

March 14, 2022

Jennifer Curtis
Director of Planning & Development
Town of Bowdoinham
13 School Street
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Re: Bowdoinham Planning Board Public Hearing Information requests:
Scott Gallant- 17 School Street, Bowdoinham, Maine (U01-017)

Dear Ms. Curtis,

The general goal of this memorandum is to provide enough of a scope to demonstrate compliance with applicable Tier II review site plan review standards, and to support a building permit and occupancy permit applications for the separated mixed use residential, marijuana production, and retail store (Stone Hill General Store) at 17 School Street in Bowdoinham. I have attached a letter of agent authorization to represent this project on behalf of the property owners.

At the previous Planning Board meeting for this project, the Board gave the applicant the opportunity to return to the Board with additional information prior to the Board voting on a final action, pursuant to Zoning Ordinance Article 10.,B),4),c),(v), Procedure for Final Action on an Application. In addition to the supplemental information provided within this package, the applicant is planning to submit other additional items that are not yet in-hand that we feel are of critical importance in rendering a final action vote. A survey for the bounds of the property and the building setback relationships and a septic system redesign to allow for traffic-loading conditions have been scheduled, but the materials are not ready at this time and may not be complete by the time of the March Planning Board meeting. Due to the pertinence of this information, with respect to both the active building permit and this planning board application, we request that a final action vote be delayed until the next regularly scheduled meeting in April when these materials may be made available.

Pursuant to the criteria established in Section C of the Article 10 Site Plan Review Standards, the applicant offers the following additional information responses:

1) *Vehicular Access* –

- a) *Adequacy of Road System* - Vehicular access to the site must be on roads which have adequate capacity to accommodate the additional traffic generated by the development. A Traffic Impact Study may be required by the Planning Board if deemed necessary by the Director of Public Works or the Road Commissioner.

A traffic impact review using the 10th Edition of the Traffic Generation Manual by the Institute of Traffic Engineers identifies a total trip calculation of under 30 trips during the PM peak hour. The following table shows the analysis of the retail, industrial, and residential uses proposed for the development.

Trip Generation (from ITE Traffic Generation Manual, 10th Edition):

Adult-use Retail= 1,112 sf @ 21.83 trips per 1,000 sf= 24.27 trips

Special Purpose Industrial= 6,160 sf @ 1.6 trips per 1,000 sf= 9.86 trips

Residential & residential garage space= 4,060 sf @ 0.99 trips each dwelling unit= 0.99 trips

Total trips= 35.12 (PM peak hour)

With sight lines similar to the entrance at the Town Hall offices located next door, and less traffic anticipated for the proposed building uses (town hall @ 1.17 trips per 1,000sf, library @ 8.16 trips per 1,000 sf), the safety and adequacy of the road system does not raise a concern that would advance any traffic remediation efforts.

- b) *Access into the Site* - Vehicular access to and from the development must be safe and convenient.

(i) Any driveway or proposed street must be designed to provide the minimum sight distance according to the Maine Department of Transportation standards.

As indicated by the traffic movement patterns shown on the site plan, the vehicular access allows for safe and efficient movement patterns and the locations of the existing driveways. See the attached supplemental site plan detail sheet (C101- Site Details) that identifies the sight line distances for the existing driveways.

(ii) Points of access and egress must be located to avoid hazardous conflicts with existing turning movements and traffic flows.

The supplemental site plan detail sheet (C101- Site Details) has been provided to indicate the turning clearances required for the vehicular transitions through the site for all users; the public, employees, deliveries to the building, and trash pickup. With adequate backing space available to the public and accessible (ADA) parking spaces, these vehicles should not have to back into School Street to exit the facility. Similarly, the delivery vehicle access has been indicated on the site plan, consisting of a dedicated parking area, an internal garage bay for receiving and short-term storage of materials, and the clearances required to back the delivery trucks in the access drive prior to entering the travel lanes at School Street.

(iii) The grade of any proposed drive or street must be not more than 3% for a minimum of forty (40) feet, from the intersection. The Planning Board may require a greater distance if deemed necessary by the Public Works Director.

The development proposes to retain the existing wide access drive and curb cut to Stone Hill Place, a 20' wide by 150' long easement to the North of the building, and the existing driveway access and curb cut on School Street to the South. An elevation survey performed by Surveyworks, Inc. identified the existing grade at the North drive at 8%, which would be adjusted to 3% maximum at the apron post-development, and the South drive at 12%, which would also be adjusted to a 3% maximum.

(iv) Where it is necessary to safeguard against hazards to traffic and pedestrians and/or to avoid traffic congestion, the applicant shall be responsible for providing turning lanes, traffic directional islands, and traffic controls within public streets.

With respect to the existing conditions at School Street, the proposed project does not result in a substantial impact to the existing traffic volumes and specific traffic remediation is not required.

c) Accessway Location and Spacing –

(i) Private entrances/exits must be located at least fifty (50) feet from the closest unsignalized intersection and one hundred fifty (150) feet from the closest signalized intersection, as measured from the point of tangency for the corner to the point of tangency for the accessway. This requirement may be reduced if the shape of the site does not allow conformance with this standard.

The closest unsignalized intersection at School Street and Back Hill Road is located 360 feet from the existing driveway to the North of the building, and the unsignalized intersection at School and Spring Streets is 185 feet from the existing driveway to the South of the building.

(ii) Private accessways in or out of a development must be separated by a minimum of seventy-five (75) feet where possible.

The driveways serving the project site are existing and separated by 43.5 feet. While the distance between these driveways does not meet the new construction requirements for spacing, the use profiles of the entrances are such that there is not additional traffic at each entrance, rather the total traffic generated by the project is separated by type, with the low-volume employee parking and trash pick-up activities occurring at the South entrance drive and the public and delivery vehicle activities utilizing the North drive. Wayfinding signage proposed to direct traffic to the appropriate parking areas has been indicated on the site plan. The approximate locations of the driveway connections to School Street for the adjacent properties has been indicated on the revised site plan, including the approximate distances between each driveway.

2) Internal Vehicular Circulation –

a) All roadways must be designed to harmonize with the topographic and natural features of the site insofar as practical by minimizing filling, grading, excavation, or other similar activities which result in unstable soil conditions and soil erosion, by fitting the development to the natural contour of the land and avoiding areas of excessive grading and tree removal, and by retaining existing vegetation during construction. The road network must provide for vehicular, pedestrian, and cyclist safety, all season emergency access, snow storage, and delivery and collection services.

The project proposes to utilize the existing driveway entrances and parking areas with some key enhancements for vehicular and pedestrian safety, so the existing natural topography will be maintained and cutting/filling activities limited to the installation of

these sitework safety improvements. Bike racks are proposed at the main entrance to the building and there is a paved accessway outside of the vehicular drive aisle to approach the entrance from School Street.

- b) *Proposed developments that will be served by delivery vehicles must provide a clear route for such vehicles with appropriate geometric design to allow turning and backing for the largest expected vehicles.*

Deliveries to the site are anticipated to be up to 30' long box trucks and commercial vans, such as UPS/FedEx and other delivery services, and open-bed passenger trucks.

- c) *Clear routes of access must be provided and maintained for emergency vehicles to and around buildings and must be posted with appropriate signage (fire lane - no parking).*

Wayfinding signage is proposed to indicate the fire truck access lane at the access drive in front of the building.

- d) *The layout and design of parking areas must provide for safe and convenient circulation of vehicles throughout the parking lot.*

Safety and convenience is enhanced with the separation of the parking into areas for visitor, delivery, and employee vehicles. With clear wayfinding signage, and the relatively low traffic generation of the 950 square foot retail store, the circulation is straight-forward and well defined.

- e) *Off-street parking must conform to the following standards:*

- (i) *Parking areas with more than two (2) parking spaces must be arranged so that it is not necessary for vehicles to back into the street.*

Parking Generation:

Adult-use Retail= 1,112 sf @ 1.4 spaces per 1,000 sf= 1.56 spaces

Special Purpose Industrial= 6,160 sf @ 0.67 trips per 1,000 sf= 4.13 spaces

Residential & garage space= 4,060 sf @ 1.1 spaces each dwelling unit= 1.1 spaces

Total parking spaces required= 7 spaces (6.79) w/ ADA van

With adequate backing space into the access drive available to the public parking, delivery vehicle area, and accessible (ADA) parking spaces, these vehicles should not have to back into School Street to exit the facility. All trash collection will occur at the street, where it will be hand-delivered at the time of removal. A parking space for the residential use has been indicated on the revised site plan.

- (ii) *All parking spaces, access drives, and impervious surfaces must be located at least ten (10) feet from any side or rear lot line, except where standards for buffers require a greater distance. This requirement may be reduced if the shape of the site does not allow conformance with this standard.*

The driveways serving the project site are existing and the shape of the site would not provide a more compliant solution.

- (iii) *No parking spaces or asphalt type surface may be located within five (5) feet of the front property line; standards for buffers may require a greater distance.*

The primary driveway serving the project site is an existing access easement to Stone Hill Place. While this access easement is in technical non-compliance with the impervious surface requirement, the terraced nature of the stone retaining wall

combined with the landscaping along the property line provides a significant buffer to the adjacent uses.

(iv) Parking lots on adjoining lots may be connected by accessways not to exceed twenty-four (24) feet in width.

The existing access easement to Stone Hill Place is 20' wide, with additional width provided at the parking areas for safe and comfortable turning clearances.

(v) Parking stalls must conform to standards.

All parking is sized at 9'-0" wide by 18'-0" long, with 24'-0" minimum width two-way access aisles.

(vi) In lots utilizing diagonal parking, the direction of proper traffic flow must be indicated by signs, pavement markings or other permanent indications and maintained as necessary.

No diagonal parking is provided on this project.

(vii) Parking areas for nonresidential uses must be designed to permit each motor vehicle to proceed to and from the parking space provided for it without requiring the moving of any other motor vehicles. Double stack parking may be permitted for resident parking in conjunction with residential uses if both spaces in the stack are assigned to the occupants of the same dwelling unit.

No tandem parking is provided on this project~ trash collection will be hand-delivered to the street at the time of removal.

(viii) Provisions must be made to restrict the "overhang" of parked vehicles when it might restrict traffic flow on adjacent through roads, restrict pedestrian or bicycle movement on adjacent walkways, or damage landscape materials.

All parking areas on this project are protected from overhanging into pedestrian circulation areas with curbstops.

(ix) Parking areas must be designed and landscaped to create a pedestrian-friendly environment. A landscaped border must be created around parking lots. There must be at least one (1) island for every twenty (20) spaces. Landscaping must screen the parking area from adjacent residential uses and from the street.

All parking areas on this project are designed to provide safe pedestrian circulation areas with a landscaped border all-around. The terraced nature of the stone retaining wall combined with the landscaping along the property line with City Hall provides a significant buffer to the access driveway easement. From the South, a tall and thick row of evergreen landscaping provides significant visual buffer to the employee parking area.

(x) Parking lots should be located to the side or rear of the building. Parking should not be located between the building and the street.

The parking areas have been located to the side and rear of the lot/building to the greatest extent possible.

(xi) Whenever the area between the street and the front of the building is used for parking or vehicle movement, a vegetated buffer strip must be established along the edge of the road right-of-way. This buffer strip must soften the appearance of the site from the road and must create defined points of access to and egress from the site.

Both driveway locations are to be flanked by landscaped buffer strips along the School Street right-of-way.

(xii) Any establishment which caters to and/or offers its goods, facilities or services to the general public shall maintain at least one of its required parking spaces as an accessible space for handicapped persons.

An ADA-compliant van accessible parking space and accessible route to the primary building entrance has been provided.

(xiii) At least one parking space shall be provided for each employee per shift.

Two parking spaces have been provided for the maximum two employees anticipated per work shift.

3) *Pedestrian Circulation –*

a) The site plan must provide for a system of pedestrian ways within the development appropriate to the type and scale of development.

A pedestrian connection has been extended from the right-of-way at School Street to the main entrance and bike rack on the revised site plan.

b) This system must connect the major building entrances/exits with parking areas and with existing sidewalks, if they exist or are planned in the vicinity of the project.

All building entrances, including entrances dedicated for customers, deliveries, employees, and residents, are connected to the parking areas and to the right of way by dedicated pedestrian walkways. Although a sidewalk does not exist along School Street, the development would extend pedestrian access to the driveway apron for a future connection.

c) Where an existing or planned public sidewalk is interrupted by a proposed project driveway, the sidewalk material must continue to be maintained across the driveway, or the driveway must be painted to distinguish it as a sidewalk.

There is not currently a sidewalk to either side of the existing driveways serving the project, but the entrances will be striped to indicate the safe transition zones at the mouth of the drive, and grades will be relaxed at the driveway apron to facilitate a future connection.

d) The pedestrian network may be located either in the street right-of-way or outside of the right-of-way in open space or recreation areas.

Pedestrian network improvements are proposed in the access easement area, the street right-of-way, and on-site.

e) The system must be designed to link the project with residential, recreational, and commercial facilities, schools, bus stops, and existing sidewalks in the neighborhood or, when appropriate, to connect with amenities such as parks or open space on or adjacent to the site.

While there are no pedestrian walkways on School Street, the project proposes a sidewalk connection to the mouth of the driveway to connect with any future improvements installed by the Town within the right-of-way.

f) The system shall be safely separated from vehicular traffic through landscape buffers and curbing.

All parking areas abutting pedestrian circulation areas are separated by curb stops and the driveway width requirements are separate from the striped sidewalks. The existing landscape buffer to the South of the site will be maintained, and additional landscaping is proposed along the frontage with School Street.

- 4) *Municipal Services – A letter shall be requested from the appropriate Town Officials to address that the development will not have an unreasonable adverse impact on municipal services, including municipal road systems, fire department, solid waste program, schools, open spaces, recreational programs and facilities, and other municipal services and facilities.*

The project does not pose any unreasonable adverse impact on municipal services relative to the existing utility connections. Additional information in regard to these service impacts is provided in criteria responses in other sections.

- 5) *Visual Impact –*

- a) *When a proposed development is located on a hillside that is visible from a public street, road, water body, or facility, the development must be designed so that it fits harmoniously into the visual environment when viewed by the public from public areas. In predominantly natural environments, site clearing must be minimized and vegetation must be retained or provided to minimize the visual intrusion of the development. In developed environments, the appearance of the new development, when viewed by the public from public areas, must be compatible with the existing visual character in terms of scale, massing, and height to the maximum extent reasonable.*

The architecture of the building has been designed to provide a harmonious fit within the classic New England residential character of the South end of School Street. The scale and massing of the building, while limited in area to the existing footprint, provides a transition between the larger masses of the church and Town Hall buildings adjacent and the more residential scale of lower School Street. Elevations have been provided to detail the proposed exterior materials (see supplemental Sheets A200-A203) and to show the significant terracing and existing landscape buffering to be maintained around the site. Additionally, façade photos of the adjacent buildings taken from the street have been provided on the civil details sheet to show the relative scale and massing of the other buildings along the street.

- b) *When a proposed development is located within the viewshed of an identified view from a public street or facility, the development must be designed to minimize the encroachment of all buildings, structures, landscaping, and other site features on the identified view.*

To minimize the impact to the viewsheds of adjacent public streets and facilities, the rooflines of the building have been developed with a number of form breaks and hipped structures. These forms, when combined with the low roof pitch and the character additions of the dormers and decks that punctuate the upper level of the building, provide an interest to the skyline and accentuate the additive, rustic character of residential buildings in New England.

- 6) *Lighting – All exterior lighting will be designed to avoid undue glare, adverse impact on neighboring properties and rights-of-ways, and the unnecessary lighting of the night sky.*

The exterior lighting will provide the lumens required for life safety and the security of the employees and residents of the building, but with cut-off fixtures mounted at a pedestrian height to avoid lighting trespass to adjacent properties, the right-of-way, or

into the night sky. The lighting proposed for the project has been identified on the revised site plan.

- a) *Building facades may be illuminated with soft lighting of low intensity that does not draw inordinate attention to the building. The light source for the building facade illumination must be concealed.*

There is no building façade lighting proposed for the project.

- b) *Building entrances may be illuminated using recessed lighting in overhangs and soffits, or by use of spotlighting focused on the building entrances with the light source concealed (e.g., in landscaped areas). Direct lighting of limited exterior building areas is permitted when necessary for security purposes.*

The lighting maintained at entrance areas will be a concealed source and limited to only those areas serving the production and residential access/egress areas, with all lighting associated with the retail store turned off outside of open business hours. Lighting specifications have been provided with the revised site plan.

- c) *The proposed development must have adequate exterior lighting to provide for its safe use during nighttime hours, if such use is contemplated.*

Due to the nature of the production activities proposed, there will be some lighting maintained at the building entrances/exits to provide for the life safety and security of the occupants.

- d) *Lighting may be used which serves security, safety and operational needs but which does not directly or indirectly produce deleterious effects on abutting properties or which would impair the vision of a vehicle operator on adjacent roadways. Lighting fixtures must be shielded or hooded so that the lighting elements are not exposed to normal view by motorists, pedestrians, or from adjacent dwellings and so that they do not unnecessarily light the night sky. Direct or indirect illumination must not exceed 0.5 footcandles at the lot line or upon abutting residential properties.*

All exterior lighting proposed for the project has been indicated on the revised site plan and a site illumination photometric shows compliance with the 0.5 footcandle requirements at lot line and abutting residential properties.

- e) *All exterior lighting, except security lighting, must be turned off between 11 P.M. and 6 A.M. unless located on the site of a commercial or industrial use which is open for business during that period.*

All lighting not related to the security/life-safety of the production and residential uses proposed for the building will be turned off between 11pm and 6am, and the likely operating hours of the lighting would match the store hours from 9am-9pm.

- f) *Wiring to light poles must be underground.*

N/A~ No light poles proposed.

- 7) *Signage – The proposed signage will not detract from the design of the proposed development and the surrounding properties and will not constitute hazards to vehicles and pedestrians.*

All project signage will be designed to fit the rural residential character of the surrounding properties and district. Way-finding and business identification signage will improve the vehicular and pedestrian experience and not pose any hazard.

- a) *Signs should be placed at right angles to the street so as to be viewed from both directions. Simple, geometrically shaped signs set low to the ground must be used.*

All signage will be placed at right angles to the street or driveway and viewable from both directions. To assist with the safety and legibility of the signage, simple forms and lettering will be used, with the signage low to the ground to avoid obstructing views. Signage for the retail business will include a single wall-mounted sign over the entry and a “flag” sign perpendicular to the street at the driveway entrance.

- b) *Signs may be illuminated only by shielded, non-flashing lights. Any sign illumination must be turned off from 10 p.m. to 6 a.m., except if the business is open then the sign illumination may remain on during the hours of operation. No internal or flashing lights shall be permitted.*

All illuminated signage for the proposed store will be shielded and non-flashing. There is no illuminated signage for the production facility and all illuminated signage will be turned off after opening hours, but at least from 10pm to 6am.

- c) *Business/Institutional name signs shall be limited to two (2) signs per property, except for a property that contains more than one business.*

The signage for the store (customer-facing business) is proposed for two locations, and the signage for the production facility (non-customer) is proposed to be mounted on the doors at three locations.

- d) *Properties which contain one business or institutional use.*
(i) No name sign shall be greater than fifteen (15) square feet.

Multiple businesses~ see response below.

- (ii) The total area of name signs on the property shall not exceed twenty-five (25) square feet.*

Multiple businesses~ see response below.

- e) *Properties containing more than one business or institutional use.*

- (i) May have a directory sign, which contains a name sign for the complex, as well as name signs for the individual businesses or institutional uses. The name sign for the complex shall not exceed fifteen (15) square feet and the name signs for the individual businesses or institutional uses shall not exceed six (6) square feet. The total square footage for the directory sign shall not exceed sixty (60) feet.*

N/A~ no directory sign proposed.

- (ii) Each individual business or institutional use may have a name sign not to exceed fifteen (15) square feet.*

The signage proposed for the store will be under fifteen (15) square feet and the signage for the production facility will consist of lettering on the delivery and employee entrance doors.

- f) *No free standing sign shall extend higher than twenty (20) feet above the ground.*

No free-standing signs extend higher than 48” above grade.

- 8) *Buildings – The proposed structures will relate harmoniously to the terrain and to existing buildings in the vicinity, so as to have a minimally adverse effect on the environmental and aesthetic qualities of the neighboring areas.*

The structure is constructed on an existing foundation, preserving the existing grade conditions and building entrances all-around the building, while adding some new entrances that require an at-grade connection with minimal terrain adjustments.

- a) *New buildings should be compatible with the neighborhood such that they reflect the overall building bulk, square footage, dimensions, placement of the building on the lot, and rhythm of buildings and spaces along the street edge and minimize the visual impact on the neighborhood. The visual impact of a building shall be measured by its relationship to other buildings on the lot, design of the front of the building, and the rhythm of buildings and open spaces along the street. The Planning Board may require additional buffering to the road or abutting properties if the proposed building is not compatible with the neighborhood.*

All exterior elevations have been detailed for the proposed design and materiality of each façade. The street façade is enhanced with a large entry porch element and all entrances are punctuated with traditional New England character and detailing. The roof forms are varied and the massing of the building is broken by a number of existing jogs and returns that allude to the additive nature of rural building expansions over the years.

- b) *The architectural design of the building shall be consistent with the New England vernacular and shall include such features as pitched roofs, vertical rectangle windows, and the appearance of brick, stone, log, clapboard or shingle.*

The architectural design features an array of details that are consistent with traditional New England vernacular, including pitched roofs with shed and doghouse-style dormers, vertical rectangle windows with mullions, and a variety of traditional siding materials including trims, clapboard siding, and a stone veneer base.

- (i) *The proposed development could be exempt from this standard if the development will be screened so that it is not visible from the road and abutting properties; or*

N/A~ building cannot be screened from visibility from the street, but there is significant existing landscape buffering to the South of the site that will be maintained, along with added landscaping at the front of the building.

- (ii) *Depending on the tier of the application, either the Planning Board or the Code Enforcement Officer may require additional landscaping and/or screening to the road and abutting properties.*

The application is Tier 2 due to the marijuana production use, not due to any intensity of occupancy or parking requirements.

- c) *Where there is a reasonably uniform relationship between the front walls of buildings and the street, new buildings must be placed on a lot in conformance with the established relationship. For buildings on corner lots, the setback relationship of both streets should be maintained.*

N/A~ no new buildings or additions are proposed beyond the existing footprint into any required setbacks. The developer requests a variance for the residential egress balcony located within the 10' setback from the access easement to the North. The active building permit for the reconstruction of the building requires a survey of the property bounds and building foundation setbacks, which forms part of the basis for the applicant's request to delay final vote action, as this work is scheduled but not yet complete.

- d) *The main entrance to the building should be oriented to the street unless the parking layout or the grouping of the buildings justifies another approach, and should be clearly identified as such through building and site design, landscaping, and/or signage.*

Although the main entrance to the retail shop is situated facing the access drive, the existing front porch of the building will be rebuilt to provide emergency egress from the upper levels.

- e) *In rural, uncongested areas buildings should be set back from the road so as to conform with the rural character of the area. If the parking is in front, a generous, landscaped buffer between road and parking lot is to be provided. Unused areas should be kept natural, as field, forest, wetland, etc.*

While the building relationship to the street is existing, the parking areas are screened from the road with fencing and landscaping. All unused areas are grassed and will be kept natural.

- f) *The site design should avoid creating a building surrounded by a parking lot.*

The existing building had at-grade openings in all directions except the Southeast face, which has been maintained for access, parking and egress considerations.

- g) *The building height shall not exceed 40 feet.*

An average grade analysis using the average grades all-around the building has been performed by Surveyworks, Inc. land surveyors and the resultant elevations noted on the exterior elevations. A building height analysis was performed with the “vertical distance measured from the average elevation of the predevelopment grade to the highest point of the roof”, per Land Use Ordinance definition, and the resultant height is represented on the revised site plan and exterior elevations. The developer has been in consultation with local code enforcement for periodic inspections and their discussions were for a 40’ building height from the main entrance to the building, which the developer identified as the retail shop.

- 9) *Landscaping – The proposed development will provide adequate landscaping in order to define, soften, and/or screen the appearance of parking and developed areas as well as to enhance the physical design of the buildings and the overall development.*

The landscaping plan provides for planted areas and fence screens to buffer the views to the parking areas. These plantings are designed to enhance the entrance areas and accentuate the architecture of the building.

- a) *Landscaping must be provided as part of site design. The landscape plan for the entire site must use landscape materials to integrate the various elements on site, preserve and enhance the particular identity of the site, and create a pleasing site character. b) The landscaping should define street edges, break up parking areas, soften the appearance of the development, and protect abutting properties.*

While the site is located on a small in-town lot, the landscape plan has been developed to maximize the effect of the planting beds and provide a softened appearance and a site character that is well integrated with the streetscape.

- 10) *Buffering – The proposed development will provide for the buffering of adjacent uses where there is a transition from one type of use to another use and for the screening of mechanical equipment and service and storage areas.*

Although the retail entrance is located facing a direction away from the adjacent residential uses, the landscape buffering and fencing at the employee entrance

combines with an internal receiving area to offer very inconspicuous loading and storage areas.

- a) *Buffering must be designed to provide a year-round visual screen in order to minimize adverse impacts. It may consist of fencing, evergreens, berms, rocks, boulders, mounds, or a combination thereof.*

A mix of fencing and evergreen shrubs are provided for year-round visual screening, with annuals added in low bed areas for vibrant colors and texture.

- b) *Exposed nonresidential storage areas, exposed machinery, and areas used for the storage or collection of discarded automobiles, auto parts, metals or other articles of salvage or refuse have sufficient setbacks and screening to provide a visual buffer sufficient to minimize their impact on abutting residential uses and users of public streets.*

All storage areas for incoming and outgoing goods are interior to the building, with the trash collection enclosure the only outdoor storage area, which is fenced and buffered from the abutting residential use.

- c) *All dumpsters or similar large collection receptacles for trash or other wastes must be screened by fencing or landscaping.*

A 7'-0" tall fence enclosure with a locking gate is provided at the dumpster area.

- d) *The Planning Board may require buffering from impervious areas located adjacent to residential uses.*

The impervious area for employee parking and trash removal located on the Southeast side of the building is buffered with both fencing and landscaped planting areas.

- e) *The Planning Board may require buffering to reduce the impact on abutters and the public.*

All proposed uses are low-occupancy and low-impact. The proposed fencing and landscaping proposed should be more than adequate to buffer the abutters and public.

- 11) *Utilities –The development must be provided with electrical, telephone, and telecommunication service adequate to meet the anticipated use of the project. New utility lines and facilities must be screened from view to the extent feasible. If the service in the street or on adjoining lots is underground, the new service must be placed underground.*

A new underground electrical service will be provided to the building to serve the power requirements for the proposed uses, with the transformer located on the existing utility pole at the right-of-way. No other public site utilities are proposed. A private septic system is being designed by Brady Frick to accommodate the anticipated sewer discharge volume.

- 12) *Water Supply –*

- a) *If the project is to be served by a public water supply, the applicant must secure and submit a written statement from the supplier that the proposed water supply system conforms with its design and construction standards, will not result in an undue burden on the source or distribution system, and will be installed in a manner adequate to provide needed domestic and fire protection flows.*

An existing Public water service will be maintained for the proposed development.

- b) *The proposed development shall connect to public water, unless the applicant can show that it is economically unfeasible.*

N/A~ existing water service is connected to public water.

- 13) *Sewage Disposal –*

- a) *The development must be provided with a method of disposing of sewage which is in compliance with the State Plumbing Code and the Subsurface Wastewater Disposal Rules.*

A private septic system has been designed by Albert Richard (dated 06/10/95) was designed to accommodate the anticipated sewer discharge volume. This system is being redesigned by Brady Frick to provide a commercial traffic-loading design and the availability of this information is part of the basis for the Applicant's request to delay final vote action. Prior to connection, a B.O.D. analysis of the sewer discharge will be performed to ensure values are within tolerable range(s).

- b) *When two (2) or more lots or buildings in different ownership share the use of a common subsurface disposal system, the system must be owned and maintained in common by an owners' association. Covenants in the deeds for each lot must require mandatory membership in the association and provide for adequate funding of the association to assure proper maintenance of the system.*

N/A~ no shared subsurface disposal system.

- 14) *Fire Protection – The proposed development will have adequate fire protection as determined by the Fire Chief and State Fire Marshal's Office.*

The project has been submitted to the Maine State Fire Marshal's office and the initial comments from the plans reviewer have been received. The applications and Fire Marshal review comments are attached.

- 15) *Capacity of Applicant – The applicant meets the following criteria:*

- a) *Right, Title and Interest in Property – The applicant must demonstrate that they have the right, title and interest in the property.*

The applicant provided a quitclaim deed for a property at Book 1419, Page 016 conveying the property to Kathleen Haggerty, and a quitclaim deed dated October 2003 conveying the property at U1Lot17 to Kathleen Gallant and Scott A. Gallant as joint tenants. Attached is a written statement from Kathleen Gallant, as joint tenant, affirming consent for the proposed project.

- b) *Financial Capacity – The applicant must demonstrate that they have the capacity to carry out the project in accordance with this ordinance and the approved plan.*

The applicant submitted a letter from Camden National Bank dated March 16, 2021 stating the financial capacity of Kathleen Gallant, joint tenant and spouse of the applicant Scott Gallant. An additional letter from Camden National Bank stating the financial capacity of Scott Gallant, acting now as the sole applicant, and an agency agreement have been provided.

- c) *Technical Ability – The applicant must demonstrate that they have the technical capacity to carry out the project in accordance with this ordinance and the approved plan.*

The applicant has engaged architectural firm Platz Associates to assist with the permit at the Town and Maine State Fire Marshal's Office. Additionally, the survey firm Surveyworks, Inc. was contracted to perform the survey and grade elevation certifications, and review of the 10th Edition of the International Traffic Engineering Manual was performed by the project design team to affirm compliance with traffic, signage and street connections.

- 16) *Special Resources –*

a) *Shoreland – The proposed development will be in compliance with the Shoreland Zoning provisions of Article 5 and 7 of this ordinance if located within the Shoreland Zone.*

N/A~ proposed development is not located in a shoreland zone.

b) *Floodplain – If any portion of the site is located within a special flood hazard area as identified by the Federal Emergency Management Agency, all use and development of that portion of the site must be consistent with the Floodplain Management provisions of Article 8 of this ordinance.*

N/A~ proposed development is not located in a special flood hazard area.

c) *Wetlands & Waterbodies – The proposed development will not have an adverse impact on wetlands and/or waterbodies, to the extent that is practicable.*

N/A~ the proposed development will not have an adverse impact on wetlands or waterbodies.

(i) *The development must not adversely affect the water quality or shoreline of any adjacent water body, to the extent practicable. The development plan must provide for access to abutting navigable water bodies for the use of the occupants of the development as appropriate.*

N/A~ the proposed development is not sited adjacent to a waterbody.

(ii) *When a proposed development is immediately visible from a river, or stream, the development must be designed so that it fits harmoniously into the visual environment when viewed from the water body. In predominantly natural environments, site clearing must be minimized, natural vegetation must be maintained adjacent to the shoreline to soften the appearance of the development, and vegetation must be retained or provided to minimize the visual intrusion of the development. In developed shoreland environments, the appearance of the new development when viewed from the water must be compatible with the existing visual character in terms of scale, massing, and height to the maximum extent possible. Storage and service areas must be screened or landscaped to minimize their visual impact.*

N/A~ the proposed development is not immediately visible from a river or stream.

(iii) *Activities within 250 feet of vernal pools shall meet requirements set by Maine Department of Environmental Protection's Natural Resources Protection Act.*

N/A~ the proposed development is not sited within 250 feet of a vernal pool.

17) *Historic & Archaeological –*

a) *If any portion of the site has been identified as containing historic or archaeological resources, the development must include appropriate measures for protecting these resources, including but not limited to, modification of the proposed design of the site, timing of construction, and limiting the extent of excavation.*

N/A~ the proposed development site has not been identified as containing historic or archaeological resources.

b) *Proposed developments which include or are adjacent to buildings or sites on the National Register of Historic Places, Maine Historic Preservation Commission or when the Comprehensive Plan has identified as being of historical significance, shall be designed in such a manner as to minimize the impacts on the historic features. When the historic features to be protected include buildings, the placement and the architectural design of new structures shall be similar to the historic structures. The Board may require the applicant to seek the advice of the Maine Historic Preservation Commission.*

As the Town of Bowdoinham Comprehensive Plan (dated April 2014) has identified the Town Hall and the John C. Coombs Municipal building on School Street as Historic Buildings and Structures in Bowdoinham of Local Importance (page 77), the architectural design of the building's massing and detailing have been informed by the

guidelines and standards of the Maine Historic Preservation Commission. These guidelines include the preservation briefs prepared by the U.S. Department of the Interior for the restoration of historic structures under the National Parks Service's historic preservation incentives program. Exterior elevations are attached to detail the proposed design features and show context within the streetscape.

18) *Groundwater – Projects that involve on-site water supply or sewage disposal systems with a capacity of two thousand (2,000) gallons per day or greater must demonstrate that the groundwater at the property line will comply, following development, with the standards for safe drinking water as established by the State of Maine.*

The on-site sewage disposal system proposed was designed by Albert Richard (attached, dated 06/10/95) to accommodate the anticipated sewer discharge volume, and the capacity is below two thousand (2,000) gallons per day. The redesign of the septic system for commercial and traffic-duty rating is being prepared by Brady Frick and the availability of this design material is part of the basis for the Applicant's request to delay final vote action.

19) *Wildlife Habitat –*

a) If any portion of a property lies within areas identified and mapped by the Department of Inland Fisheries and Wildlife, the applicant shall demonstrate that there shall be minimal impacts on the habitat and species it supports. The plan shall provide for protection of the identified resource in a manner acceptable to the Maine Department of Inland Fisheries and Wildlife or in accordance with the recommendations of a wildlife biologist with demonstrated experience with the wildlife resource being impacted and approved by the Board. In the latter situation, the report prepared by the wildlife biologist shall assess the potential impact of the development on the significant habitat and adjacent areas that are important to the maintenance of the affected species and shall describe appropriate mitigation measures to ensure that the development will have minimal impacts on the habitat and the species it supports.

N/A~ the proposed development does not lie within areas identified and mapped by DIFW.

20) *Natural Areas –*

a) If any portion of the property is located within an area designated as a unique natural area by the Comprehensive Plan or the Maine Natural Areas Program, the plan shall indicate appropriate measures for the preservation of the values which qualify the site for such designation, including but not limited to, modification of the proposed design of the site, timing of construction, and limiting the extent of excavation. The Board may require the applicant to seek the advice of the Maine Natural Areas Program.

N/A~ the proposed development does not lie within an area designated as a unique natural area by the Comprehensive Plan or the Maine Natural Areas Program.

b) The Planning Board may require a survey from a qualified professional of the area in question if it has not been previously surveyed.

N/A~ no increase in square footage is proposed. The active building permit for the reconstruction of the building requires a survey of the property bounds and building foundation setbacks, which forms part of the basis for the applicant's request to delay final vote action, as this work is scheduled but not yet complete.

21) *Environmental Impact –*

a) The landscape will be preserved in its natural state to the extent that is practical by minimizing tree removal, disturbance of soil and retaining existing vegetation.

The natural vegetation will be maintained and improved to the maximum extent possible, with no anticipated tree removals.

b) Extensive grading and filling must be avoided as far as possible.

Due to the small lot size and existing at-grade connections at all sides of the building, there is very little soil disturbance.

c) The proposed development will not cause a reduction in the land's capacity to hold water so that a dangerous or unhealthy condition results.

The proposed development is a low-intensity collection of uses that proposes to use light-commercial/residential septic design. Any greywater collection will be processed through a reverse-osmosis filtration system that will purify the water for reuse as irrigation water, and the collected solids will be composted and/or disposed off-site by a qualified private contractor.

22) Solid Waste Management – The proposed development will provide for adequate disposal of solid wastes. All solid waste must be disposed of at a licensed disposal facility having adequate capacity to accept the project's wastes.

All solid waste that doesn't qualify for organic composting will be stored in a dumpster within a fenced enclosure with a locked gate. This solid waste would then be hand-delivered to the street for removal/disposal by a private trash company. Organic waste such as soils and other organics will be collected in a compost bin, also situated within the secure dumpster enclosure, and turned daily for eventual reuse. Snow accumulation will be pushed to the side of the parking areas in grass to allow percolation.

23) Hazardous, Special & Radioactive Materials –

a) Hazardous, Special and Radioactive Materials - The handling, storage, and use of all materials identified by the standards of a federal or state agency as hazardous, special or radioactive must be done in accordance with the standards of these agencies.

N/A~ no hazardous materials will be used within the marijuana production or processing facilities.

b) No flammable or explosive liquids, solids or gases shall be stored in bulk above ground unless they are located at least seventy-five (75) feet from any lot line, or forty (40) feet in the case of underground storage. For the purposes of this section, bulk storage shall be considered one thousand (1,000) gallons or greater. All materials must be stored in a manner and location which is in compliance with appropriate rules and regulations of the Maine Department of Public Safety and other appropriate federal, state, and local regulations.

N/A~ the proposed development does not include bulk storage of flammable liquids.

c) A Spill Prevention, Control, and Countermeasure Plan (SPCC) or Hazardous Waste Prevention Plan may be required to:

(i) Ensure materials are handled according to State & Federal rules and best management practices;

(ii) Minimize spills and contamination; and

(iii) To ensure prompt clean-up.

N/A~ no hazardous materials will be used within the marijuana production or processing facilities.

d) *The Planning Board may require Pollution Insurance to ensure the proposed development has the resources necessary to clean-up any possible pollution due to hazardous, special and/or radioactive materials.*

N/A~ no hazardous materials will be used within the marijuana production or processing facilities.

24) *Air Quality –*

a) *The proposed development will meet the Maine Department of Environmental Protection and U.S. Environmental Protection Agency standards.*

All standards and requirements of the Maine Department of Environmental Protection and U.S. Environmental Protection Agency will be followed, in addition to the special air quality standards and requirements of the Maine Office of Marijuana Policy and the Town of Bowdoinham Land Use Ordinance.

b) *The proposed development will not negatively impact abutters or the public with undue odors.*

All exhaust air will be treated with carbon filtration to eliminate odors from the facility. Additionally, the building will be sealed with an air-tight envelope to eliminate intrusions by pests and air contaminants. Each grow room will be individually sealed-air environments as well, offering a double-layer of protection from uncontrolled air exchange. With heat pumps providing heating and cooling without the need for massive air ducting, there is much less air that would be exhausted to the exterior over conventional commercial HVAC systems.

25) *Water Quality –*

a) *No proposed development shall locate, store, discharge, or permit the discharge of any treated, untreated, or inadequately treated liquid, gaseous, or solid materials of such nature, quantity, obnoxiousness, toxicity, or temperature that may run off, seep, percolate, or wash into surface or groundwater so as to contaminate, pollute, or harm such waters or cause nuisances, such as objectionable shore deposits, floating or submerged debris, oil or scum, color, odor, taste, or unsightliness or be harmful to human, animal, plant, or aquatic life.*

N/A~ private on-site septic system is proposed and no discharges of liquids or materials that may contaminate or pollute the ecosystem..

b) *All storage facilities for fuel, chemicals, chemical or industrial wastes, and biodegradable raw materials, must meet the standards of the Maine Department of Environmental Protection and the State Fire Marshall's Office.*

There is no proposed storage of fuel. Some organic fertilizers and pest control are proposed for storage in designated indoor areas, with ventilation as required. While a small volume of biodegradables will be composted, all of these composting activities will meet the standards of the Maine Department of Environmental Protection.

(i) *A Spill Prevention, Control, and Countermeasure Plan (SPCC) may be required to ensure every effort is made to prevent spills and clean them up promptly once they occur.*

A Spill Prevention, Control, and Countermeasure Plan (SPCC) will be prepared to address any spills of fertilizers or pest control chemicals.

c) *If the project is located within the direct watershed of a 'body of water most at risk from development' or 'a sensitive or threatened region or watershed' as identified by the Maine Department of Environmental Protection (DEP), and is of such magnitude as to require a stormwater permit from the DEP, the project*

must comply with the standards of the DEP with respect to the export of total suspended solids and/or phosphorous. If the project does not require a stormwater permit from the DEP, it must be designed to minimize the export of phosphorous from the site to the extent reasonable with the proposed use and the characteristics of the site.

N/A~ the proposed development is not located within the direct watershed of a ‘body of water most at risk from development’ or ‘a sensitive or threatened region or watershed’ as identified by the Maine Department of Environmental Protection.

26) Stormwater – Adequate provisions must be made for the collection and disposal of all stormwater that runs off proposed streets, parking areas, roofs, and other surfaces, through a stormwater drainage system and maintenance plan, which must not have adverse impacts on abutting or downstream properties.

All roof runoff will be collected and stored in a rainwater cistern system for reuse as irrigation water for the plants, with automatic cutoffs that will eject overflow to the grassy areas with a rain leader. From the collection cistern located in the basement, the water will flow through a reverse-osmosis filtration system and be used when available, with supplemental water from the existing public water service.

a) To the extent possible, the plan must retain stormwater on the site using the natural features of the site.

All of the existing stormwater swales and dispersion fields on the site will be maintained and improved to offer greater capacity. Additional landscaped areas designed to enhance the appearance of the development also serve to improve the filtration and uptake of stormwater into the site.

b) Unless the discharge is directly to the ocean or major river segment, stormwater runoff systems must detain or retain water such that the rate of flow from the site after development does not exceed the predevelopment rate.

With improvements to the filtration quality and flow capacities of the existing stormwater runoff systems, including greywater recycling and a new septic field, the rate of flow from the site after development should meet or be reduced from the predevelopment rates.

c) The applicant must demonstrate that on- and off-site downstream channel or system capacity is sufficient to carry the flow without adverse effects, including but not limited to, flooding and erosion of shoreland areas, or that he/she will be responsible for whatever improvements are needed to provide the required increase in capacity and/or mitigation.

All existing impervious areas are proposed to be maintained, so no additional storm water runoff is anticipated from on-site activities. The site is situated downstream of the Town Hall parking lot and the exiting retaining wall structure and swale along the lot line of the access easement is proposed for improvements.

d) All natural drainage ways must be preserved at their natural gradients and must not be filled or converted to a closed system unless approved as part of the site plan review.

All exiting natural drainage ways will be maintained and improved to provide greater capacity and performance, and will remain “open” systems.

e) The design of the stormwater drainage system must provide for the disposal of stormwater without damage to streets, adjacent properties, downstream properties, soils, and vegetation.

Although the primary stormwater drainage feature is an existing swale along the access easement, the development proposes to improve the performance of the system to further protect downstream streets and properties.

- f) *The design of the storm drainage systems must be fully cognizant of upstream runoff which must pass over or through the site to be developed and provide for this movement.*

A well vegetated buffer exists between the adjacent upland areas with Town Hall, and the existing drainage swale along the access easement would be improved for additional resiliency against stronger storm water surges.

- g) *The biological and chemical properties of the receiving waters must not be degraded by the stormwater runoff from the development site. The use of oil and grease traps in manholes, the use of on-site vegetated waterways, and vegetated buffer strips along waterways and drainage swales, and the reduction in use of deicing salts and fertilizers may be required, especially where the development stormwater discharges into a gravel aquifer area or other water supply source, or a great pond.*

With the site being previously-developed, and reuse of the existing driveways, the stormwater runoff will not be impacted by the proposed project. The existing drainage swale along the access easement with the Town Hall would be improved with additional rip-rap and landscaping.

27) *Sedimentation & Erosion Control –*

- a) *All building, site, and roadway designs and layouts must harmonize with existing topography and conserve desirable natural surroundings to the fullest extent possible, such that filling, excavation and earth moving activity must be kept to a minimum. Parking lots on sloped sites must be terraced to avoid undue cut and fill, and/or the need for retaining walls. Natural vegetation must be preserved and protected wherever possible.*

Due to the reservation and reuse of the existing driveway and parking areas, and the grade-level connections of the entrances around the building, there will not be any substantial grading or earth moving activity. The natural vegetation will be protected and preserved throughout the site, and improved around the perimeter of the site and at the building exterior to provide buffering and an enhanced streetscape.

- b) *Soil erosion and sedimentation of watercourses and water bodies must be minimized by an active program meeting the requirements of the Maine Erosion and Sediment Control Handbook for Construction: Best Management Practices, dated March 2003.*

Any soil erosion and other environmental controls will be designed and installed to meet the best management practices of the Maine Erosion and Sediment Control Handbook for Construction.

28) *Noise –*

- a) *Noise levels on a site abutting any residential use shall be kept to a minimum between the hours of 9 p.m. and 6 a.m.*

Business hours are proposed between 8am and 9pm, seven days a week.

- b) *The Planning Board may specify an activity or business's hours of operation to address the level of noise, if necessary.*

The applicant would be amendable to addressing business hours of operation with the Planning Board or Town officials if the proposed hours of operation generate noise complaints.

I hope this is helpful information and I am happy to answer questions about it. Please don't hesitate to call with any questions or comments.

Sincerely,



Travis Nadeau, LEED AP BD+C
Maine Licensed Architect

Enclosures:

C100R- Site Plan (dated 03/14/22)
C101- Site Details (dated 03/14/22)
A200- Exterior Elevations (dated 03/14/22)
Agent memorandum
Authorization memorandum
Financial statement
Maine State Fire Marshal Permit applications
Maine State Fire Marshal Permit responses
Building Height Analysis