alarm system installed, Installer shall meet with the Fire inspector to review the plans for the system before the start of the installation. Alarm test / certifications papers will be required to be submitted to the Fire Department at the time a CO is issued.
3. Need copy of State ADA review approval when it's received.
4. The plans show that the building is over the Side Walk Plan? Can this happen with the Land Use codes? Or is this a issue with the proposed layout of the plans ?

We may have other requirements as this proceeds in the approval process.

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**GORHAM SITE PLAN COMMITTEE  
ADMINISTRATIVE REVIEW AMENDMENT  
FINDINGS OF FACT**

**For**

**Lake Trout Realty – CONSTRUCTION OF A ? SQUARE FOOT ADDITION TO EXISTING  
COMMERCIAL BUILDING**

**DECEMBER 15, 2021**

Applicant & Property Owners: The property owner/applicant is Lake Trout Realty, Sebago Brewing Co., 616 Main Street, Gorham, ME 04038.

Property: The lot is identified as Tax Map 103, Lot 80, consists of 1.3 acres and is located at 29 Elm Street, Gorham, ME 04038.

Consultants: Karen James, Great Falls Construction, 20 Mechanic Street, Gorham, ME 04038

Project Description: The applicant is seeking approval to construct a ? square foot addition to an existing commercial building.

Site Description: The site is currently a restaurant.

Applicability: The applicant's proposal requires site plan review because it involves construction of a new nonresidential addition.

Zoning: The current zoning is Urban Residential (UR)

Variances: None requested

Waivers: None requested

The project plans and other documents considered to be a part of the approval by the Site Plan Review Committee in this ruling consist of the following:

The plans (the plans), prepared by Whipple Callendar Architects consists of the following:

A0.1 – Title Sheet: Dated, 11/04/2021
A0.2 – Site Plan: Dated, 11/04/2021
D.1 – First Floor Demo Plan: Dated, 11/04/2021
D.2 – Second Floor Demo Plan: Dated, 11/04/2021
A1.1 – First Floor Plan: Dated, 11/04/2021
A1.2 – Second Floor Plan: Dated, 11/04/2021
A1.3 – Basement and Roof Plan: Dated, 11/04/2021

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A2.1 – Elevations – North & East: Dated, 11/19/2021 A2.2 – Elevations South & West: Dated, 11/04/2021 A3.1 – Sections: Dated, 11/04/2021 Survey Plan – Dated 11/01/2021
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Other documents submitted consist of the following:

Application – 11/17/2021  
Plans – Received 11/17/2021, 11/19/2021  
Gorham Town Planner Comments – 12/09/2021  
Gorham Fire Chief – 11/24/2021  
Gorham Code Enforcement Officer – none received  
Gorham Public Works Director – none received  
Gorham Assessor – none received  
Gorham Police Chief – none received  
Abutter comments – none received

**NOW THEREFORE**, based on the entire record before the Committee and pursuant to the applicable standards set out in the Land Use and Development Code of the Town of Gorham, the Committee makes the following factual findings.

**FINDINGS OF FACT**

**CHAPTER 4, SECTION 9 – Approval Criteria and Standards**

**Note: (This section is modified for brevity. See the current Land Use and Development Code for exact wording.)**

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

The applicant is proposing to construct a **?** square foot addition to an existing commercial building and developed site. The lot is approximately 1.3 acres with an old railroad bed, tree canopy and understory.

*Finding: The plan for development reflects the natural capabilities of the site to support the development.*

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

The site is accessed from Elm Street which is located off Main Street (Route 25). There is no anticipated change in the amount of traffic generation from this addition.

*Finding: Both Elm Street and Main Street have the 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.

Existing access to the site is from two existing driveway openings located approximately 50 feet from Railroad Avenue intersection at the closest point. The driveway opening to the paved parking lot is approximately 50 feet wide. The access to the gravel parking lot in the front of the building is approximately 65 feet wide.

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

- 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 access driveway exists and provides for one way vehicular movement around the site for automobiles. **Emergency vehicles** ...

*Finding: The layout of the site provides for the safe movement, 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.

Pedestrians walk from the parking area or sidewalk to the entrance of the building. The location of the parking area is in close proximity to the current building entrance. There is a sidewalk currently along Elm Street.

**The sidewalk connection to the entrance of the building should be in better repair and connected.**

*Finding: The development plan provides for a system of pedestrian circulation within the development.*

- F. Stormwater 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:

There should be no increase in stormwater generated by the building addition since it will be all under the existing overhang. The stormwater is currently handled through a stone drip edge and current stormwater infrastructure on the site.

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*Finding: Adequate provisions are made for the disposal of all stormwater collected on the site through a stormwater drainage system which will not have an adverse impact on abutting or downstream properties.*

- 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.

Appropriate Best Management Practices will be employed around the perimeter of the disturbed area. Natural vegetation will be preserved and protected. Loam, seed, and mulch will be used in disturbed areas

An erosion control plan should be submitted if there is any ground disturbance proposed.

*Finding: The project will fit and utilize 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 currently supplied with public water. No change is anticipated.

*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 currently supplied with public sewer service. No change is anticipated.

*Finding: The development provides for adequate 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 site is currently supplied with underground utilities from Elm Street right of way. No improvements are proposed to the site's utility lines.

*Finding: The development will be served with electrical and telephone service adequate 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 improvements are located on an area of the site with existing disturbed area. Existing trees and vegetation disturbance will be kept to a minimum outside of the building area.

*Finding: The landscape and natural features will be preserved in their natural state to the greatest extent possible.*

- 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 construction of the building addition is not anticipated to impact groundwater due to utilization of erosion control measures.

*Finding: The site development and use will not adversely impact either the quality or quantity of 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.

Lighting should be discussed and added to the plans.

*Finding: The proposed development will provide for adequate exterior lighting to provide for the safe use of the development in nighttime hours while avoiding undue adverse impact.*

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

Information about the current waste hauler should be included.

*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 existing understory and canopy trees along the sides and rear property lines will remain.

*Finding: The development plan provides for landscaping that will soften the appearance of the development and protect abutting properties from adverse impacts of development.*

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

The lot is not located in the Shoreland Overlay District.

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

- 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.

Technical capacity is shown by the use of Great Falls Construction and Whipple Callendar Architects for the architect and construction services.

Financial capacity needs to be shown.

*Finding: The applicant has demonstrated they have the financial and technical capacity to carry out the project in accordance with the 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 currently is buffered from the abutting residential uses with a mix of canopy trees and understory located along all edges of each of the property line.

*Finding: 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.*

- 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 use of the site is required to meet the following required noise regulations:  
Daytime Levels of 60 dBA and 50 dBA nighttime as outlined under this section.

*Finding: The use of the site will comply with the noise regulations listed in Table 1 – Sound Level Limits and associated noise ordinances.*

## CHAPTER 2, General Standards of Performance

**Note: Only those sections that apply are listed with findings below.**

### Section 2-1 Environmental

**A. Soil Suitability**

The soil is suitable for this use. The requirements and standards of the State of Maine Department of Environmental Protection will be met.

*Finding: The use of the site will comply with these standards.*

**B. Prevention of Erosion**

The site contains the right soil properties for construction. Areas of the site that are unsuitable are protected. Trees and vegetation will be preserved in areas that are not to be developed. The applicant will use Best Management Practices to meet the standards and requirements of this section.

*Finding: The use of Best Management Practices for soil erosion on the site will comply with these standards.*

**F. Waste Water Pollution**

The applicant is connected to public sewer.

*Finding: The project meets the requirements for waste water pollution treatment.*

**G. Air Pollution**

This project will not emit toxic, odoriferous emissions and shall comply with all State of Maine requirements.

*Finding: The project meets the requirements for the standards of this section.*

**H. Noise Abatement**

This project is not exempt from this section and will conform to the requirements of this section that include noise muffling, if necessary.

*Finding: The project meets the requirements for the standards of this section.*

**I. Buffer Areas**

The existing vegetated buffer yard space between the proposed development and the abutters will remain. Existing natural features will be maintained in all locations.

*Finding: The project meets the requirements for buffering.*

**SECTION 1-10 URBAN COMMERCIAL DISTRICT**

**E. PERFORMANCE STANDARDS**

**Note: Only those sections that apply are listed with findings below. Those sections that do apply are shorten for brevity.**

All buildings, structures, and uses shall conform to the following additional performance standards:

The general performance standards of Chapter 2,  
The Site Plan approval criteria and standards of Chapter 4, Section 4-9 where applicable, and  
The following additional performance standards:

If there is conflict between the various standards of performance, the more restrictive provision shall apply.

#### **1. Access into the Site**

In addition to being safe and convenient, vehicular access into the site shall be designed to minimize traffic delays on the streets providing access to the site and shall meet the following requirements:

- a. Entrances to uses in this district shall be combined to the maximum extent possible.

*Findings:*

#### **4. Parking Locations**

Parking shall be designed to reinforce the “village character.” No off-street parking shall be located within any required front setback. No portion of the lot in front of the front building line shall be used for off-street parking. Parking may be located in the side and rear setbacks if the Planning Board determines that the proposed design constitutes a creative parking solution that maximizes parking, encourages shared parking and/or cross access with adjacent properties. When allowing parking spaces within any side or rear setback the Planning Board shall review a landscape plan provided by a licensed landscape architect detailing how the proposed parking spaces’ visual impacts shall be minimized to the abutters and from public rights-of way through the use of plantings, stonewalls, hardscape features, berms, and/or fencing.

*Finding:*

#### **6. Relationship of the Building to the Street**

Buildings shall be located on the lot in a manner that reinforces the “village character”. Where an established village scale setback relationship exists, a new building shall maintain the established relationship. If an established setback relationship does not exist, the building shall be located so that the front wall of the building is either:

- a. Within thirty feet of the front property line, or
- b. More than one hundred feet from the front property line

If the front wall of a building is located within thirty (30) feet of the property line, the area between the building and street shall be used for pedestrian amenities, walkways, and landscaping. No accessory buildings are permitted within this area.

The right of way plan does not show setbacks, so determination is difficult.

*Finding:*

## **7. Pedestrian Relationships and Facilities**

Where sidewalks exist or can be constructed in front of the parcel, the site shall be designed to provide for pedestrian access to the front entrance of the building without the need to cross parking areas or access drives if the front wall of the building is located within one hundred (100) feet of the property line. The walkway to the front entrance shall be constructed with materials that contrast with the paving of the vehicular areas, that provide a safe and inviting access to the building, and that are visually compatible with other pedestrian facilities in the neighborhood. If a sidewalk along the street is interrupted or crossed by a proposed driveway, access road, or other vehicular facility, the sidewalk material or design must be maintained across the driveway or another visually compatible method used to clearly delineate the sidewalk from the drive.

The sidewalk is not connected to the walkway to the front entrance so that you do not have to walk on the driveway/access drive.

*Finding:*

## **9. Street Facades**

All buildings shall be designed so that the front wall of the building and any wall facing Main Street that is not a front wall have the visual appearance of a front facade. The facade shall incorporate pedestrian scale design features such as doors and windows to create a “village character”. Windows or architectural treatments designed to simulate windows shall comprise no less than twenty (20) percent of the exterior wall surface. The facade shall be designed to avoid large areas of blank wall space.

Sheet A2.2 shows the front wall facing south and west as a true “front wall” with functional windows and doors.

*Finding: The front façade of the building is designed so that it has the visual appearance of a front façade.*

## **10. Signs**

In addition to the requirements of Chapter 2, Section 2-3, all signs shall maintain the “village character”, be of a pedestrian scale, and shall be located to be visually compatible with the site and the building. All signs shall comply with the following standards:

- a) Freestanding signs shall be limited to a maximum height of eight (8) feet.
- b) Signs shall not be located on roofs.
- c) Attached or projecting signs shall not extend above the roofline for flat roofs or the ridge line of pitched roofs.
- d) Internally illuminated signs shall be prohibited.

**Is the existing signage to remain or is it to be updated?**

## **11. Roof Lines**

Roofs shall be designed to maintain the “village character”. All new buildings and additions shall have pitched or gabled roofs to the extent practical. If a pitched roof is not practical, false building fronts shall be used to imitate pitched roofs. Accessory buildings, canopies, and other structures shall have rooflines that are visually compatible with the roofline of the principal building.

Sheet A2.2 shows the existing pitched roof. The additions are under the pitched roof.

*Finding: The new additions will have a pitched roofs.*

## **12. Building Materials**

Buildings shall be compatible with the “village character.” The exterior surface of all facades that are visible from a public street shall use traditional New England materials or materials which replicate traditional materials such as vinyl clapboard siding, masonry units that replicate shake or clapboard siding, or metal or plastic roofing that simulates shake or shingle roofing. The use of flat concrete block, corrugated or flat metal, fiberglass, or plastic panels, reflective materials, stucco, or products such as T-111 or plywood on facades visible from public streets is not permitted. The treatment of accessory buildings and structures shall be compatible with the principal building and shall use similar materials, details, and level of trim.

**Building materials need to be listed on the plan. Location pointers where each material is going is helpful.**

## **13. Lighting**

Exterior lighting shall be compatible with the “village character”. Exterior lighting shall be designed to provide only the minimum lighting necessary to ensure adequate vision, safety, and comfort in parking

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areas and to not cause glare beyond the limits of the property boundaries. Lighting shall also conform to the following standards:

- a) At a minimum, light fixtures shall have a total cutoff of light at no more than ninety (90) degrees and a beam cutoff of no more than seventy-five (75) degrees.
- b) The illumination of parking lots shall provide for a uniformity ratio of not more than 4:1 (ratio of average to minimum illuminance) to provide for an even distribution of light.
- c) The maximum illumination level within parking lots shall be not more than 6.0 footcandles measured at the ground surface.
- d) The maximum illumination level at the property line with abutting properties in a residential district shall be not more than 0.2 footcandles.
- e) The lighting of canopies shall not be used to attract attention to the business. Areas under canopies shall be illuminated so that the uniformity ratio (ratio of average to minimum illuminance) shall be no greater than 3:1 with an average illumination level of not more than 30 foot candles.
- f) Light fixtures located on canopies shall be mounted so that the lens cover is recessed or flush with the ceiling of the canopy.
- g) The illumination of other areas and facilities may be greater than the level established for parking lots provided that the lighting level and design are consistent with the guidelines of the Illuminating Engineering Society of North America (IESNA) Lighting Handbook.
- h) Building mounted or wall pack lighting fixtures that have lamps or reflectors that are exposed to angles greater than forty-five (45) degrees above nadir are prohibited.
- i) The maximum light fixture height shall be twenty (20) feet for parking lots with less than twenty thousand (20,000) square feet of area, twenty-five (25) feet for parking lots with twenty thousand (20,000) to eighty thousand (80,000) square feet of area and thirty (30) feet for lots larger than eighty thousand (80,000) square feet.
- j) Awnings shall not be illuminated in a manner that results in light being emitted through the awning material or that results in the awning appearing to be illuminated.
- k) The color of light fixtures and poles shall be compatible with the “village character”. No colors intended to accent the fixtures or poles shall be permitted.
- l) Lamps in exterior light fixtures shall be incandescent, metal halide, or high pressure sodium. Low pressure sodium lamps are prohibited.
- m) The use of exterior string lighting shall be prohibited except as part of seasonal holiday displays.
- n) Lighting that outlines the building or building features shall be prohibited.
- o) Period or historical fixtures that do not meet these requirements may be used as an alternative to conventional lighting provided that if the fixtures are not cutoff fixtures the maximum initial lumens generated by each fixture shall not exceed 2,000 for incandescent lamps and 8,500 for metal halide lamps if the lamp is internally recessed within the fixture or is shielded by internal louvers or refractors and the mounting height shall not exceed fifteen (15) feet above the adjacent ground.
- p) A photometric point by point analysis, on a grid no larger than 20 feet, shall be submitted to the Planning Board for review for all major developments requiring site plan review, applications involving increased security risks such as banks and ATM's, and applications for uses regularly open after 9:00 PM. The grid shall extend to all project property boundaries.

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A lighting plan should be submitted to review this section.

*Finding:*

**NOW THEREFORE** on December 15, 2021, the Site Plan Committee adopts the Findings of Fact herein, and based on these Findings that the proposed project will have no significant detrimental impact. The Site Plan Committee hereby votes to grant Administrative Review approval to Lake Trout Realty/Sebago Brewpub.

**CONDITIONS OF APPROVAL**

1. That this approval is dependent upon, and limited to, the proposals and plans contained in this application and supporting documents submitted and affirmed by the applicants and that any variation from the plans, proposals and supporting documents is subject to review and approval by the Planning Board or Site Plan Review Committee, except for minor changes which the Town Planner may approve.
2. That prior to the commencement of construction of the site plan, the applicant is responsible for obtaining all required local, state and federal permits;
3. That the applicant shall provide property line information and site information in auto-CAD format to the Town Planner prior to the pre-construction meeting;
4. All waivers and variances will be listed on the plan prior to recording.
5. The map and lot numbers shall be listed in the bottom right corner of all pages of the plan set;
6. The plans shall be sealed by the architect or other professional according to the plan provided;
7. The owner is responsible for compliance with the Town of Gorham Stormwater Ordinance, Chapter 2 - Post Construction Stormwater Management;
8. Space shall be provided on the plan for the five signatures of the Site Plan Review Committee and the date, together with the following words, "Approved: Town of Gorham Site Plan Review Committee.
9. That all relevant conditions of approval from past Site Plan approvals shall remain in effect;
10. That any proposed use on the site shall meet the sound level requirements outlined under Chapter 4, Section 9, T. Noise;
11. 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;

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12. 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;
13. 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;
14. That the Planning Board Chairman is authorized by the Planning Board to sign the Findings of Fact on behalf of the entire Board; and
15. 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 copy of the recorded site plan shall be returned to the Town Planner prior to the pre-construction meeting.

**SO APPROVED BY THE GORHAM SITE PLAN COMMITTEE CHAIRMAN ON THE 15TH DAY OF DECEMBER, 2021.**

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Carolyn Eyerman, Town Planner