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New Gloucester Planning Board
Minutes of September 6, 2016
(Draft Until Approved)

7 **Members Present:** Jean Libby, Chair, Joe Bean Amy Arata, Jean Couturier, Eric Hargreaves,
8 Mark Leighton
9 **Members Absent:** None (1 board vacancy)
10 **Town Staff:** Will Johnston, Town Planner
11 **Others Present:** Laura (Jane) Sturgis, Chris Ames (Henry’s Custom Homes), Floyd Wing
12 **Business Items:** Site Review of Single-Family Dwelling
13 Site Plan Review of Commercial Storage Structure
14 Update on LMPC Committee work
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17 **1. Call to Order**

18 J. Libby called the meeting to order at approximately 7:00 pm.
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20 **2. Approval of Minutes**

21 Minutes of July 5, 2016. J. Couturier made a motion to approve the minutes. Seconded by A. Arata.
22 Approved 5-0-1

23 **3. Site Plan Review**

24 Laura (Jane) Sturgis
25 Upper Village District
26 Intervale Road
27 Map 8, Lot 15

28 W. Johnston introduced the project. Ms. Sturgis is proposing to construct a single-family dwelling on
29 an existing 2-acre lot. The dwelling will be served by the public water line that now extends down to
30 the Memorial School. The applicant has received an entrance permit from MDOT for the project.

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32 The Planner and the Board did not raise any issues or concerns regarding this project.
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34 **Based on a detailed review of the facts submitted by the applicant, the Planning Board took the**
35 **following actions:**

- 36 1. Determined NOT to hold a site visit.
37 2. Determined to grant the following waivers as requested by the applicant (from Zoning Section
38 7.3.2A):
39 #11 Existing and Proposed Contour lines, drawn at 2-foot intervals
40 #15 Erosion and Sedimentation Control Plan endorsed by CCS&WCD
41 #16 Stormwater Treatment Plan endorsed by CCS&WCD
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- 3. Determined that the following submissions are not applicable (from Zoning Section 7.3.2.A):
 - #7 Location of physical features such as ledge, watercourses, sand and gravel aquifers, etc.
 - #9 Location of any park, open space or conservation easement.
 - #10 Location of any permanently installed machinery.
 - #17 A copy of a medium intensity soil survey map of the areas
 - #18 Description of raw, finished or waste materials to be stored outside of buildings and any materials of a hazardous nature.
 - #24 The location and necessary design details of public and private roads.

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- 4. The Planning Board made the following additional determinations:
 - (1) If a hydrogeological study is required No – Consensus
 - (2) If Additional Submission Items are required No – Consensus
 - (3) Determine Application Completeness Yes – 6-0
 - (4) If a Public Hearing is required No – Consensus

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

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- a. The Planning Board considered whether to find the following site plan review criteria to be not applicable:
 - Subsection B:** Pertaining to sufficient parking and traffic circulation on the site of the development to avoid conflicts with adjoining properties and streets.
 - Subsection F:** Pertaining to protection of natural resources identified in the Comprehensive Plan or related studies.
 - Subsection H:** Pertaining to showing of sufficient financial backing and technical resources of the applicant to complete the proposed development (*no public improvements proposed*).
 - Subsection J:** Pertaining to undue adverse effect on the scenic or natural beauty of a site, aesthetics, etc.

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- Subsection K:** Floodplain impacts (*No identified floodplains on the property*)
 - The Board found that that the above criteria are NOT applicable to this application due to the lack of these resources or features on the site and/or lack of relevance of these criteria to the subject project.

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- b. The Planning Board considered whether to find the following site plan review criteria to be met as a whole due to general finding of either no change from existing use or no undue adverse impact for the use proposed.

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- Subsection A:** Pertaining to maintaining adequate traffic level of service. (*Minor traffic impact expected from one single-family dwelling. MDOT entry permit obtained.*)
- Subsection C:** Pertaining to ensuring that wetlands and surface water bodies will not be adversely affected by erosion, sedimentation, runoff, or pollutants. (*No erosion problems expected and construction will abide by BMPs.*)

86 **Subsection E:** Pertaining to design measures to ensure the capability of the land and water
87 systems to sustain the proposed use without long-term degradation. (*No special measures*
88 *required.*)

89 **Subsection G:** Pertaining to impact on public facilities. (*No impact, served by public water and*
90 *hydrants.*)

91 The Board found the above listed criteria to be met due to no or minimal impact involved in
92 construction of one new single-family dwelling on an existing lots with suitable soils and no
93 apparent environmental constraints.

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95 c. The Planning Board reviewed the following criteria individually:

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

99 Approval Criteria Met:
100 Yes No NA

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102 Board Conclusion: A septic system design has been submitted indicating suitable soils for
103 subsurface waste disposal. Solid wastes handled by homeowner. No hazardous wastes proposed

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105 **Subsection I :** Compliance with other local, state or federal regulations.

106 Approval Criteria Met:
107 Yes No NA

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109 Board Conclusion: No additional federal, state or local permits necessary, except an Entrance
110 Permit from the Maine Department of Transportation, which has been provided in the
111 application.

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Determined that application meets Zoning Ordinance review criteria	Vote: 6-0
Voted to authorize the Chair to sign Findings of Fact and Conclusions of Law	Vote: 6-0
Section 7.7 of the Zoning Ordinance: Performance Guarantee	Moved NOT to require: Vote: 6-0
Act on Application	Approved: Vote: 6-0

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114 The Planning Board imposed the following conditions in the approval of the site plan application:

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Ordinance Ref.	Condition
5.1.8	Any changes in building location shall be reflected on building permit application, and referenced on this site plan.
6.1.6	The Erosion and sedimentation control measures of the Zoning Ordinance shall be met during construction

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5. Site Plan Review

Floyd Wing

Residential-Commercial and Groundwater Protection Overlay

185 Sabbathday Road

Map 2, Lot 4C

W. Johnston introduced the project. Mr. Wing is proposing a 1,800-square-foot storage structure on a lot on Sabbathday Road. He has an existing contracting/paving business in Gray, but would like an additional place to store his vehicles. The structure is a U-shaped hoop-type frame with fabric walls/ceiling sitting on concrete.

The Code Enforcement Officer's determination was that the proposed use was closest to outdoor sales and storage of equipment or materials for construction rather than commercial vehicle storage or salvage, which is expressly prohibited in the Ground Protection Overlay.

The Planner identified his main issues as buffering and protection of GPOD zone, especially with the applicant considering installation a 300-gallon skid tank for refueling purposes.

The following issues were raised in the Board's review of the proposal:

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

1. Determined NOT whether to hold a site visit. (Consensus)
2. Granted the following waivers as requested by the applicant (from Zoning Section 7.3.2.A):

- # 2 Standard Property Survey
- #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

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3. Determined that the following items are not applicable (from Zoning Section 7.3.2.A):

#7 Location of physical features such as ledge, watercourses, sand and gravel aquifers, agricultural areas and forested areas.

#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. #17 A copy of a medium intensity soil survey map of the areas.

#17 A copy of a medium intensity soil survey map of the areas

#24 The location and necessary design details of public and private roads.

4. Made the Following Additional Determinations:

i. If a hydrogeological study is required No – Consensus

ii. If Additional Submission Items are required No – Consensus

iii. Determine Application Completeness Yes 6-0

iv. If a Public Hearing is required No – Consensus

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

a. The Board considered whether the following criteria should be considered not applicable:

Subsection F: Pertaining to protection of natural resources identified in the Comprehensive Plan or related studies, etc.

Subsection H: Pertaining to showing of sufficient financial backing and technical resources of the applicant to complete the proposed development (*no public improvements proposed. Any conditions must be met prior to occupancy*).

Subsection J: Pertaining to undue adverse effect on the scenic or natural beauty of a site, aesthetics, historic sites, etc.

Subsection K: Floodplain impacts (*No identified floodplains on the property*)

The Board found the criteria above NOT applicable to this application due to the lack of these resources or features on the site and/or lack of relevance of these criteria to the subject project.

b. The Planning Board considered whether to find the following site plan review criteria to be met as a whole due to general finding of either no change from existing use or no undue adverse impact for the use proposed

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.

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.

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

Subsection G: Pertaining to impact on public facilities.

205 **Subsection I :** Compliance with other local, state or federal regulations as evidenced by Board
206 of Appeals approval (when necessary) and/or final approval of any required state or federal
207 permits (*none necessary*).
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209 The Board found the above criteria to be met due to no or minimal impact involved in
210 construction of a commercial storage structure on an existing lots with suitable soils and no
211 apparent environmental constraints.
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213 c. The Planning Board reviewed the following criteria individually:

214 **Subsection A:** Pertaining to maintaining adequate traffic level of service.

215 Approval Criteria Met:

216 Yes No NA

217 Board Conclusion: Minor traffic impact expected from entering and existing heavy equipment –
218 on secondary road.
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220 **Subsection B:** Pertaining to sufficient parking and traffic circulation on the site of the
221 development to avoid conflicts with adjoining properties and streets.

222 Approval Criteria Met:

223 Yes No NA

224 Board Conclusion: Designated parking/storage, proposed circulation pattern and buffering will
225 mitigate against conflicts.
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227 d. Other Applicable Standards from Zoning Ordinance.

228 Buffering/Landscaping (Article 5.1.5)

229 Planner recommendation: Reduce required buffer to 30 feet – will still ensure adequate
230 protection for neighboring residences.

231 Wavier to 30 feet: Approved Not Approved. Vote 6-0

232 **Groundwater Protection Overlay, Section 4.4.8.**

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

234 Yes No NA

235 Board Conclusion: No storage of hazardous material proposed. Selective paving of site will provide
236 added level of protection. Skid tank initially proposed will not be located on property, no other fuel or
237 waste storage will occur on site, and any stockpiling of aggregate or other material will be temporary.
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Determined if application meets Zoning Ordinance review criteria	Vote: 6-0
Voted to authorize chair to sign Findings of Fact and Conclusions of Law	Vote: 6-0
Section 7.7 of the Zoning Ordinance: Performance Guarantee	Moved not to require: Vote: 6-0
Acted on Application	Approved: 6-0

242 The Planning Board imposed following conditions in the approval of the site plan application:

		Ordinance Ref.
1.	Prior to issuance of a certificate of occupancy, the CEO and Fire Chief shall inspect of site for compliance with conditions of approval and ordinance standards.	4.4.8.E
2.	No more than 10 vehicles shall be stored on the site, exclusive of employee vehicles. Minor additional parking of vehicles may be granted by the CEO with demonstration of adequate provision for paved parking and location out of setback/buffer areas. Significant expansion of vehicle storage or other expansion of use shall require additional Planning Board site plan review.	4.4.8E 5.1.5
3.	The side yard and rear yard setback areas remain undisturbed with no structures or vehicle storage. Additional tree plantings shall occur as shown by green circled areas on site plan.	5.1.5
4.	All vehicles and equipment shall be parked within the areas indicated on the site as employee parking, laydown area or new storage structure.	7.5.1.B
5.	No storage of materials in front setback per ordinance.	5.1.5
6.	The erosion and sedimentation control standards of Section 5.1.8 of the zoning ordinance shall be followed during construction.	5.1.8
7.	No washing of trucks and equipment per ordinance.	4.4.8.J.7
8.	No long-term stockpiling of aggregate or other materials.	4.4.8.J.7

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244 **5. Update on LMPC Work**

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246 J. Libby and W. Johnston updated the Board on the recent work of the Land Management Committee
247 (LMPC). The Committee had been reexamining the zoning along the entire Route 100 corridor as well
248 as discussing a number of possible “housekeeping changes” to the ordinance. For Route 100, the
249 Committee was looking at ways to make the zoning more business-friendly while preventing a strip
250 development pattern. J. Bean encouraged the committee to develop clear goals as it proceeded.
251 Regarding the housekeeping changes, the Board was encouraged to submit their “top 10” needed
252 revisions to the Planner.

253 **6. Other Business**

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255 A. Arata mentioned that the Gray Town Council is considering a moratorium on marijuana-related
256 facilities, and wondered if New Gloucester might consider a similar action. Some discussion of this
257 issue ensued.

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259 **7. Adjournment**

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261 A. Arata moved to adjourn the meeting at 8:30. Seconded by M. Leighton. Approved 6-0.

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