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# New Gloucester Planning Board

## Minutes of July 5, 2016

5 **Members Present:** Jean Libby, Chair, Amy Arata, Jean Couturier, Eric Hargreaves, Joe Bean  
6 **Members Absent:** Mark Leighton  
7 **Town Staff:** Will Johnston, Town Planner  
8 **Others Present:** Mark Kilpatrick, Daryl Gushee  
9 **Business Items:** Site Review of Auto Repair Shop  
10 Site Plan Review of Storage Structure  
11 Expedited Review of Residential Garage

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### 1. Call to Order

15 J. Libby called the meeting to order at approximately 7:00 pm.

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### 2. Approval of Minutes

18 Minutes of May 19, 2016. J. Couturier made a motion to approve the minutes with minor corrections.  
19 Seconded by J. Bean. Approved 4-0-1

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### 3. Election of Officers and Liaisons

21 Election of Chair. J. Couturier moved that Jean Libby be reelected as Chair. Seconded by A. Arata. Approved  
22 4-0-1.

23 Election of Vice Chair. J. Couturier moved that Joe Bean be elected as Vice Chair. Seconded by E. Hargreaves.  
24 Approved 4-0-1.

25 CIP Liaison. J. Couturier moved that Joe Bean serve as Planning Board liaison to CIP Committee. Seconded by  
26 E. Hargreaves. Approved 4-0-1.

27 LMPC Liaison. A. Arata moved that Jean Libby serve as Planning Board liaison to the LMPC Committee.  
28 Seconded by J. Bean. Approved 4-0-1.

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### 4. Site Plan Review

30 Mark Kilpatrick  
31 Residential-Commercial and Groundwater Protection Overlay  
32 21 Oz Drive, Unit 4  
33 Map 2, Lot 36-3

34 W. Johnston introduced the project. Mr. Kilpatrick is proposing to use a lease space in an existing  
35 commercial building to run an auto repair shop. The leased area is 2,772 square feet.

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37 The Board discussion centered on fire protection for the use, subsurface waste disposal and outdoor  
38 parking/paving. As the landowner created land divisions and proposed developments over a period of  
39 time, the issue of fire protection has remained somewhat unresolved, and some Board members  
40 expressed frustration over this. The landowner recently received approval for a multi-unit commercial  
41 building on an adjacent lot with the condition that the fire protection be addressed, so this is the main  
42 source of leverage for resolving the issue. Staff is also hoping to arrange a meeting with the landowner  
43 to discuss this and other issues relating to commercial occupancy of this building.  
44

45 As the commercial uses within the building pre-dated this review, the town does not have information  
46 regarding the subsurface waste disposal for the bathrooms serving the building. Wastewater flows for  
47 the proposed use are expected to be low. The Planner will ask the landowner about the location and  
48 capacity of the system.

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50 As far as paving for outside parking, the tack the Board took was not to require it at this time, but to  
51 limit the number of cars allowed to be stored outside. (See relevant condition.) If the applicant wanted  
52 to increase the outside parking area in the future, he would need to contact the Code Enforcement  
53 Officer.

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55 Based on a detailed review of the facts submitted by the applicant, the Planning Board took the following  
56 actions:

1. Determined not to hold a site visit.
  
2. Voted 5-0 to grant the following waivers from Zoning Section O.§ 7.3.2A:  
*#11 Existing and Proposed Contour lines, drawn at 2-foot intervals*  
*#15 Erosion and Sedimentation Control Plan endorsed by CCS&WCD*  
*#16 Stormwater Treatment Plan endorsed by CCS&WCD*  
*#17 Medium Intensity Soils Map*
  
3. Voted 5-0 to deem the following submission items from Zoning Section O.§ 7.3.2.A not applicable.  
*#8 – Location and design details of proposed utilities, including power, water, septic system and drainage structures.*  
*#9 – Location of any park, open space or conservation easement.*

Determined if <b>hydrogeological study</b> is required	No 5-0
Determined if <b>Additional Submission Items</b> are required consensus	Yes – List of Best Management Practices
Determined <b>Application Completeness</b>	(Yes: 5-0)
Determined if a <b>Public Hearing</b> is required	No – Consensus)

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58 **The Planning Board reviewed the following Site Plan Approval Criteria of Ordinance Section 7.5.1:**

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**Subsection A**  
Maintenance of **traffic level of service** “D” or above at all intersections receiving five percent or greater increase in traffic from the proposed development and presence of reserve capacity on other affected public streets as defined by the Institute of Transportation Engineers Trip Generation Standards.

Approval Criteria Met:  
Yes  No  NA

Board Conclusion: Low trip generation. Not expected to significantly increase traffic or to impact intersection capacity; located off of secondary road.

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**Subsection B**  
Sufficient **parking and traffic circulation** on the site of the development to avoid conflicts with adjoining properties and streets.

Approval Criteria Met:  
Yes  No  NA

Board Conclusion: Parking areas removed from existing properties and streets. The applicant will provide adequate parking for employees and visitors.

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60 **Subsection C**  
61 Building location or engineering measures to ensure that **wetlands and surface water bodies** will not be  
62 adversely affected by erosion, sedimentation, runoff, or pollutants.

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64 Approval Criteria Met:

65 Yes  No  NA

66 Board Conclusion: Existing facility – no increase in footprint. Existing soil conditions will mitigate against  
67 such impacts.

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#### **Subsection D**

Treatment of all **sanitary and solid wastes** in a manner approved by qualified professionals, together with written agreements showing the transportation, disposal, and storage of hazardous materials according to state and federal requirements.

Approval Criteria Met:

Yes  No  NA

Board Conclusion: Existing subsurface waste disposal system already in place and wastewater needs low for proposed use. Agreement to comply with safe solid waste disposal practices will be made a condition of occupancy permitting.

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#### **Subsection E**

Design measures to ensure the capability of the **land and water systems** to sustain the proposed use without long-term degradation.

Approval Criteria Met:

Yes  No  NA

Board Conclusion: Site is relatively flat and well-drained. Required erosion/sedimentation control measures determined to be adequate to avoid degradation of land and water systems.

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#### **Subsection F**

**Protection of natural resources** identified in the Comprehensive Plan or related studies, including surface and subsurface water supplies, shoreland areas, spawning grounds, aquatic life, bird and wildlife habitat, and access thereto.

Approval Criteria Met:

Yes  No  NA

Board Conclusion: Not applicable: None of identified features on or near site, except subsurface water supply which is separately addressed.

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#### **Subsection G**

Showing that **public facilities** will not exceed their respective capacities, including but not limited to: schools, police and fire services, snowplowing and road maintenance capabilities.

Approval Criteria Met:

Yes  No  NA

Board Conclusion: Proposed use will not impact schools and road maintenance handled privately. Project will be reviewed by Fire Chief prior to occupancy.

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**Subsection H**

Showing of **sufficient financial backing and technical resources** of the applicant to complete the proposed development.

Approval Criteria Met:

Yes  No  NA

Board Conclusion: No public improvements proposed. Occupancy Permit will not be given until all imposed conditions met.

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**Subsection I**

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**Compliance with other local, state or federal regulations** as evidenced by Board of Appeals approval (when necessary) and/or final approval of any required state or federal permits.

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Yes  No  NA

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Board Conclusion: Applicant agrees to comply with other laws as applicable, either as required initial site development or required by any of business occupants. Permit from State Fire Marshall, if required, must be granted before occupancy permit is issued.

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**Subsection J**

Absence of any **undue adverse effect** on the scenic or natural beauty of a site, aesthetics, historic sites, or rare and irreplaceable natural features or any public rights for physical or visual access to the shoreline.

Approval Criteria Met:

Yes  No  NA

Board Conclusion: Determined Not Applicable -- not near a shoreline and site lacks any of the listed attributes.

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**Subsection K**

Will avoid problems associated with **floodplain** development and use.

Approval Criteria Met:

Yes  No  NA

Board Conclusion: This standard is not applicable – no floodplain in vicinity.

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**Groundwater Protection Overlay, Section 4.4.8.**

The project meets the performance standards of the Groundwater Protection Overlay District.

Yes  No  NA

Board Conclusion: All auto repair operations will be conducted indoors. Applicant will adhere to best management practices as a condition of approval.

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Determine if application meets Zoning Ordinance review criteria	Vote: Yes, 5-0
Vote authorize Chair to Sign Findings of Fact and Conclusions of Law	Vote: Yes, 5-0
Section 7.7 of the Zoning Ordinance: Performance Guarantee	Vote: Not required, 5-0
Act on Application	Vote: Approved 5-0

81 **The Planning Board placed following conditions in the approval of the site plan application:**

- 82 1. Prior to the issuance of a certificate of occupancy, the operator of the facility shall sign an affidavit  
83 agreeing to conform with the best management practices for auto repair facilities that were included  
84 in the application.
- 85 2. Other than employee's vehicles and vehicles awaiting short-term drop-off and pickup, no more than  
86 5 vehicles may be stored outside of the building. If the parking area is paved, the applicant may  
87 petition the CEO to revise this condition to allow limited vehicle storage, based on the size of the  
88 paved area.
- 89 3. No waste oil may be brought from off-site to be disposed of in the waste oil boiler.
- 90 4. Before a certificate of occupancy is issued, the Fire Chief will inspect the site/building for compliance with  
91 the Life Safety Code.

92 **5. Site Plan Review**

93 Daryl Gushee  
94 Residential-Commercial and Groundwater Protection Overlay  
95 Lewiston Road  
96 Map 2, Lot 36-3

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98 W. Johnston introduced the project. Mr. Gushee is proposing to construct a large storage structure that  
99 will cover many of the trailers he has on the property for his business. The structure will be 280 feet  
100 long by 70 feet wide. It a metal prefab that Mr. Gushee is adapting for his needs. It will entirely open on  
101 the north side to allow access, and have a shed roof. The foundation will be a frost wall. Previous  
102 improvements to the property have received site plan review and approval from the Board.

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104 **Based on a detailed review of the facts submitted by the applicant, the Planning Board took the following**  
105 **actions:**

1. Determined whether to hold a site visit. **No -- Consensus**
2. Determine whether to grant waivers as requested by the application. **Vote: Yes, 5-0**

The applicant has requested **waivers** for the following items from Zoning Section **O.§ 7.3.2A**

- #11 Existing and Proposed Contour lines, drawn at 2-foot intervals
- #15 Erosion and Sedimentation Control Plan endorsed by CCS&WCD
- #16 Stormwater Treatment Plan endorsed by CCS&WCD
- #17 Medium Intensity Soils Map

3. Determine whether to deem certain submission items not applicable. **Vote: Yes, 5-0**

The applicant has requested that the following items from Zoning Section **O.§ 7.3.2.A** be deemed **not applicable**:

- #7 – *Location of physical features such as ledge, watercourses, sand and gravel aquifers, agricultural areas and forested areas.*
- #8 – *Location and design details of proposed utilities, including power, water, septic system and drainage structure*
- #9 – *Location of any park, open space or conservation easement.*
- #10 – *Location of any permanently installed machinery likely to cause appreciable noise at the lot lines.*
- #13 – *Location and necessary design details of all parking and paved areas and paved areas, etc.*
- #18 – *Description of any raw, finished or waste material to be stored outside of buildings and any stored materials of a hazardous nature.*
- #22 – *Descriptions of type and placement of sewage facilities.*

#23 – Indication of sufficient water supply.

#24 – Location and necessary details of all public and private roads.

**Determine if hydrogeological study is required**

*Vote: No, 5-0*

Determine if **Additional Submission Items** are required

*Consensus: None*

Determine **Application Completeness**

*Vote: Yes, 5-0*

Determine if a **Public Hearing** is required

**Consensus: No**

**The Planning Board reviewed the following Site Plan Approval Criteria of Ordinance Section 7.5.1.**

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**Subsection A**

Maintenance of **traffic level of service** “D” or above at all intersections receiving five percent or greater increase in traffic from the proposed development and presence of reserve capacity on other affected public streets as defined by the Institute of Transportation Engineers Trip Generation Standards.

Approval Criteria Met:

Yes  No  NA

Board Conclusion: No change from current use.

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**Subsection B**

Sufficient **parking and traffic circulation** on the site of the development to avoid conflicts with adjoining properties and streets.

Approval Criteria Met:

Yes  No  NA

Board Conclusion: No change in circulation or traffic pattern.

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**Subsection C**

Building location or engineering measures to ensure that **wetlands and surface water bodies** will not be adversely affected by erosion, sedimentation, runoff, or pollutants.

Approval Criteria Met:

Yes  No  NA

Board Conclusion: No identified wetlands or waterbodies in vicinity. Proposed treatment of runoff and existing soil conditions will mitigate against such impacts.

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**Subsection D**

Treatment of all sanitary and solid wastes in a manner approved by qualified professionals, together with written agreements showing the transportation, disposal, and storage of hazardous materials according to state and federal requirements.

Approval Criteria Met:

Yes  No  NA

Board Conclusion: No change in handling of sanitary and solid wastes.

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**Subsection E**

Design measures to ensure the capability of the **land and water systems** to sustain the proposed use without long-term degradation.

Approval Criteria Met:

Yes  No  NA

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111 Board Conclusion: Site is relatively flat and well-drained. Meeting erosion/sedimentation control standards is  
112 condition of approval. Applicant has already installed a berm area to better control stormwater.  
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#### **Subsection F**

**Protection of natural resources** identified in the Comprehensive Plan or related studies, including surface and subsurface water supplies, shoreland areas, spawning grounds, aquatic life, bird and wildlife habitat, and access thereto.

Approval Criteria Met:

Yes  No  NA

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Board Conclusion: Not applicable: None of identified features on or near site, except subsurface water supply which is separately addressed.

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#### **Subsection G**

Showing that **public facilities** will not exceed their respective capacities, including but not limited to: schools, police and fire services, snowplowing and road maintenance capabilities.

Approval Criteria Met:

Yes  No  NA

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Board Conclusion: No change of use that will impact public facilities or services.

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#### **Subsection H**

Showing of **sufficient financial backing and technical resources** of the applicant to complete the proposed development.

Approval Criteria Met:

Yes  No  NA

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Board Conclusion: No public improvements proposed.

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#### **Subsection I**

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**Compliance with other local, state or federal regulations** as evidenced by Board of Appeals approval (when necessary) and/or final approval of any required state or federal permits.

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Yes  No  NA

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Board Conclusion: No apparent state or federal regulations apply, but applicant responsible for meeting any additional requirements.

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#### **Subsection J**

Absence of any **undue adverse effect** on the scenic or natural beauty of a site, aesthetics, historic sites, or rare and irreplaceable natural features or any public rights for physical or visual access to the shoreline.

Approval Criteria Met:

Yes  No  NA

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Board Conclusion: Determined Not Applicable -- not near a shoreline and site lacks any of the listed attributes.

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#### **Subsection K**

Will avoid problems associated with **floodplain** development and use.

Approval Criteria Met:

Yes  No  NA

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Board Conclusion: This standard is not applicable – no floodplain in vicinity.

**Groundwater Protection Overlay, Section 4.4.8.**

The project meets the performance standards of the Groundwater Protection Overlay District.

Yes  No  NA

Board Conclusion: Impervious coverage considerably below 30% standard. Covering of trailers and equipment likely to reduce threat of groundwater contamination. Otherwise, proposal is not changing use.

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Determine if application meets Zoning Ordinance review criteria	Vote: Yes, 5-0
Vote to authorize the Chair to sign Findings of Fact and Conclusions of Law	Vote: Yes, 5-0
Section 7.7 of the Zoning Ordinance: Performance Guarantee	Vote: None required. 5-0
Act on Application	Vote: Approved 5-0

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**The Planning Board placed the following conditions in the approval of the site plan application:**

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- The Erosion and sedimentation control measures of the Zoning Ordinance shall be met during construction.

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**6. Expedited Site Plan Review**

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Jeff Edwards

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Residential-Commercial and Groundwater Protection Overlay

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166 Sabbathday Road

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Map 2, Lot 36-3

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W. Johnston introduced the project.

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This is an expedited site review of a new residential garage in the RC district. The proposed garage is 30'x40' feet. The setback to the northerly property line is tight, but the CEO had visited the site and determined that the setbacks could be met. The Board had no significant questions regarding the project.

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Based on a detailed review of the facts submitted by the applicant, the Planning Board took the following actions:

a. Acceptance of Town Planner recommendation that the project, as a residential garage in the Residential-Commercial District, meets the criteria for expedited review as set forth in section 7.4.1.3.a. and is consistent with the purpose of this designation to expedite the approval process for projects “which are is not expected to generate any significant adverse impacts on natural resources or adjacent properties.”	<b>Vote 5-0</b>
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b. Waiving or finding not-applicable, all of the site plan submission standards of Section 7.3.2, <u>except</u> for the following submission requirements as recommended by the Town Planner: (The Planning Board may choose to make separate determination regarding the waiver of particular submissions).
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a. Site Plan application and appropriate fee, expedited review checklist. b. Site plan showing location of the proposed and existing structures, including title and signature blocks, north arrow and parcel information. c. A copy of deed demonstrating right, title or interest. d. Elevation and/or layout drawings (from driveway side) e. List of immediate abutters	<b>Vote 5-0</b>
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c. Determine if Additional Submission Items are required	Vote 5-0
d. Determine Application Completeness	Vote 5-0

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e. Determine if application meets site plan review criteria and other relevant ordinance provisions.

**General Findings**

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The proposed project has been found to be eligible for expedited site plan review and is not expected to generate any significant adverse impacts on natural resources or adjacent properties due to the following factors:

- The relatively small scale of the project.
- No enlargement of use – only an accessory use to an existing dwelling, with no additional impacts as far as traffic or subsurface or solid waste generation beyond that existing use.
- No identified floodplain, wetlands or other waterbody on the site.
- No apparent impact on groundwater resources: no additional subsurface waste disposal and an increase in impervious surface that results in a total lot coverage of less than 30%.

Accordingly, it is found that the project meets the Site Plan Approval criteria Section of 7.5.1, the performance standards of the Groundwater Protection Overlay District and other applicable standards of the New Gloucester Zoning Ordinance.

Determine if application meets <i>Zoning Ordinance review criteria</i>	<b>Vote 5-0</b>
Vote to authorize the Chair to sign the <b>Findings of Fact and Conclusions of Law</b>	<b>Vote 5-0</b>
Act on application	<b>Vote 5-0</b>

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The Planning Board placed the following conditions on the approval of the site plan application

- a. That the project not be used for commercial purposes without a full site plan review by the Planning Board.
- b. That the project meet the Erosion and Sedimentation Control standards of Section 5.1.8 of the zoning ordinance.

**7. Adjournment**

J. Couturier moved to adjourn the meeting at 8:50. Seconded by E. Hargreaves. Approved 4-0.