

NORTH BERWICK, MAINE 03906
MINUTES OF PLANNING BOARD OCTOBER 10, 2013

Present: Chairman Barry Chase, Shaun DeWolf, Mark Cahoon, Anne Whitten, Jon Morse, Geoffrey Aleva, Lawrence Huntley, CEO

Absent: Rick Reynolds

Also Present: Lee Jay Feldman, Dale Hilton, Lorinda Hilton, Charles Barto, Shirley Barto, Carol Stambaugh, Rick Stambaugh, Julie Fernee, Lynn Manley, Donald Royal, Sonja Royal, Bill McKenney

1. Call to Order:

Chairman Barry Chase opened the Planning Board meeting at 6:37 pm.

Chairman Chase moved Jon Morse up to full voting status.

2. Review of Previous Minutes:

Geoffrey Aleva motioned to accept the minutes of the September 26, 2013 meeting.
Mark Cahoon seconded the motion.

VOTE: 3-0

3. Current Business:

Chairman Chase stated that the representative from Hannaford Supermarkets was here to review the plan. Bill McKenney stated that he would go over the updated plans for everyone to see and explain where the changes were done. He said that he could then go over the conditions that were brought forward at the last meeting.

Mr. McKenney stated that they are proposing a 36,000 square foot supermarket near the intersection of Elm Street and Somersworth Road. The store will initially be located where the field is now. They will have parking for the customers primarily in the front of the store and parking for employees on either side of the store. Their service area will be in the rear of the building where the deliveries will be made. There will be a driveway entrance from Route 4 and one from Route 9. Mr. McKenney showed the updated design of the building. He stated that they have signs on the front of the store. They initially had a sign on the building facing Somersworth Road but they have removed that one. There are also two free standing signs at each of the entrances. He also stated that water will come in off of Somersworth Road and the sewer will extend out to Somersworth Road. Their transformer for their electricity is located in the back and power will come in off of Somersworth Road. They also have LP gas tanks in the

rear of the building. He stated that all the storm water from the building and parking is detained in the detention pond. Regarding the landscaping, he said they have added an additional 20 trees to the rear of the building for buffering and an additional 20 trees in the front of the building. They have also added the sidewalk to the plans.

Mr. McKenney said that he had given 11x17 copies of the site plans to the Board as well as a letter dated October 8, 2013 which lists their responses to each of the conditions that were discussed at the September 12, 2013 meeting.

1. Landscaping to screen those properties across the store along Route 9/Route 4 specifically the Gray, Culver and Royal properties.

Their response: The applicant discussed this draft condition with the Planning Board on September 12th and agreed to add additional trees to the buffer. The Landscaping Plan has been updated accordingly.

Mr. McKenney stated that they have added additional trees in the rear and front. Since there were quite a few comments regarding the use of White Pines, they have decided to add a mix of trees to the buffers.

2. Landscaping to screen those properties across from the access road along Route 4.

Their response: The applicant discussed this draft condition with the Planning Board on September 12th and agreed to contact the owner of the property directly across the street from the proposed driveway on Route 4. Subsequent to the Planning board meeting, the applicant contacted the property owner and no objections or concerns regarding the proposed driveway were noted by the property owner.

Mr. McKenney stated that he did contact the property owner directly across the street and did not have any concerns regarding possible lights flashing into their home.

3. Performance Guarantee for the landscaping to address the replacement needs (if needed) to any of the buffer for a period of 1 year after the planting of the buffer.

Their response: The applicant discussed this draft condition with the Planning Board on September 12th and it was agreed that a bond or letter of credit for the landscape plantings was not necessary. The landscape plantings represent an integral part of the conditional use permit and as such the applicant is required to maintain in order to be in compliance with the Town's approval. As discussed with the Planning Board, the following note has been added to the Site Layout and Utility Plan (Refer to Special Note 5 on Sheet C-2.0) as well as the Landscape Plan (Refer to Special Note 1 on Sheet C-4.0): "The Landscape Plan is an integral part of the Conditional Use Permit and will be maintained by the applicant in accordance with the approved plan."

Comment:

Underwood Engineering has reviewed all of the engineering changes that the applicant has addressed based on the previous engineering comments. All engineering issues have been

satisfied with the exception of further discussion being needed on comments 4, 11 and 13 as follows:

Comment 4 – Snow Storage: UE takes no exception to the Applications description for snow storage removal. The Planning Board should consider the merits of requiring the snow storage areas to be delineated on the Site Plan for potential enforcement purposes. No further comment. Their response: The applicant discussed this comment with the Planning Board on September 12th, and the site plan has been revised to include a note summarizing the applicant’s approach for onsite snow storage (Refer to Special Note 1, on Sheet C-2.0). The note states: “Snow storage will be accommodated around the perimeter of the paved areas. Landscaping has been setback to accommodate storage of snow as needed. Snow storage shall be prohibited from low lying wetland areas and from within the stormwater basins.”

Comment 11 – Retaining Wall: The Planning Board should consider submission of a shop drawing for the retaining wall design approved by the Engineer of Record as a condition of approval. No further comment.

Their response: The applicant discussed this comment with the Planning Board on September 12th and a note has been added to the plans stating that structural detailing for the retaining wall at the supermarket loading dock will be provided with the construction plans for the building permit application for the supermarket (Refer to Special Note 2 on Sheet C-20). The note states: “Structural plans for the retaining walls within the supermarket service area shall be submitted to the town as part of the building permit application.”

Comment 13 – Wet Pond: UE defers to the Planning Board on fence requirements for the Wet Pond.

Their response: The applicant discussed this comment with the Planning Board on September 12th. The applicant had previously added a “safety bench” along the perimeter of the retention pond, as previously requested by the Planning Board, and no fence or further changes to the plan were required.

Recommendation Conditions of Approval

Condition 1: The water line on Route 9 from the intersection of Route 4 be upgraded to accommodate a 12” line as recommended by, water district and fire department.

Their response: The applicant discussed this draft condition with the Planning Board on September 12th and it was agreed that the applicant would address this matter with the water district. The applicant met with the water district on October 1st, and it was agreed that the applicant would update the plans to include a 12” water main extending from Route 4 to the 8” water service lateral into the project site. See Sheet C-2.1.

Condition 2: The landscaping buffer be increased along the Easterly property line which abuts the homes on Route 4, that includes placing a berm in the area of the proposed tree buffer as shown on the plans along with the addition of a cluster of 4-5 more trees in the vicinity of the

Royal and Boston properties as noted on the plans. The applicant shall also revise the landscaping plan to add additional trees White Pine trees at the Elm Street Route 4 entrance without jeopardizing the site distances at the intersection. The applicants add an additional 100 feet of buffer to the south on the west side of the site in order to further screen the propane tanks from the abutters.

Their response: The applicant discussed this draft condition with the Planning Board on September 12th and it was agreed that the applicant will install additional landscape buffer trees along the easterly property boundaries abutting the Gray, Culver, and Royal properties. Additional landscaping is also being added near the Route 4 entrance along the LaRose property. It was agreed that the applicant is not installing a berm nor is the applicant proposing to provide any lengthening of the buffer near the lp tanks. The additional buffering as noted above is included on Sheet C-4.0.

Condition 3: The lights in the parking areas must be shut off 1 hour after the time of closing the store in retail sales.

Their response: The applicant discussed this draft condition with the Planning Board on September 12th and it was agreed that lights will be shut off 1 hour after store operating hours, with the applicant reserving the right to extend the use of lights if determined necessary to provide adequate security for the site. The following note has been added to the Site Layout & Utility Plan (Refer to Special Note 3 on Sheet C-2.0): “The exterior lights within the parking lot will be shut off one-hour after closing of the supermarket, except as needed for security.”

The security lights that are mounted on the exterior walls of the store will remain on all night for security.

Condition 4: All lights throughout the site be LED.

Their response: The applicant discussed this draft condition with the Planning Board on September 12th and it was agreed that LED light fixtures are not required for this project.

Condition 5: All delivery trucks leave the site by exiting onto Somersworth Road Route 9.

Their response: As was discussed at a prior Planning Board meeting, the applicant is agreeable to this condition for our Hannaford tractor trailers and has added direction signage as well as the following note to the Site Layout & Utility Plan (Refer to Special Note 4 on Sheet C-2.0): “All tractor trailer delivery trucks shall enter and exit the site via Somersworth Road.”

Condition 6: The applicant provide the town with a copy of the Maine Department of Environmental Protection Stormwater 500 Permit, Wetland Alterations permit and the Maine Department of Transportation Traffic Movement Permit prior to any local permits being granted for construction on the site.

Their response: The applicant discussed this draft condition with the Planning Board on September 12th and it was agreed that copies of all state and federal site development permits will be provided to the Town when the applicant submits plans for a Building permit and no Building Permit will be issued until the above noted permits are provided to the code

enforcement officer (Refer to Special Note 7 on Sheet C-2.0). The note states: “A copy of all State and Federal site development permits issued for this project will be provided to the town prior to issuance of a building permit.”

Condition 7: The applicant construct a sidewalk from the intersection of Route 4 & 9 to the site. As part of this work all required infrastructure updates also be put in place to upgrade the intersection itself including but not limited to handicapped tip downs and all pedestrian lighting for the intersection.

Their response: The applicant discussed this with the Planning Board on September 12th and it was agreed that the public sidewalk between the project site and the intersection of Routes 4 & 9 will be included on the plans (Refer to Sheet C-2.1).

Condition 8: The applicant install a 12” water main or one of acceptable size to the water superintendent from the intersection of Somersworth Road (Route 9) and Elm Street (Route 4) along Somersworth Road (Route 9) to a point beyond the front of the Store to loop back to Elm Street (Route 4).

Their response: As outlined above in response to Draft Condition #1, the applicant has included the upgrade to the existing water supply system along Somersworth Road on the plans. See Sheet C-2.1. As agreed during the September 12th Planning Board meeting, a looped water main system through the site to connect back into the water system in Elm Street is not included.

Condition 9: A 4” Storz fitting be placed on the left front corner of the building for the sprinkler hookup.

Their response: As requested, a 4” Storz connection has been added to the left front corner of the building and is shown on Sheet C-2.0 of the plan set.

Condition 10: The fire alarm panel be placed in the sprinkler room so that in case of an activation.

Their response: As noted at the Planning Board meeting, the fire alarm panel will be installed within the supermarket entrance vestibule with a redundant enunciator panel in the sprinkler room. The enunciator panel will match the fire alarm panel (Refer to Special Note 8 on Sheet C-2.0). The note states: “The fire alarm panel will be installed within the supermarket entrance vestibule with a redundant enunciator panel in the sprinkler room.”

Condition 11: A Knox Box key system be mounted on the building for access by Fire Department personnel.

Their response: As agreed at the September 12th Planning Board meeting, A Knox Box key system will be mounted on the building (Refer to Special Note 9 on Sheet C-2.0). The note states: “A Knox Box key system will be mounted on the building.”

Condition 12: An interior ladder access to the roof in the vicinity or in the sprinkler room for access to roof mounted accessories (i.e. compressors). The ladder should be a vertical ladder at an angle of not less than 70 degrees vertical.

Their response: As noted at the September 12th Planning Board meeting, access to the roof will be provided at the mechanical center via stair and ladder.

Condition 13: The applicant revise Note 1 pertaining to groundwater elevation which conflicts with the information summarized in the Test Pit schedule below the notes.

Their response: The comment was previously addressed on August 21st as part of the response to Underwood Engineering comments. At this point, Note 1 has been revised and Underwood Engineering has signed-off on the plan revisions; therefore, this condition is no longer necessary.

Condition 14: The trash compactor at the rear of the building have a roof and wall enclosure built over it to screen the actual mechanicals from being seen.

Their response: The applicant discussed this draft condition with the Planning Board on September 12th and it was agreed that a roof and wall enclosure was not required; however, a 4' high vinyl fence along the top of the retaining wall surrounding the compactor unit to screen the unit is required, and has been added to the plans (Refer to Sheet C-2.0).

Condition 15: A wall be installed to screen the loading dock area.

Their response: The applicant discussed this draft condition with the Planning Board on September 12th and it was agreed that a wall is not required.

Condition 16: A false mansard roof be placed around the entire building to hide all roof top mechanicals from being seen.

Their response: The applicant discussed this draft condition with the Planning Board on September 12th and it was agreed that a mansard roof was not required and that the proposed building architecture was acceptable as previously revised.

Condition 17: The applicant provide a bond or letter of credit to the town equal to the amount of the landscaping proposed around the perimeter of the site which will be released 1 year from the date of the plantings.

Their response: The applicant discussed this draft condition with the Planning Board on September 12th and it was agreed that a bond or letter of credit for the landscape plantings was not necessary. The landscape plantings represent an integral part of the conditional use permit and as such the applicant is required to maintain in order to be in compliance with the Town's approval. As discussed with the Planning Board, the following note has been added to the Site Layout & Utility Plan (Refer to Special Note 5 on Sheet C-2.0) as well as the Landscape Plan (Refer to Special Note 1 on Sheet C-4.0). The note states: "The Landscape Plan is an integral part of the Conditional Use Permit and will be maintained by the applicant in accordance with the approved plan."

Condition 18: All of the plans be revised to reflect all of the conditions of approval prior to the Planning Board signing the mylar set.

Their response: The applicant is in agreement and has incorporated all changes to the plan set as discussed in this response letter, as well as the previous response letters to the Town review staff.

Condition 19: Plan approval is conditioned upon compliance by the applicant with the plans and specifications that have been received by the Planning Board in conjunction with the development proposal as well as any oral statements made by the applicant in the course of the deliberations.

Their response: The applicant discussed this draft condition with the Planning Board on September 12th and it was agreed that this condition was unnecessary and would be deleted.

Mr. McKenney deferred back to the Board for further discussion.

Anne Whitten asked about the delivery trucks. She asked if the smaller delivery trucks would also be using the Route 9 entrance. Jon Morse stated that they had mentioned before that it would be hard for them to monitor those trucks because they are not Hannaford employees and they have different drivers all the time. The tractor trailer trucks are Hannaford employees and they can be told to enter and exit from that entrance only. Mr. McKenney also stated that they have added signs stating Delivery Trucks Exit.

Anne Whitten also inquired about the no left turn on Route 4. Lee Jay stated that the Board was done with this issue, but DOT still needs to review.

Lee Jay Feldman read through the Findings of Fact.

Pursuant to the Town of North Berwick Zoning Ordinance, the Planning Board has reviewed the conditional use permit application submitted by Hannaford Bros. Co., including supplemental information of file with the Town of North Berwick. The Planning Board was assisted in its review of the project by the Southern Maine Regional Planning Commission. The project was also the subject of a peer review by the Town's engineering consultant, Underwood Engineering. The Planning Board makes the following findings of fact and conclusions of law for this application:

BACKGROUND

Hannaford filed a conditional use application on June 13, 2013, for a supermarket and pharmacy. The project includes a 36,000 square foot Hannaford Supermarket & Pharmacy, vehicular parking and access drives, service and loading areas, a Clynk drop location for recyclable cans and bottles, and other associated improvements. The site will be served by public water and sewer and have access to and from both Somersworth Road (Route 9) and Elm Street (Route 4).

The project site is located in the Commercial II and Village C Overlay zoning districts. The site consists of three parcels that Hannaford has under agreement to purchase, which are identified on the Tax Assessor's maps as Map 17, Lot 6; Map 17, Lot 7; and Map 16, Lot 5. By combining these parcels, the site is approximately 12.4 acres, and is located on the southerly side of Somersworth Road, to the west of Elm Street and to the east of Old County Road.

The Planning Board determined that the application was complete on June 27, 2013, conducted a site walk on July 9, 2013, and, after providing notice in accordance with Article 6 of the Zoning Ordinance, held a public hearing on July 25, 2013, which was continued to September 12, 2013. The Planning Board also reviewed the project at public meetings on June 27, 2013, July 11, 2013, and October 10, 2013.

FINDINGS AND CONCLUSIONS

I. Background

The Planning Board finds that the project is categorized as a “commercial facility having more than 2,500 square feet per story,” and therefore that it is permitted with conditional use approval per the land use table in Section 4.2 of the Zoning Ordinance. The Ordinance does not separately define “commercial facility having more than 2,500 square feet per story,” but it does in Section 3.2 define a commercial use as: “the use of lands, buildings, or structures, other than a ‘home occupation,’ the intent and result of which activity is the production of income from the buying and selling of goods and/or services, exclusive of rental of residential buildings and/or dwelling units.” The proposed project here is commercial in nature because it is a facility that involves the use of lands, buildings, and structures the intent and result of which is the production of income for the sale of various goods, including groceries. Therefore, it is best categorized as a “commercial facility having more than 2,500 square feet per story.”

The Planning Board has carefully considered the argument made by some members of the public that the project should instead be classified as a “shopping center.” A “shopping center” is defined in Section 3.2 as “any concentration of retail stores or service establishments under one ownership or management containing 15,000 square feet or more of gross floor space and at least 65 parking spaces.” The Hannaford project is not, however, a concentration of retail stores or service establishments. Rather, it is one store, which includes a grocery, a pharmacy, and a drop site for recycling, all of which are common features at supermarkets today, and do not turn this project into one involving more than a single store or service establishment.

Hannaford has adequate title, right, or interest in each of these parcels by virtue of valid purchase and sale agreements with the parcels’ owners.

The project meets the dimensional standards set forth in Table 4.3.

II. Conditional Use Review

A project that is classified as a “commercial facility having more than 2,500 square feet per story” is allowed in the Commercial II district only with conditional use approval from the Planning Board. Conditional use approval requires that the Planning Board review three separate sections of the Zoning Ordinance: (1) applicable performance standards under Article 5; (2) multiple immediate and long-range effects of the project under Section 6.9.6.a; and (3) multiple additional standards under Section 6.9.6.b.

A. Performance Standards

As an initial matter, the project must demonstrate compliance with Section 5.1, which sets out the basic requirements that apply to all projects. Specifically, the Planning Board finds the following:

1. Traffic.

The project provides for safe access to and from Somersworth Road and Elm Street. The design of the access driveway intersections will be reviewed by the Maine Department of Transportation (“MDOT”) as part of its consideration of the Traffic Movement permit required for this project. The project has an adequate number of access points, and they are appropriately located, including with the respect to sight distances, intersections, schools, and other traffic generators, and the curb cuts are limited to the minimum width needed. The proposed development will not have an unreasonable negative impact on the Town’s road system, and will provide safe interior circulation within the site. Accordingly, the applicant has met Section 5.1.1 of the Ordinance.

2. Noise.

The project will not generate excessive or objectionable noise, including with respect to issues of intermittence, beat frequency, shrillness, or volume. The project is located on Somersworth Road, where regular car and truck traffic already dominate the acoustic environment. The minor operational noise that the project generates will be limited to mechanical equipment and vehicles. This noise will be attenuated by acoustic controls, including sound attenuating A/C cabinets and the proper placement of mechanical units on the roof. In addition, noise from the project will be reviewed by the Maine Department of Environmental Protection (“MDEP”) as part of its consideration of the Site Location of Development Act permit required for this project. Accordingly, the applicant has met Section 5.1.2 of the Ordinance.

3. Air Emissions.

The project will not adversely affect air quality. Air emissions will be within typical parameters for a supermarket of this size. Heating for the building will be provided by highly efficient heat reclaim system and supplemented by liquid propane, which is generally considered clean-burning. During construction, dust must be controlled per the Erosion & Sedimentation Control Plan. The project does not trigger a need for an air emissions license from the MDEP. The project will not cause emissions of dust, dirt, fly ash, fumes, vapors, or gases that could damage human health, animals, vegetation, or property, or that could soil or stain persons or property at any point beyond the property boundaries. In addition, the project will not emit dust, ash, smoke, or other particulate matter that can cause damage to human or animal health, vegetation, or property by reason of concentration or toxicity, that can cause soiling beyond the

property boundaries, or that will be composed of solid or liquid particles in concentrations exceeding 0.3 grains per cubic foot of the conveying gas or air at the point of emission. Accordingly, the applicant has met Section 5.1.3 of the Ordinance.

4. Odor.

Refuse for the project will be disposed of in a sealed compactor unit and no open dumpsters are proposed as part of the project. The project will not produce offensive or harmful odors perceptible beyond lot lines. Accordingly, the applicant has met Section 5.1.4 of the Ordinance.

5. Glare.

The applicant provided a photometric plan and catalog cut sheets for the proposed light fixtures. Lighting for the project will be provided by pole mounted fixtures in the parking lot and wall mounted fixtures on the north, west, and south faces of the building. The lighting layout was designed to provide safe, efficient lighting for customers and employees, while preventing unwanted light spill across property boundaries. Lighting at these locations will comply with the provisions of the MDOT Traffic Movement Permit. Thus, the project will not cause a strong, dazzling light or reflection of that light beyond its lot lines onto adjacent properties, or onto any town way so as to impair the vision of any driver. Accordingly, the applicant has met Section 5.1.5 of the Ordinance.

6. Stormwater Run-Off.

The applicant provided a detailed stormwater management report. The project includes provisions for the treatment of stormwater and the control of peak rates of runoff from the site. The design employs a wet retention pond and grass soil filter basin. Post-development run off patterns will remain similar to pre-development patterns, and peak flow rates will not exceed pre-development levels at the project boundaries. Underwood Engineers on behalf of the town reviewed the Storm Water Management plan and had no problems with the design after minor adjustments were made to the initial design upon Underwood's request. The stormwater management system will be reviewed by MDEP as part of its consideration of the Site Location of Development Act permit required for this project. Accordingly, the applicant has met Section 5.1.6 of the Ordinance.

7. Erosion Control.

The applicant submitted an erosion and sedimentation control plan for this site that was developed to comply with the Maine Erosion & Sedimentation Control BMP's Handbook. The plan employs both temporary and permanent erosion and sedimentation control measures that will provide adequate controls during construction and operation of the site and will minimize the erosion of soil and sedimentation of watercourses. Long term, the site is designed to remain stable through establishment of permanent vegetation or riprap in those areas that are susceptible

to erosion, such as pipe inlets and outlets. Accordingly, the applicant has met Section 5.1.7 of the Ordinance.

8. Setbacks and Screening.

The applicant provided a detailed landscaping plan. The landscaping for the site will visually screen the project from abutting residential uses and minimize the impacts of the project on those properties. Existing trees along the eastern property boundary include a mature mix of deciduous and evergreen species that will be preserved to provide a visual screen between the project and the residential properties on Elm Street. Additional deciduous and evergreen trees will be planted between the parking lot and the eastern boundary to supplement the existing, natural vegetation. On the northern boundary of the property, along Somersworth Road, deciduous shade trees will be planted between the road and the parking lot, spaced 50 feet on center, with deciduous shrubs filling in between them. On the western boundary abutting Old County Road, a double row of mixed evergreen trees will be planted, 20 feet on center, with one row offset by 10 feet from the other. The vegetation on the southern end of the property, which is densely wooded, will be preserved. The project meets all applicable setbacks and there are no particular safety hazards to children that will be present. Also, the applicant will install a four-foot high tan vinyl fence along the top of the retaining wall on the western side of the building to help screen the trash compactor unit. Accordingly, the applicant has met Section 5.1.8 of the Ordinance.

9. Explosive Materials.

The project includes installation of five 1,000 gallon above-ground liquid propane tanks to serve the building. The tanks will be located within a fenced enclosure more than 100 feet from the nearest property boundary. Accordingly, the applicant has met Section 5.1.9 of the Ordinance.

10. Water Quality.

The project complies with the performance standard for stormwater, will be connected to public sewer, and does not otherwise involve the storage or use of solid, gaseous, or liquid materials, such as fuel, chemicals, industrial wastes, or biodegradable raw materials, that could run-off, seep, percolate, or wash into surface or ground water. Accordingly, the applicant has met Section 5.1.10 of the Ordinance.

11. Flood Protection.

Because the project is not in an area subject to periodic flooding, including the 100-year flood, this standard is not applicable. In addition, the rate of stormwater discharge will remain at or below current levels, and therefore this project does not increase the risk of flooding of downstream properties.

12. Soil Suitability.

The applicant submitted a Class B high intensity soil survey of the site. The survey shows that on-site soils generally consist of sandy outwash over marine clays. The applicant has also hired geotechnical experts to design the foundations and pavement sections to account appropriately for the soil conditions. The soils are suitable for the project. Accordingly, the applicant has met Section 5.1.12 of the Ordinance.

13. Off-Street Parking and Loading.

As discussed in more detail below, the applicant has met Section 5.1.3 of the Ordinance. More particularly:

1. General

The off-street parking and loading facilities will provide 173 off-street parking spaces, primarily located on the east side of the building, with service and loading areas located on the west side of the building.

2. Parking Lot Design Criteria (Non-Residential)

The site will be accessed by driveways from Somersworth Road and Elm Street. These will be clearly identified. The driveways were designed by Gorrill-Palmer traffic engineers and will be reviewed by MDOT as part of the Traffic Movement Permit.

Access drives throughout the site allow for continuous, uninterrupted two-way circulation. Although both site entrances were designed to accommodate truck traffic, the applicant has agreed that its own fleet of tractor trailer trucks will use the driveway on Somersworth Road to lessen impacts to residences on Elm Street. Customers will primarily park in the lot on the eastern side of the building, while the service traffic will primarily use the areas on the western side of the building.

The parking lot is screened, per the buffering standards, as discussed above. The lot will be planted with 10 trees of 3 inch caliper (one for every 17 spaces) and 10 flowering trees of 2 inch caliper. The landscaped islands also help to define vehicular ways and improve aesthetics.

3. Parking Stall and Aisle Layout

Parking spaces, which will be delineated by painted stripes, are 9 feet by 18.5 feet, and travel lanes and parking aisles are at least 26 feet wide.

4. Minimum Required Off-Street Parking

The parking lot provides 173 spaces. This exceeds the standards in the Zoning Ordinance as follows:

Rate	Number	Number of Spaces
1 space/300 sf work area, Excluding bulk storage areas	27,047	91
1 space/employee based on avg. employee occupancy	27	27
Total Required:	-	118

14. Subsurface Sewage Disposal.

Because the project will be served by public sewer, this standard is not applicable.

15. Other On-Site Disposal Systems.

Because the project will be served by public sewer, this standard is not applicable.

16. Private Walls.

Because the project does not include any private wells, this standard is not applicable.

In addition to the basic performance standards in Section 5.1, the project must also meet any applicable standards in Section 5.2 for specific activities. The Planning Board finds the following:

1. Medical Marijuana.

This standard is not applicable.

2. Earth Material Removal.

Because all earth material removal activities will be incidental to normal construction activity, this standard is not applicable.

3. Home Occupation.

This standard is not applicable.

4. Mobile Home Parks.

This standard is not applicable.

5. Planned Unit Development.

This standard is not applicable.

6. Signs and Billboards.

Because there are three separate commercial uses of the site – the supermarket, the pharmacy, and the recycling drop off – the project qualifies under Section 5.2.6.b.4 for a total of 180 square feet of signage. Two of the signs will be freestanding signs on at the driveway entrances to Somersworth Road and Elm Street, respectively, but not closer than fifteen feet from any lot line or travel way. The applicant will also obtain a sign permit. Accordingly, the applicant has met Section 5.2.6 of the Ordinance.

7. Timber Harvesting.

This standard is not applicable.

8. Animal Husbandry.

This standard is not applicable.

9. Residential Uses in Commercial Zones.

This standard is not applicable.

10. Recreational Vehicles.

This standard is not applicable.

11. Agricultural Land and Development Standards

This standard is not applicable.

12. Manufactured Housing.

This standard is not applicable.

13. Aquifer Protection.

Because this project is not in the Aquifer Protection district, this standard is not applicable.

14. Street Design and Construction.

This standard is not applicable.

15. Handicapped Accessibility.

This standard is not applicable.

16. Affordable Housing.

This standard is not applicable.

17. Shoreland District Standards.

Because the project is not in the Shoreland district, this standard is not applicable.

18. Adult Businesses.

This standard is not applicable.

19. Emergency Public Health and Safety Facilities.

This standard is not applicable.

B. Immediate and Long-Range Effects

In considering this application, the Planning Board evaluated the immediate- and long-term effects of the project, per Section 6.9.6a of the Zoning Ordinance, as follows:

1. The proposed project is and will continue to be compatible with adjacent land uses and other property in the district. The property was recently rezoned to allow for greater commercial development, and it became well known during that process that Hannaford was interested in pursuing a project at this site. In addition, given Hannaford's compliance with the performance standards regarding issues such as traffic, noise, stormwater, setbacks, screening, and buffering, the project has been designed to be compatible with existing residential uses in the area.

2. As noted above, this site was rezoned recently to allow for more commercial development, and it became well known during that process that Hannaford was interested in pursuing a project at this site. The Town does not currently have a supermarket, and therefore there is a need for this project, both now and in the future. Further, the central location of the project is convenient for residents who choose to shop there.

3. There will be few, if any, negative impacts on the local population and community facilities. As noted above, the applicant has made substantial efforts to fit the project harmoniously into the neighborhood. In addition, this project fills a need in the community for a supermarket.

4. As discussed in detail above, the project meets the traffic requirements, and there will otherwise be little to no impact on transportation facilities. The project includes construction of a pedestrian sidewalk from the site to the intersection of Somersworth Road and Elm Street, including handicap access ramps.

5. By meeting the performance standards regarding issues such as air emissions, odor, glare, stormwater, erosion, water quality, and sewage disposal, as described in detail above, the project will maintain safe and healthful facilities.

6. The project site is gently sloping to flat, and thus requires limited grading work and will not create topographic conditions that pose a concern. As discussed above, the project also meets the performance standards regarding stormwater and erosion, and thus drainage does not pose a problem. A great deal of vegetation will be allowed to remain, particularly along the eastern and southern boundaries of the parcel, to provide buffering. In addition, the project will include extensive landscaping.

7. As discussed in greater detail above, the project meets performance standards for managing stormwater and erosion, and will be connected to public sewer. Therefore, Hannaford has adequately addressed the prevention and control of water pollution and sedimentation.

8. The project is not located in a flood plain or in the floodway of a river or stream.

C. Conditional Use Standards

In addition, the Planning Board finds that Hannaford has made satisfactory provisions and arrangements concerning the following, per Section 6.9.6.b of the Zoning Ordinance:

1. Ingress and egress to the property and the proposed structures, with particular reference to vehicular and pedestrian safety and convenience, traffic flow, and control, and access in case of fire or other catastrophe, will be safe, convenient, and adequate for the anticipated type and quantity of traffic, particularly given compliance with the traffic and parking performance standards, which are addressed in detail above.

2. The parking and loading areas, with particular attention to the items addressed immediately above in (1), and the economic, noise, glare, and odor effects of the use on adjoining properties generally in the district, will be reasonable given that the district is now zoned for commercial use and the project will meet the performance standards regarding parking, noise, glare, and odor, which are addressed in greater detail above.

3. The refuse and service areas, with particular reference to the items addressed immediately above in (1) and (2), have been adequately designed and will be safe and well buffered from abutters, and will not create unreasonable noise or odors.

4. Utilities – including water, sewer, and electricity – are available, will be adequate to serve the project's needs, and will be located conveniently and appropriately to limit impacts on neighboring properties. Both the North Berwick Water District and the North Berwick Sanitary District have the capacity to serve the project. Electrical service is readily available from Somersworth Road. The applicant will upgrade the existing water supply system along Somersworth Road to meet the fire suppression flow and pressure requirements for the building.

5. As discussed in greater detail above, the screening and buffering will be adequate to limit impacts of the project on neighboring properties, particularly in light of the project's compliance with setbacks and landscaping requirements, as well as the maintenance of natural vegetation.

6. The signs and proposed exterior lighting will not cause unreasonable glare, or pose a threat to traffic safety, and will not have an adverse economic impact or otherwise be incompatible with properties in the district.

7. The project meets the requirements for proposed yards, as discussed above with respect to the requirements for setbacks, and will make adequate provision for open space, much of which will be left in its natural state.

III Conditions of Approval

As authorized by Section 6.9.7, the Planning Board's approval of this application is conditioned upon the following additional requirements:

1. Hannaford shall provide to the Code Enforcement Officer a copy of all the land use permits required for the project prior to issuance of a building permit. This shall include, but is not limited to approvals from the MDEP and MDOT.

2. Prior to issuance of a building permit, the applicant shall obtain a sign permit.

3. Approval is contingent upon the applicant's agreement not to store shipping containers on the site.

4. The applicant will be given 1 year from the issuance of the Certificate of Occupancy to demolish the Wick Home located on the Westerly portion of the property in order to allow ample time for the Wick family to relocate.

5. All curbing associated with the proposed sidewalk along Route 9 be Granite.

IV. Conclusion

The Planning Board hereby finds and concludes that Hannaford has demonstrated compliance with all applicable standards of the Zoning Ordinance and approves the conditional use application in this matter.

Jon Morse asked if all the current sidewalks were granite and Lee Jay stated that they were.

Anne Whitten asked what they would be using for the storage containers since they cannot use shipping containers. Mr. McKenney stated that once the project is approved and with that being one of the conditions, he reports back to Operations and they need to make adjustments accordingly.

Chairman Chase asked Lee Jay about the fact that Rick Reynolds name is on the Findings of Fact for a signature but he is not here tonight and Jon Morse is a full voting member tonight. Lee Jay stated that they can have Jon sign and they would change the name.

Shaun DeWolf asked if there was difference between the plans they were submitting tonight for approval and the construction plans. Mr. McKenney stated that the construction plans would be more detailed. Shaun stated that he noticed that they do not have the detail for the light pole base on these plans. He stated that it would not be necessary for approval but they should put the details for the light pole base on their construction plans.

Geoffrey Aleva motioned to approve the conditional use permit for Hannaford Supermarkets at 33 Somersworth Road (Map 17, Lot 7) based on the plans presented to this Board tonight, October 10, 2013, the October 8, 2013 review letter from DeLuca-Hoffman Associates and the Findings of Facts included in our packet tonight.

Shaun DeWolf seconded the motion.

VOTE: 5-0

4. Other Business:

No other business.

5. Adjournment:

Shaun DeWolf motioned to adjourn the meeting at 7:35 pm.

Mark Cahoon seconded the motion.

VOTE: 5-0

Lawrence Huntley, CEO
Planning Coordinator

Respectively submitted,
Susan Niehoff, Stenographer

Chairman Barry Chase

Shaun DeWolf

Rick Reynolds

Mark Cahoon

Geoffrey Aleva

Jon Morse

Anne Whitten