

1. OVERVIEW

The applicant is seeking approval to add material stockpile storage and boat and RV storage onsite. The lot is located at 520 Fort Hill Road, Map 63 Lot 28. The current zoning is Industrial.

Industrial zoning allows for processing, warehousing, outdoor storage. The minimum side and rear setbacks are 30 feet if located next to a residential use. The front yard setback is 30 feet.

1981 Zoning Map shows this parcel as Industrial.

2. AERIAL IMAGES

Images from Google Images, June 2019.



V & M Construction Services, Inc. – 520 Fort Hill Road
M63 L28
Minor Site Plan Review





3. STAFF COMMENTS

Gorham Town Planner Comments: 08/01/2022

August 1, 2022

- Screening for the storage areas needs to be provided.
- A waiver might be considered from providing technical and financial capacity information.
- The applicant should submit information about recent excavation.
- The applicant should provide information regarding setbacks and buffering.
- The applicant should contact Maine DEP for permitting requirements. The response to that email or permit request needs to be submitted for the Committee’s review.
- Section 1-12 E 3 states “Fencing, screening, landscaped berms, natural features, or combination thereof, shall be utilized to shield from the view of abutting residential properties and public ways, along the perimeter setback of the Industrial District, all loading and unloading operations, storage and repair work areas, commercial vehicle parking, and waste disposal and collection areas.”

Gorham Fire Chief Comments: 07/20/2022

July 20, 2022

I have revived the Plans dated July 5, 2022

I have no comments at this time.

Gorham Code Enforcement Officer:

No comments received

Gorham Public Works Director/Town Engineer:

No comments received

Gorham Police Chief:

No comments received

Maine DEP Comments: 08/01/2022, 08/04/2022

August 1, 2022

I stopped by this location on Friday July 29, 2022. This is not a gravel pit but a processing yard for materials. It may need an after the fact stormwater PBR for over an acre disturbed.

I did not observe any stump grinding equipment but there was a pile of stumps and a pile of grindings at the site.

The complaint below mentions salt storage but I did not observe any at the time of inspection.

I have not contacted the owner.

Erich Kluck

August 1, 2022

Good morning,

It sounds like you are already getting a lot of inquiries about this, but I'm trying to determine whether any of the activity here falls under my program (solid waste). We regulate activities like waste transport (I see that V&M does demo work, so I'll reach out to them to see if they need a transporter license), waste storage, and waste processing (including stump and brush grinding). I'd be interested in whatever information you might have on Town-permitted activities and proposed changes to that.

I don't see any indication that the store waste like demo debris on site, so I guess my primary question other than regarding waste transport would be: do they grind stumps or brush on site?

Thanks very much.

Sincerely,

Eric Hamblin
Environmental Specialist
Division of Materials Management
Maine Department of Environmental Protection

August 1, 2022

Hello,

Eric Hamlin is looking into whether any activity at this site falls under his Solid Waste purview; I have copies him here.

Erich Kluck evaluated the site and found no activity that would be subject to our program under the mining regulations; he and I can please be removed from this email chain.

Thanks,

Mike

Michael S. Clark
Mining Coordinator
Bureau of Land Resources
Land Division
Maine Department of Environmental Protection

August 4, 2022

Thanks Carolyn.

There is always confusion about storing of salt and sand-salt and the requirement to get prior approval and register a Salt Storage Area. The confusion is in the rule's exemption, *Siting and operation of Road Salt and Sand-salt Storage Areas*, 06-096 C.M.R. ch. 574 (2)(C.) (effective December 3, 2001). The rule specifically exempts "a storage area that contains 100 cubic yards or less of sand-salt mixture at any time". Pure salt is not part of that exemption and bagged salt is not even mentioned.

My program operates under the policy that bagged salt used for road salt use was not intended to be covered under the rule. Since it does not specifically exempt pure salt, I require commercial plowing operations that store pure salt that they must comply with the rule conditions. I have also had contractors mix a bucket of sand into their salt pile and say it meets the "mixture" exemption and I cannot enforce the rule.

Given that the Salt Storage Program is unfunded and it is one of three programs I, alone, cover statewide I do my best to keep up with the enforcement of this program. I have to prioritize what I will enforce given the workload I carry.

I have informed Mr. Young that my program is done investigating this location at this time. Should the applicant wish to store salt/sand-salt in the future have him contact me – it is likely he would be allowed to have a storage area at this location if he can meet the siting criteria and follow the BMPs. Thank you again, for your assistance in this matter.

Sincerely,
Enid Mitnik, Environmental Specialist III
Maine Department of Environmental Protection
Bureau of Water Quality, Underground Injection Control/ Sand and Salt Program

Abutter comments: R. Young, 07/31/2022

Ron Young
12 North Street
Gorham, ME 04038

July 31st, 2022

Carol Eyerman
Town Planner
Gorham Municipal Center
75 South Street, Suite 1
Gorham, ME 04038

Concerns Re: V&M Construction Services Inc. Minor Site Plan Review Application

Dear Carol,

As the abutting landowner to 520 Fort Hill Rd in Gorham, I'd like to express the following concerns re: the Minor Site Plan Review Application for the addition of a Material Stockpile Area and Boat & RV Storage Area and the potential effects it will have on the neighboring property as well as local community.

Concerns:

- Raw rock salt currently being stored on the bare ground near the abutting property line
- Proper drainage for run off around the entire property
- Adequate property line setbacks for material piles, boat and RV storage
- Proper permitting for the storage of material piles
- Noise control for the processing of material piles
- Dust control for the processing of material piles
- Increased traffic and flow concerns
- Number of boats and RV's being stored
- Fire concerns around storage of multiple boats and RV's
- Recent transfer of land from the Douglass Brook, LLC Tree Farm turned into industrial property

Requests:

- A site inspection by the Maine Department of Environmental Protection
- An evaluation of current rock salt storage to ensure protection of local wells and land in accordance with Chapter 574 of the Maine Administrative Statutes, Codes, and Regulations
- A property drainage inspection of the entire property, with additional focus on the drainage near 114 where recent excavation took place
- An evaluation of setbacks from the property lines for current material piles
- Established guidelines for proper setbacks from property lines for current and future material piles
- A buffer to be built along the property line to control noise and dust during processing of material piles
- An established number of boats and RV's to be expected on site
- Established guidelines for the proper storage of boats and RV's
- Established fire plan for the boat and RV storage area

In closing, I'd like to request a written final report in response to the above concerns and requests. If you have any questions, please feel free to reach out to me via phone at 207-239-2312.

Thank you,
Ron Young

CC: Maine Department of Environmental Protection

**GORHAM SITE PLAN COMMITTEE
MINOR SITE PLAN REVIEW
FINDINGS OF FACT**

For

**520 FORT HILL ROAD, V&M CONSTRUCTION SERVICES, INC – ADDITIONAL
STORAGE ONSITE**

August 10, 2022

WHEREAS, V&M Construction Services, Inc., applicant, is seeking approval to add material stockpile storage and boat and RV storage onsite.

Pursuant to the Application:

Administrative Site Plan Review was held on 08/10/2022.

Project Description:

The applicant is seeking approval to add material stockpile storage and boat and RV storage onsite. The lot is identified as Tax Map 63, Lot 28, consists of 6.58 acres and is located 520 Fort Hill Road. The site currently contains a business.

Variances: None requested.

Waivers: None requested.

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

The plans (the plans), prepared by Mark Verrill of V&M Construction Service, Inc. consists of the following:

Site Plan – Received, July 5, 2022

Other documents submitted consist of the following:

Site Plan Review and Administrative Review Application – 07/05/2022

Site Plan – Received, 07/05/2022

Gorham Town Planner Comments – 8/01/2022

Gorham Fire Chief – 07/20/2022

Gorham Code Enforcement – No comments received

Gorham Public Works – No comments received

Gorham Police Chief – No comments received

Maine DEP Comments – 08/01/2022, 08/04/2022

Abutters Comments – 07/31/2022

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 placing a stock pile area. The lot is approximately 6.58 acres with an existing business. The site is relatively flat.

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 Fort Hill Road/Route 114. The total number of vehicle trips on a daily basis will be eight (8) entering and eight (8) exiting. At the busiest am hour, the number of vehicles entering and exiting the site will be four (4). At the busiest pm hour, the number of vehicles entering and exiting the site will be four (4).

Finding: Fort Hill Road has 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.

The access to the site is from an existing curb cut located along Fort Hill Road/Route 114. No changes are proposed.

The grade of any proposed drive or street will be a -2.0% for a minimum of five (5) feet from the existing pavement edge or to the centerline of the existing drainage swale. From the above control point, a grade of not more than -3% shall be required for a minimum of two (2) car lengths or forty (40) feet.

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.

There is an access driveway to allow ingress and egress that will provide a clear route for delivery vehicles, emergency vehicles, does not allow backing into the street, and snow storage is provided.

Pedestrian access is provided along the front of the building for the business through the parking lot.

Finding: The layout of the site will provide 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.

Pedestrian access is not provided along Fort Hill Road/Route 114 in this area and is not intended at this time.

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

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

No change is proposed to the existing stormwater management system.

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.

There will be no disturbance of soil that requires erosion control measures.

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 has an existing well.

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 has an existing onsite septic system.

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 supplied with utilities from Fort Hill Road/Route 114 right of way.

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 existing canopy trees and understory will remain in the rear and sides of the parcel.

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 material storage and boat and RV storage will not be removing groundwater from the area other than for the business use. The business does not and shall use contaminants that would leach into the groundwater.

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.

All lighting shall be full-cutoff design and meet dark sky requirements while allowing for a safe environment.

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.

The current waste hauler is Herrick.

There will be no hazardous waste used or produced.

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.

No change is proposed with the current landscaping.

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.

The applicant has already installed the material storage. The boat and RV storage areas do not require financing or technical knowledge such as an engineer or surveyor for locating them. No additional changes are proposed that would require technical or financial capacity to be shown.

Finding: The applicant has demonstrated it has 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.

There is a fence located along the northern property line. There are large canopy trees and understory on the other 2 sides.

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 70 dBA and 60 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 ARE NOT DUPLICATIVE OF SITE PLAN REVIEW STANDARDS are listed with findings below.

Section 2-1 Environmental

Floodplain Management

Finding: This site is not located within a special flood hazard zone.

Shoreland Area protection

Finding: This site is not located within a shoreland protection area.

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.

Section 2-2 Parking, Loading, and Traffic

A. Off-street parking standards

There are two (2) parking spaces required. There are five (5) existing gravel parking spaces that are located on the lot. Striping of the spaces is not required.

Finding: The parking provided meets the standards of this section.

NOW THEREFORE on 10th of August, 2022, the Minor Site Plan Review Committee adopts the Findings of Fact herein, and based on these Findings that the proposed project will have no significant detrimental impact. The Minor Site Plan Review Committee hereby votes to grant Minor Site Plan Review approval to V&M Construction Services, Inc.

Carolyn Eyerman, AICP
Town Planner

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 Minor 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. Any staff and peer review comments shall be addressed prior to the Chair signing the plans.
4. The map and lot numbers shall be listed in the bottom right corner of all pages of the plan set;
5. That all relevant conditions of approval from past Site Plan approvals shall remain in effect;

6. That any proposed use on the site shall meet the sound level requirements outlined under Chapter 4, Section 9, T. Noise;
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 the Chair is authorized by the Committee to sign the Findings of Fact on behalf of the entire Committee; and
9. That these conditions of approval must be added to the notice of decision and shall be recorded at the Cumberland County Registry of Deeds within thirty (30) days of the date of written notice of approval by the Minor Site Plan Review Committee, and a dated copy of the recorded notice of decision shall be returned to the Town Planner prior to the issuance of a building permit.

**SO APPROVED BY THE GORHAM MINOR SITE PLAN REVIEW COMMITTEE
CHAIR ON THE 10TH DAY OF AUGUST, 2022.**

Carolyn Eyerman, AICP
Town Planner