

PLANNING BOARD MEETING
July 18, 2019
(Postponed from July 15, 2019)

Members Present

SCOTT FIRMIN, VICE CHAIRMAN

JAMES ANDERSON

VINCENT GRASSI

MICHAEL RICHMAN

Members Absent

GEORGE FOX, CHAIRMAN

MOLLY BUTLER-BAILEY

BRIAN PLOWMAN

Staff Present

**THOMAS M. POIRIER, Director of Community
Development**

BARBARA C. SKINNER, Clerk of the Planning Board

Scott Firmin, Vice Chairman, called the meeting to order at 7:00 p.m. The Clerk called the roll, noting that George Fox, Molly Butler-Bailey and Brian Plowman were absent.

APPROVAL OF THE JUNE 3, 2019 MEETING MINUTES

James Anderson MOVED and Michael Richman SECONDED a motion to approve the June 3, 2019 Planning Board meeting minutes as written and distributed. Motion CARRIED, 4 ayes (George Fox, Molly Butler-Bailey and Scott Plowman absent). [7:06 p.m.]

COMMITTEE REPORTS

- A. Ordinance Review Committee** – Mr. Grassi reported that the Ordinance Committee has not met since the last Board meeting.
 - B. Comprehensive Plan Implementation Review Committee** – Mr. Firmin noted that this committee has not met since the Board's last meeting.
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CHAIRMAN'S REPORT

Mr. Firmin reported that there is no Chairman's report this evening.

ADMINISTRATIVE REVIEW REPORT

Mr. Poirier said there are no new administrative review projects.

- ITEM 1 Public Hearing – Contract Zone Amendment – Avesta** – proposed amendment to remove the reference to development on the undeveloped portion of Unit 3 to allow for development of multifamily housing on any portion of Unit 3. Zoned CZ-UR, Map 101, Lots 18 and 19.

Mr. Poirier explained that because the site plan is on the Board's agenda as Item 5, it may be better for the Board to hear the site plan first and then the contract zone in the event some changes need to be made to it. He recommended that a motion be made to take this item out of order and hear it after Item 5.

James Anderson MOVED and Michael Richman SECONDED a motion to take Item 1 out of order and place it after Item 5 on the agenda. Motion CARRIED, 4 ayes (George Fox, Molly Butler-Bailey and Scott Plowman absent). [7:10 p.m.]

ITEM 2 Public Hearing – Land Use and Development Code Amendment - Urban Farm Animals – amendment to allow one farm animal under 50 pounds to be kept on a lot area of under 40,000 square feet.

Mr. Poirier reminded the Board that the Town Council forwarded changes regarding the standards for urban farm animals, to allow the keeping of a mini-pig under a certain size in the Urban Residential zoning district. The item was last reviewed by the Board's Ordinance Subcommittee, which recommended simplifying the language by adding exemption language regarding mini-pigs to the proposed ordinance. The Town Attorney has approved the proposed new language.

PUBLIC COMMENT PERIOD OPENED None offered
PUBLIC COMMENT PERIOD ENDED

James Anderson MOVED and Michael Richman SECONDED a motion to recommend adoption by the Town Council of the proposed amendment to the Land Use and Development Code, with Planning Board changes. Motion CARRIED, 4 ayes (George Fox, Molly Butler-Bailey and Scott Plowman absent). [7:15 p.m.]

ITEM 3 Public Hearing – Land Use and Development Code Amendment – Adult-Use Marijuana – amendment to regulate the growing of personal adult use marijuana.

Mr. Poirier advised the Board that the growing of adult use marijuana is legal in Maine. However, under state law the Town can regulate some things about personal growing and there are other things that the Town cannot regulate. The proposed ordinance language has been reviewed by the Town Attorney to ensure that state law is being met. The Board's Ordinance Subcommittee reviewed the proposed language and suggested changes to the language before the Board: proposed a 50' setback from the property line, discussed a land owner's right to restrict growing of marijuana on his property, and added a standard regarding odor.

Mr. Richman said he is comfortable with the proposed changes suggested by the Board's Ordinance Subcommittee.

PUBLIC COMMENT PERIOD OPENED: None offered
PUBLIC COMMENT PERIOD ENDED

Vincent Grassi MOVED and Michael Richman SECONDED a motion to recommend adoption of the proposed amendment to the Land Use and Development Code by the Town Council, with Planning Board changes. Motion CARRIED, 4 ayes (George Fox, Molly Butler-Bailey and Scott Plowman absent). [7:15 p.m.]

ITEM 4 Public Hearing – Site Plan Amendment – Southern Maine Firewood – James Dyer –
request for approval to construct a 32 x 50 foot two story storage, maintenance and office building at 16 Mitchell Hill Road, zoned Suburban Residential, Map 3, Lot 4.

Mr. Poirier reminded the Board that the applicant was before it on April 1, 2019 as a pre-application discussion to outline the proposal and determine if there were any concerns from any abutters. No abutters appeared at the pre-application. Mr. Poirier said that because the proposed building will be on a giant gravel pad, staff did not send the application out for stormwater review by the engineering peer review. However, if the Board wishes that to be done, the application will be forwarded for peer review.

Shawn Frank, Sebago Technics, appeared on behalf of the applicant and spoke about the original approval granted some 30 years ago. He described the process done on site and said the point of this building will be to provide an indoor facility to do equipment maintenance, and to provide an on-site office, restrooms and a breakroom. There is only underground electric service, so this will be the installation of a septic system and a well to service the facilities. Mr. Frank said the only lighting will be building mounted and will be full cutoff above the doors.

Mr. Frank confirmed with Mr. Anderson that the well and septic will be for this new building only, the other two buildings are not going to be renovated. Mr. Richman noted that on page 1 on the site plan calls the building an “office building” on the survey but it should probably match the full description of “storage, maintenance and office building.” Mr. Frank said that will be corrected. Mr. Richman noted that there should be a three foot landing at the bottom of the stairs.

Mr. Frank addressed the comments in the staff notes as follows: there is a gate across Firewood Lane and it will be shown; the only utilities there are electrical; site distance at the intersection will be added to this plan; the scale bar will be added; lighting has been discussed; there are no existing water lines or septic systems; there is a dumpster on site which will be shown on the plan; a sheet index will be added; and there will be no concrete aprons.

Mr. Poirier said those are plan clean up items and do not relate to performance standards. He also noted that a letter of financial capacity has been received.

PUBLIC COMMENT PERIOD OPENED: None offered
PUBLIC COMMENT PERIOD ENDED

James Anderson MOVED and Vincent Grassi SECONDED a motion to grant James Dyer’s request for site plan amendment approval for a 1,600 square foot building and septic system, located on Map 3, Lot 4.001, in the Suburban Residential zoning district, based on Findings of Fact

and Conditions of Approval as written by the Town Planner and proposed changes being made by the applicant as discussed with the Planning Board. Motion CARRIED, 4 ayes (George Fox, Molly Butler-Bailey, and Scott Plowman absent). [7:30 p.m.]

ITEM 5 Subdivision/Site Plan Amendment – Avesta Housing Development Corp. – a request for approval to construct a 4-story, 22,520 square foot building to include 22 one-bedroom and 5 two-bedroom apartment units, located in the footprint of Planning 3, which will be demolished. Zoned CZ-UR, Map 101, Lot 18 and 19.

Mr. Poirier said that staff has some comments regarding setbacks and how that relates to the two lots that this proposed building will cross, and setbacks will not be met as currently required in the zone. He said that either the lots can be merged together so it is one large lot and the zoning setbacks go away, or the contract zone can be tweaked to address those standards not being met. Mr. Poirier said that the Board asked for elevations as to what the building will look like from School Street, and it may want to have a site walk.

Nate Howes, Avesta Housing, introduced Sashie Misner from Gawron Turgeon Architects and Dan Diffin of Sevee & Maher Engineers. Mr. Howes described the proposed building as a 4-story, elevator building, 27 units, set behind the existing Ridgewood 1. He provided the Board with power point-like presentation showing street renderings of the proposed building, the vacant office space that will be demolished, existing housing on site, and additional 20 parking spaces, bringing the total parking on site to 67 spaces for 71 units. The contract zone only requires .7 spaces per unit, so the proposed total parking spaces will exceed that requirement and be around 9.5 spaces per unit. Details of the walkway were also shown, as well as a landscaping plan and grading elevations and floor plans.

Mr. Anderson and Mr. Howes discussed the two parking spaces at the end of the lot; Mr. Howes said they will be probably be used by staff and for snow pushback in the winter as well. Ms. Misner said that the plans have been changed based on the fire department request for an ambulance only parking space in the lot by widening the access aisle from 5 feet to 8 feet, which would allow backing into that area.

Mr. Anderson asked if landscaping can be added to the right side entrance drive. Mr. Howes said it can be done, as there are a couple of trees they are looking to relocate from in front of the office. Mr. Anderson and Mr. Howes discussed the height of the retaining wall at the rear of the building; Mr. Howes said they will make the appropriate modification on the plan.

Mr. Richman confirmed with Mr. Poirier that the Board is being asked to either acknowledge or approve this by modifying the contract zone or modifying the setbacks, and would such a modification impact the intent of the original contract zone. Mr. Poirier said he believes that the concern of the Board about the setbacks would be inconsistency with the Comprehensive Plan. Mr. Howes said that there are existing documents which limit how many of the existing parking spaces can be allocated to the new building, so they are trying to maximize that by adding 20 spaces.

Mr. Firmin confirmed that the Board is satisfied with the proposed number of parking spaces provided.

Mr. Poirier asked if the applicant would prefer to revise the deed to merge the lots together. Mr. Howes said he would rather defer to their attorney's opinion that there is precedent for the lots being combined already. He said he doesn't believe they could make the call to deal with the setback issue at this meeting. Ms. Misner said she spoke with the surveyor who did the plot plan for the condominium, who said that the two lots are owned by one entity, that three different entities own the condominiums and that the lot line was only delineating unit 3.

Mr. Firmin noted that the merger question will need to be reviewed by the Town's Attorney. Mr. Anderson asked about the side setback required under the contract zone. Ms. Misner replied that the building is set back 62 feet from the property line.

Mr. Grassi asked if anything is planned to be on the roof. Mr. Howes replied that there will be solar panels similar to what is on Ridgewood 2. In reply to Mr. Anderson, Mr. Howes said the new building will have heating and ventilation, but air conditioning is outside the budget.

PUBLIC COMMENT PERIOD OPENED: None offered
PUBLIC COMMENT PERIOD ENDED

The Board concurred that a site walk should be scheduled, with the applicant to stake the corners of the building and the edge of the parking lot.

Mr. Poirier confirmed that the applicant will provide a waiver of the Class A high intensity soil survey and will provide a Class B high intensity soil survey.

James Anderson MOVED and Michael Richman SECONDED a motion to postpone further review of Avesta Housing's request for site plan and sub division amendment approval pending responses to remaining issues, finalizing revisions to the plans, and scheduling of a site walk. Motion CARRIED, 4 ayes (George Fox, Molly Butler-Bailey and Brian Plowman absent). [7:55 p.m.]

Mr. Poirier suggested that it would be beneficial for the applicant to wait until after the sitewalk to submit responses to staff's comments.

ITEM 1 Public Hearing – Contract Zone Amendment – Avesta – proposed amendment to remove the reference to development on the undeveloped portion of Unit 3 to allow for development of multifamily housing on any portion of Unit 3. Zoned CZ-UR, Map 101, Lots 18 and 19.

Mr. Poirier said the concern for the contract zone amendment involves the issue of setbacks, which may need to be made to the contract zone. In addition, there may need to be something in the contract zone to incentivize public transportation. The Town Attorney will review the setback issues.

PUBLIC COMMENT PERIOD OPENED: None offered
PUBLIC COMMENT PERIOD ENDED

James Anderson MOVED and Vincent Grassi SECONDED a motion to postpone further review of the item. Motion CARRIED, 4 ayes (George Fox, Molly Butler-Bailey and Scott Plowman absent).
[7:59]

ITEM 6 Public Hearing – Subdivision/Site Plan – Flagship New Portland Road, LLC – a request for approval of two duplex buildings consisting of 4 dwellings at 14 Spiller Road, Lot 5, Douglas Brook Subdivision, zoned Suburban Residential-Manufactured Housing, Map 77, Lot 50

Mr. Richman asked to be recused from the discussion of this item.

James Anderson MOVED and Vincent Grassi SECONDED a motion to allow Mr. Richman to recuse himself. Motion CARRIED, 3 ayes (Michael Richman abstaining; George Fox, Molly Butler-Bailey and Brian Plowman absent).

Mr. Poirier advised the Board that this application is a subdivision amendment to an approved subdivision to convert a single family lot to one with two duplexes on it. The Board will also review the item as an administrative site plan as well as a subdivision amendment. Mr. Poirier said that the original subdivision was approved before changes were made to waiver provisions in the Land Use Code for high intensity soil surveys, and there is now a different waiver provision in place. The applicant can get a waiver from the Class A survey for lot 5 but will need to provide a Class B survey. Mr. Poirier said that the nitrate plume analysis for lot 5 was for a single family home, but now with four units proposed on the lots, the nitrate plume analysis will have to be amended.

Dustin Roma, DM Roma Engineers, appeared on behalf of the applicant Nick Flagg, also present. Mr. Roma described the previously approved subdivision, Douglas Brook, which created 5 residential lots on Spiller Road, and this is lot 5 of that subdivision. He said the applicant is proposing two duplexes, with a shared driveway between lots 4 and 5, and the wetland impact for that driveway has already taken place. Mr. Roma said the required parking spaces are being proposed and there will be two separate leach fields. A hydrologic assessment has been performed for the site, and a copy has been provided to staff. There will be underground power to the buildings. Mr. Roma asked that the Board consider a waiver of the Class B soil survey because the area of the development is confined in a small area.

Mr. Firmin confirmed with Mr. Poirier that with subdivision amendments the Board can waive completely the requirement for soils surveys if there are no new lots being created. In this case, the applicant is requesting a waiver from a Class A survey to no survey at all. Mr. Firmin said that the information supporting such a waiver will be reviewed by the Board in the future, at which time the Board can discuss whether or not to grant it.

Mr. Anderson asked if the driveway width of 16 feet is adequate for the proposed two duplexes as well as the single family house on lot 4. Mr. Poirier said there are no fixed standards regarding driveways, but the Board can recommend that the driveway be at least as wide as a paved private way that services 7 to 10 lots or dwelling units, which is 20 feet wide with 2 foot shoulders. Mr. Anderson recommended that the driveway be widened and asked if some kind of overflow parking spaces can be created. Mr. Roma said that

the parking spaces being provided meet the ordinance requirements and there does not seem to be much opportunity on this site to add more due to the grades and wetlands.

Nick Flagg came to the podium and told the Board that they want to keep the driveway at 16 feet with 2 foot shoulders is to minimize wetland impacts. In reply to Mr. Firmin, Mr. Flagg indicated that there would be plenty of room to move snow to clear the width of the driveway. Mr. Roma indicated that the Fire Chief had no issues with the drive's width.

Mr. Poirier noted that if the Board has concerns with performance standards, they can have the Fire Chief look at the driveway and provide his comments. Mr. Firmin confirmed with Mr. Roma that a soil waiver form needs to be submitted with information about the nitrate plume analysis and soils survey, and that the Board will want to have comments from the Fire Chief.

PUBLIC COMMENT PERIOD OPENED: None offered
PUBLIC COMMENT PERIOD ENDED

Vincent Grassi MOVED and James Anderson SECONDED a motion to postpone further review of Flagship New Portland Road, LLC's request for administrative site plan and subdivision amendment approval pending responses to remaining issues and finalizing revisions to the plan. Motion CARRIED, 3 ayes (Michael Richman recused; George Fox, Molly Butler-Bailey and Brian Plowman absent).

ITEM 7 Public Hearing - First Russian Baptist Church –Site Plan Amendment – a request for approval for a 34x52 (1,664) square foot garage at 211 Mosher Road, Suburban Residential zoning district, Map 49, Lot 10

Mr. Poirier noted that the applicant has provided the additional information requested by the Board at its May 6, 2019 meeting.

David Latham, Casco Bay Engineering, appeared on behalf of the applicant and described the project and said that no impervious addition is being added. The proposed garage will be a free-standing structure, approximately 15.85 feet across from the existing church, no utilities will be added as the building will be used only for storage.

Mr. Anderson confirmed with Mr. Latham that there will no exterior lights on the building.

PUBLIC COMMENT PERIOD OPENED: None offered
PUBLIC COMMENT PERIOD ENDED

James Anderson MOVED and Vincent Grassi SECONDED a motion to grant First Russian Baptist Church's request for site plan amendment approval of a storage/garage building located at 211 Mosher Road on Map 49 Lot 10 in the Suburban Residential and Shoreland Overlay zoning districts with Findings of Fact and Conditions of Approval as written by the Town Planner.

Motion CARRIED, 4 ayes (George Fox, Molly Butler-Bailey and Brian Plowman absent). [8:31 p.m.]

ITEM 8 Preliminary Subdivision Review – Chris Duchaine – Presumpscot Ridge Subdivision - a request for preliminary approval of Presumpscot Ridge Subdivision, a 4-lot cluster subdivision at 207 North Gorham Road, and upgrade to existing private way. Zoned Suburban Residential-Manufactured Housing zoning district, Map 96, Lots 11 and 11.001.

Mr. Poirier reminded the Board that pre-application discussions were held on November 5, 2018 and January 14, 2019, with a site walk on November 28, 2018. He said there is an existing legally nonconforming private way that will be upgraded as part of this proposal to the new standards for private ways.

Mr. Poirier told the Board that since staff prepared the staff notes for tonight's meeting, the entire lot has been clear cut. Enforcement of this action is the purview of the Code Enforcement Officer, but basically, this means that the tree line shown on the plan is no longer appropriate. Therefore the Board will need to determine what the lot looks like at the present time. Mr. Anderson said his concerns about the clear cutting involves the buffer zones being removed, and the impact of clear cutting around the wetlands. Mr. Firmin said he believes that as it sounds as though things have changed, does the Board want to have another site walk to see the things as they are now. Mr. Anderson and Mr. Richman agreed; staff was directed to schedule a site walk.

Chris Duchaine, applicant, came to the podium and while he agreed that the site has been cleared, he doesn't understand why that is a problem and how it changes anything in him moving forward. Mr. Firmin replied that during a site walk the Board tries to understand the site, the impact on that site of any development, whether or not the site can sustain the development, and the Board is concerned about buffers, so as conditions have changed, the Board can decide to do a site walk.

Mr. Poirier that once an application has been submitted, nothing is to be done to the lot. Once plans have been submitted of what is on the site, that is what the Board will review. In reply to Mr. Firmin, Mr. Duchaine admitted that the site had been clear cut after the Board's November site walk.

Austin Fagan, BH2M Engineers, described the project as a 4-lot subdivision on about 7.8 acres, with the lots to be served by septic and private drilled wells and overhead electric service. The existing private way, Presumpscot Ridge Road, was approved in 1994, and it is to be extended to meet the 7-10 lot private way standards.

Mr. Anderson asked about the nitrate plume analysis, noting that the Board will want to see well locations to confirm that they are at least 100 feet away from the septic systems. Mr. Anderson also asked that possible house sites be located on the plans. In reply to Mr. Anderson, Mr. Poirier said that the road location will be shifted somewhat, and the original private way was so small that it will be necessary to build the entire private way to the new standards. The abutter will be served by the private way and will be part of a private way maintenance agreement.

Mr. Anderson asked about the wetlands study having been done in November, that perhaps it is not as accurate a representation as one that was done in May. Mr. Fagan replied it could be different based on

amount of rainfall. Mr. Richman said that that removal of trees affects how water and stormwater on a site acts, and this should be looked at another site walk.

Mr. Poirier said that if the Board is not prepared to grant a waiver for a nitrate plume analysis, the applicant should be so advised. The consensus of the Board is that a nitrate plume analysis is required.

PUBLIC COMMENT PERIOD OPENED: None offered
PUBLIC COMMENT PERIOD ENDED

Staff was directed to schedule a site walk.

James Anderson MOVED and Michael Richman SECONDED a motion to postpone further review of Chris Duchaine's request for preliminary subdivision approval pending responses to remaining issues, finalizing revisions to the plans, and scheduling of a site walk. Motion CARRIED, 4 ayes (George Fox, Molly Butler-Bailey and Brian Plowman absent). [9:00 p.m.]

ITEM 9 Private Way Amendment – David Sawyer – Tanglewood Drive Extension – a request for approval to extend Tanglewood Drive private way 20.19 feet to accommodate lot frontage for one lot. Zoned Rural, Map 42, Lot 13.

Mr. Poirier explained that the applicant is proposing a small addition to an existing 2-6 lot/dwelling unit private way to serve a potential new lot off the private way. An amendment to the private way maintenance agreement will be required to add the new potential lot of the agreement.

Stephen Bradstreet, Ransom Consulting, appeared on behalf of the applicant, also present this evening. Mr. Bradstreet described the private way as being off Phinney Street, is approximately 680 feet long, and was established in 2007 as a gravel private way. Mr. Sawyer owns the private way and will retain ownership. The applicant would like to gift a lot to his son, and the requirement of the Ordinance is 200 feet of frontage for the lot, so the existing road and existing right-of-way needs to be extended. The addition of the 20.19 feet brings the total frontage to 404.65 feet. Mr. Bradstreet described the proposed stormwater management of check dams and level lip spreaders.

Mr. Poirier advised Mr. Anderson that the remaining comments about the project are plan cleanup items and are to clarify the approval, and not performance standards.

PUBLIC COMMENT PERIOD OPENED: None offered
PUBLIC COMMENT PERIOD ENDED

Vincent Grassi MOVED and Michael Richman SECONDED a motion to grant David Sawyer's request for approval for a 20.19' extension to Tanglewood Drive, designed to the Town's 2-6 lot/dwelling unit private way standard, located on Map 42, Lot L13, Rural zoning district, based on Findings of Fact and with Conditions of Approval as written by the Town Planner. Motion CARRIED, 4 ayes (George Fox, Molly Butler-Bailey and Brian Plowman absent). [9:10 p.m.]

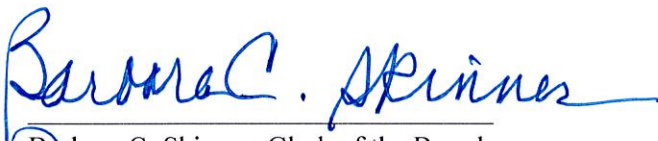
OTHER BUSINESS **NONE**

ANNOUNCEMENTS **NONE**

ADJOURNMENT

Michael Richman MOVED and James Anderson SECONDED a motion to adjourn. Motion CARRIED, 4 ayes (George Fox, Molly Butler-Bailey and Brian Plowman absent). [9:13 p.m.]

Respectfully submitted,



Barbara C. Skinner, Clerk of the Board
July 18, 2019

ITEM 4 JAMES DYER, MAINE SOUTHERN FIREWOOD SITE PLAN AMENDMENT

CHAPTER 4, SITE PLAN REVIEW, SECTION 9 – Approval Criteria and Standards

The Planning Board, following review of the Site Plan Application Amendment, makes these findings based on the Site Plan Review criteria found in Chapter 4, Section 9 – Approval Criteria and Standards of the Town of Gorham Land Use and Development Code.

A. Utilization of the Site: The plan for the development will reflect the natural capabilities of the site to support development.

The applicant is proposing to construct an additional building on a portion of the firewood gravel processing pad. The applicant has provided the Planning Board with a site plan sheet set, site plan application, HHE-200 Septic Design, and accessory information showing that the lot can support the proposed new building on the lot.

Finding: The plan for the development reflects the natural capabilities of the site to support the development and the natural features and drainage ways are preserved to the greatest extent practical.

B. Access to the Site: Vehicular access to the site will be on roads which have adequate capacity to accommodate the additional traffic generated by the development.

The lot is served by a private way, Firewood Lane, which can be accessed from Mitchell Hill Road. All roads have adequate capacity to accommodate the additional traffic generated by the site.

No additional trips or new employees are proposed with the new building located on the site.

Finding: Both the public and private roads serving the site have adequate capacity to accommodate the traffic generated by the development.

C. Access into the Site: Vehicular access into the development will provide for safe and convenient access.

Currently all vehicles enter and exit from a 15' wide gravel private way. The driveway will have adequate sight distance and will provide for safe and convenient access into the site. No change to the site's existing access driveway is proposed.

Finding: The plans provide for safe and convenient vehicular access into the development.

D. Internal Vehicular Circulation: The layout of the site will provide for the safe movement of passenger, service and emergency vehicles through the site.

The proposal is to utilize the existing gravel pad located around the buildings for parking spots, no painted parking spaces are proposed. Access to the gravel parking area is from the 15' gravel driveway located around the firewood storage piles.

Finding: *The layout of the site provides for the safe movement of passenger, service, and emergency vehicles through the site.*

E. Pedestrian Circulation: The development plan will provide for a system of pedestrian circulation within and to the development.

No pedestrian improvements are proposed for the project. People parking near the buildings will walk across the open gravel areas to access the building.

Finding: *The plans provide a system of pedestrian circulation within the development.*

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

The building and concrete chambered septic system are proposed to be located on the existing gravel pad previously utilized for firewood storage. No new impervious area is proposed as part of the proposed site plan amendment.

Stormwater from the impervious area will be directed into vegetated areas around the perimeter of the gravel storage pad.

Finding: *The stormwater run-off will not have adverse impacts on abutting or downstream properties and the biological and chemical properties of the receiving waters downstream will not be degraded.*

G. Erosion Control: For all projects, building and site designs and roadway layouts will fit and utilize existing topography and desirable natural surroundings to the fullest extent possible.

No changes in grade are proposed in the area near the construction of the new building or septic system.

During construction of the new building and septic system the applicant will also comply with the “Maine Erosion and Sediment Control Handbook for Construction: Best Management Practices,” Maine Department of Environmental Practices.

Finding: *The plan utilizes existing topography and desirable natural surroundings to the fullest extent possible.*

H. Water Supply: The development will be provided with a system of water supply that provides each use with an adequate supply of water meeting the standards of the State of Maine for drinking water.

The site is served by a private water supply well located on the north side of the gravel firewood storage area. No increase in the amount of public water used on the site is anticipated and no changes to the water supply are proposed.

Finding: *The development provides a system of water supply that provides for an adequate supply of water meeting the standards of the State of Maine for drinking water.*

I. Sewage Disposal: A sanitary sewer system will be installed at the expense of the developer if the project is located within a sewer service area as identified by the sewer user ordinance. The Site Plan Review Committee or Planning Board may allow individual subsurface waste disposal systems to be used where sewer service is not available.

The proposal is to serve the new building with a concrete chambered septic system. The applicant has provided an HHE-200 from a licensed site evaluator.

Finding: *The development provides for sewage disposal for the anticipated use of the site.*

J. Utilities: The development will be provided with electrical and telephone service adequate to meet the anticipated use of the project.

The lot is served by underground power, cable and phone from Firewood Lane. Underground utilities will be installed to serve the new proposed building.

Finding: *The development will provide for adequate electrical and phone service to meet the anticipated use of the project.*

K. Natural Features: The landscape will be preserved in its natural state insofar as practical by minimizing tree removal, disturbance and compaction of soil, and by retaining existing vegetation insofar as practical during construction.

The proposed construction will disturb areas of the site that have been previously disturbed as part of the original construction of the site. No natural areas will be disturbed as part of the construction of the site.

Finding: *The development of the site will preserve the existing vegetation to the greatest extent practical during construction.*

L. Groundwater Protection: The proposed site development and use will not adversely impact either the quality or quantity of groundwater available to abutting properties or public water supply systems.

The new septic field was designed by the licensed site evaluator and will treat sewage before being discharged from the system. The new building is not proposed to impact the groundwater on the site.

Finding: *The proposed development will not adversely impact either the quality or quantity of the groundwater available to abutting properties or public water supply systems.*

M. Exterior Lighting: The proposed development will provide for adequate exterior lighting to provide for the safe use of the development in nighttime hours.

The new building is not proposed to have any exterior lighting and the site currently not served by exterior lighting.

No changes are proposed to the site's existing exterior lighting.

Finding: *The proposed development provides for adequate exterior lighting to provide for the safe use of the development during nighttime hours.*

O. Waste Disposal: The proposed development will provide for adequate disposal of solid wastes and hazardous wastes.

Waste disposal for the new building will be handled through a dumpster located on site.

Finding: *The proposed development provides for adequate disposal of solid wastes and hazardous wastes.*

P. Landscaping: The development plan will provide for landscaping to define street edges, break up parking areas, soften the appearance of the development and protect abutting properties from adverse impacts of the development.

No landscaping is currently installed on the site and none is proposed on the site. The development is not visible from any public way or abutting property due to the existing trees located along the perimeter of the lot.

Finding: *The proposed plan will provide landscaping to soften the appearance of the development.*

Q. Shoreland Relationship: The development will not adversely affect the water quality or shoreline of any adjacent water body. The development plan will provide for access to abutting navigable water bodies for the use of occupants of the development.

The lot is not located in the Shoreland Overlay District.

Finding: *The development will not adversely affect the water quality or shoreline of any adjacent body of water.*

R. Technical and Financial Capacity: The applicant has demonstrated that he has the financial and technical capacity to carry out the project in accordance with this Code and the approved plan.

The applicant has provided a letter of financial capacity from Norway Savings Bank, Peter H. Godsoe, Regional Vice President, Commercial Lending, dated 07/10/19.

Finding: *The applicant has the financial and technical capacity to complete the project in accordance with Gorham's Land Use and Development Code and the approved plan.*

S. Buffering: The development will provide for the buffering of adjacent uses where there is a transition from one type of use to another use and to screen service and storage areas. The buffer areas required by the district regulations will be improved and maintained.

The site is buffered from the public ways and abutting residential uses through a perimeter of woodland located around the site. No clearing of trees along the perimeter of the lot is proposed as part of the site plan amendment.

Finding: The development provides buffering to screen service and storage areas.

T. Noise: The applicant has demonstrated that the development will comply with the noise regulations listed in Table 1 – Sound Level Limits and the associated ordinances.

The uses at the site are required to meet the A-weighted hourly equivalent sound level limits of 60 dBA daytime (7am-7pm) and 50 dBA nighttime (7pm- 7am).

Finding: The development will comply with the A-weighted hourly equivalent sound level limits of 60 dBA daytime (7am-7pm) and 50 dBA nighttime (7pm- 7am).

Conditions of Approval

1. That this approval is dependent upon, and limited to, the proposals and plans contained in this application and supporting documents submitted and affirmed by the applicants and that any variation from the plans, proposals and supporting documents is subject to review and approval by the Planning Board or Site Plan Review Committee, except for minor changes which the Town Planner may approve.
2. That prior to the commencement of construction of the site plan, the applicant is responsible for obtaining all required local, state and federal permits;
3. That the applicant shall provide property line information and site information in auto-CAD format to the Town Planner prior to the pre-construction meeting;
4. That all relevant conditions of approval from past Site Plan approvals shall remain in effect;
5. That any proposed use on the site shall meet the sound level requirements outlined under Chapter 4, Section 9, T. Noise;
6. That the building shall meet all applicable sections of NFPA 101 and NFPA 1;
7. That prior to the pre-construction meeting the applicant will establish the following: a performance guarantee totaling 125% of the costs to complete the construction and an escrow for field inspection meeting the approvals of Town Staff and the Town's Attorney;
8. That prior to the commencement of any site improvements, the applicant, its earthwork contractor, and the design engineer shall arrange a pre-construction meeting with the Town's Review Engineer, Public Works Director, Fire Chief, Code Enforcement Officer and the Town Planner to review the proposed schedule of improvements, conditions of approval, and site construction requirements;

9. That all site construction shall be carried out in conformance with the Maine Erosion and Sediment Control Best Management Practices, Maine Department of Environmental Protection, latest edition and in accordance with the erosion and sedimentation control information contained in the application;
 10. That the Planning Board Chairman is authorized by the Planning Board to sign the Findings of Fact on behalf of the entire Board; and
 11. That these conditions of approval must be added to the site plan and the site plan shall be recorded at the Cumberland County Registry of Deeds within thirty (30) days of the date of written notice of approval by the Planning Board, and a dated mylar copy of the recorded site plan shall be returned to the Town Planner prior to the pre-construction meeting.
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ITEM 7 FIRST RUSSIAN BAPTIST CHURCH – GARAGE AT 211 MOSHER ROAD

CHAPTER 4, SITE PLAN REVIEW, SECTION 9 – Approval Criteria and Standards

The Planning Board, following review of the Site Plan Amendment Application, makes these findings based on the Site Plan Review criteria found in Chapter 4, Section 9 – Approval Criteria and Standards, of the Town of Gorham Land Use and Development Code.

CHAPTER 4, Section 9 – Approval Criteria and Standards

A. Utilization of the Site: The plan for the development will reflect the natural capabilities of the site to support development.

The applicant is requesting approval to construct a 34' by 52' garage adjacent to the existing dumpster pad. The garage building is proposed to be located on the west side of the existing parking spaces. No parking spaces or other impervious area are proposed as part of the development on the site.

Finding: The plan for the development reflects the natural capabilities of the site to support the development and the natural features and drainage ways are preserved to the greatest extent practical.

B. Access to the Site: Vehicular access to the site will be on roads which have adequate capacity to accommodate the additional traffic generated by the development.

The lot is located off Mosher Road, State Route 237. Maine Department of Transportation classifies State Route 237 as a minor arterial road. All roads have adequate capacity to accommodate the additional traffic generated by the development.

No increase in traffic is proposed with the proposed garage/storage building.

Finding: Main Street and Mechanic Street have adequate capacity to accommodate the traffic generated by the development.

C. Access into the Site: Vehicular access into the development will provide for safe and convenient access.

Access to the site is from an existing 230' long driveway. The approximate width of the driveway is 18'. The proposed driveway entrance has adequate sight distance and will provide for safe and convenient access into the site.

No changes are proposed to access into the site.

Finding: *The plans provide for safe and convenient vehicular access into the development.*

D. Internal Vehicular Circulation: The layout of the site will provide for the safe movement of passenger, service and emergency vehicles through the site.

The layout of parking areas provides for circulation through the parking area without dead end parking aisles.

No changes are proposed to access to the internal vehicular circulation on the site.

Finding: *The layout of the site provides for the safe movement of passenger, service, and emergency vehicles through the site.*

E. Pedestrian Circulation: The development plan will provide for a system of pedestrian circulation within and to the development.

An internal sidewalk is located along the northern side of the building. A walkway is also located on the eastern side of the building to provide the main entrance into the worship facility. No changes are proposed.

No pedestrian infrastructure is located on Mosher Road, State Route 237 and none is proposed as part of the development.

Finding: *The plans provide a system of pedestrian circulation within the development.*

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

The proposed location of the garage is on previously approved gravel impervious pad. No proposed new impervious area is proposed as part of the site plan amendment. Stormwater from the proposed garage will sheet flow into the adjacent wooded and lawn areas.

Finding: *The stormwater run-off will not have adverse impacts on abutting or downstream properties and the biological and chemical properties of the receiving waters downstream will not be degraded.*

G. Erosion Control: For all projects, building and site designs and roadway layouts will fit and utilize existing topography and desirable natural surroundings to the fullest extent possible.

The area around the new garage will have erosion control devices installed per the Proposed Grading and Drainage Plan with the devices installed per the requirements under the Erosion Control Details Sheet: C200. The applicant will also comply with the "Maine Erosion and Sediment Control Handbook for Construction: Best Management Practices," Maine Department of Environmental Practices.

Finding: The plan utilizes existing topography and desirable natural surroundings to the fullest extent possible.

H. Water Supply: The development will be provided with a system of water supply that provides each use with an adequate supply of water meeting the standards of the State of Maine for drinking water.

Public water lines are currently located within Mosher road. The site is served by a 4" water stub from Mosher Road. The water line stub runs along the southern side of the driveway in the lawn area and connects into the eastern side of the worship building.

The new garage building will not be served by public water supply.

Finding: The development provides a system of water supply that provides for an adequate supply of water meeting the standards of the State of Maine for drinking water.

I. Sewage Disposal: A sanitary sewer system will be installed at the expense of the developer if the project is located within a sewer service area as identified by the sewer user ordinance. The Site Plan Review Committee or Planning Board may allow individual subsurface waste disposal systems to be used where sewer service is not available.

Public sewer lines are currently located within Mosher Road. The site is served by a 4" PVC sewer stub from Mosher Road. The sewer stub runs along the southern side of the driveway in the lawn area and connects into the southeastern end of the 2-story fellowship hall.

The new garage building will not be served by public sewer system.

Finding: The development provides for sewage disposal for the anticipated use of the site.

J. Utilities: The development will be provided with electrical and telephone service adequate to meet the anticipated use of the project.

The lot is served by above-ground power/utilities from an existing pole located on the eastern side of Mosher Road. The site is served by natural gas from Mosher Road.

The new garage building will not be served by underground utilities as part of this phase of development.

Finding: *The development will provide for adequate electrical and phone service to meet the anticipated use of the project.*

- K. Natural Features: The landscape will be preserved in its natural state insofar as practical by minimizing tree removal, disturbance and compaction of soil, and by retaining existing vegetation insofar as practical during construction.

The Little River is located on the western edge of the lot. A wetland system associated with the Little River is also located on the southern third of the lot and between the Little River and the steep slope leading to the upland area.

No improvements are located near or on the natural features.

Finding: *The development of the site will preserve the existing vegetation to the greatest extent practical during construction.*

- L. Groundwater Protection: The proposed site development and use will not adversely impact either the quality or quantity of groundwater available to abutting properties or public water supply systems.

The new garage area will not impact the groundwater table on the site.

Finding: *The proposed development will not adversely impact either the quality or quantity of the groundwater available to abutting properties or public water supply systems.*

- M. Exterior Lighting: The proposed development will provide for adequate exterior lighting to provide for the safe use of the development in nighttime hours.

No light poles are located in the existing parking lot and no exterior lighting is proposed for the proposed garage. No changes are proposed to the site's exterior lighting.

Finding: *The proposed development provides for adequate exterior lighting to provide for the safe use of the development during nighttime hours.*

- O. Waste Disposal: The proposed development will provide for adequate disposal of solid wastes and hazardous wastes.

The site is served by a private waste hauler. The dumpster is screened from view. No changes are proposed.

Finding: *The proposed development provides for adequate disposal of solid wastes and hazardous wastes.*

- P. Landscaping: The development plan will provide for landscaping to define street edges, break up parking areas, soften the appearance of the development and protect abutting properties from adverse impacts of the development.

The site has two mulched landscaped beds along the northern and eastern side of the parking areas. The mulched landscaped beds include a mix of evergreen and deciduous trees and evergreen shrubs.

No new landscaping is proposed.

Finding: *The proposed plan will provide landscaping to soften the appearance of the development.*

- Q. Shoreland Relationship: The development will not adversely affect the water quality or shoreline of any adjacent water body. The development plan will provide for access to abutting navigable water bodies for the use of occupants of the development.

The lot is located in the Shoreland Overlay District and the Resource Protection Sub-district. No improvements are located in the Shoreland Overlay District or the Resource Protection Sub-district.

Finding: *The development will not adversely affect the water quality or shoreline of any adjacent body of water.*

- R. Technical and Financial Capacity: The applicant has demonstrated that it has the financial and technical capacity to carry out the project in accordance with this Code and the approved plan.

The applicant has hired a professional engineer to complete the site plans.

The applicant has provided a letter from Cortney Townsend with TD Bank identifying that they have the technical capacity to complete to project.

Finding: *The applicant has the financial and technical capacity to complete the project in accordance with Gorham's Land Use and Development Code and the approved plan.*

- S. Buffering: The development will provide for the buffering of adjacent uses where there is a transition from one type of use to another use and to screen service and storage areas. The buffer areas required by the district regulations will be improved and maintained.

The new garage is screened by landscaping located to the front of the existing parking lot. The landscaped areas are located to the east and north of the parking lot. The landscaped areas consist of a mix of evergreen and deciduous trees and evergreen shrubs.

Finding: *The development provides buffering to screen service and storage areas.*

- T. Noise: The applicant has demonstrated that the development will comply with the noise regulations listed in Table 1 – Sound Level Limits and the associated ordinances.

The uses at the site are required to meet the A-weighted hourly equivalent sound level limits of 70 dBA daytime (7am-7pm) and 60 dBA nighttime (7pm-7am).

Finding: *The development will comply with the A-weighted hourly equivalent sound level limits of 70 dBA daytime (7am-7pm) and 60 dBA nighttime (7pm-7am).*

Conditions of Approval

1. That this approval is dependent upon, and limited to, the proposals and plans contained in this application and supporting documents submitted and affirmed by the applicants and that any variation from the plans, proposals and supporting documents is subject to review and approval by the Planning Board or Site Plan Review Committee, except for minor changes which the Town Planner may approve;
2. That prior to the commencement of construction of the site plan, the applicant is responsible for obtaining all required local, state and federal permits;
3. That all site construction shall be carried out in conformance with the Maine Erosion and Sediment Control Best Management Practices, Maine Department of Environmental Protection, latest edition and in accordance with the erosion and sedimentation control information contained in the application;
4. That any proposed use on the site shall meet the sound level requirements outlined under Chapter 4, Section 9, T. Noise;
5. That the building shall meet all applicable sections of the NFPA 101 Life Safety Code and NFPA Fire Prevention Code I;
6. That prior to the pre-construction meeting the applicant will establish the following: a performance guarantee totaling 125% of the costs to complete the construction and an escrow for field inspection meeting the approvals of Town Staff and the Town's Attorney;
7. That prior to the commencement of any site improvements, the applicant, its earthwork contractor, and the design engineer shall arrange a pre-construction meeting with the Public Works Director, Fire Chief, Code Enforcement Officer and the Town Planner to review the proposed schedule of improvements, conditions of approval, and site construction requirements;
8. That all relevant conditions of approval placed on prior approvals shall remain in effect;
9. That the Planning Board Chairman is authorized by the Planning Board to sign the Findings of Fact on behalf of the entire Board; and
10. That these conditions of approval must be added to the site plan and the site plan shall be recorded at the Cumberland County Registry of Deeds within thirty (30) days of the date of written notice of approval by the Planning Board, and a dated mylar copy of the recorded site plan shall be returned to the Town Planner.

CHAPTER 2, SECTION 2-5, H. Standards for Private Ways

(This section is modified for brevity. See the current Land Use and Development Code for exact wording.)

- 1) Each lot having access from an approved private way may be improved with no more than two dwelling units and related accessory buildings and uses.

The lots served by the private way are required to meet the requirements of the Rural zoning district. The maximum number of lots/dwelling units allowed to be served by the private way is 6 lots or dwelling units.

The existing name of the private way is "Tanglewood Drive," and no changes are proposed. The existing name meets the required E911 standards.

Finding: The private way is designed to the 2-6 lots/dwelling units private way standard and no more than six dwelling units can be served by the private way.

- 2) A plan showing the private way shall be prepared by a registered land surveyor. The plan shall be drawn in permanent ink on permanent transparency material and shall be sealed by the registered professional engineer preparing the plan.

The applicant has hired Lewis & Wasina, Inc. to prepare the private way plans, which have been prepared by a registered land surveyor, Bruce E. Lewis, P.L.S., #2114, and sealed by a registered professional engineer, Stephen Bradstreet, P.E., #5740.

The Plan title block reads "Plan of a Private Way."

The Plan has an approval block that reads: "Private Way, Approved by the Town of Gorham Planning Board."

The approval block also has a line for the signatures of a legal majority of the Planning Board, and includes a line for the date of approval.

The Plans shows information sufficient to establish the exact location on the ground, direction, width and length of the private way right-of-way.

The street plan and profile, and street cross sections are in accordance with Chapter 2, Section 2-5., E., 3.

The Plan has a note that reads, "The Town of Gorham shall not be responsible for the maintenance, repair, plowing, or similar services for the private way shown on this plan, and if the private way has not been built to public way standards, the Town Council will not accept it as a public way."

Finding: The Plan of Private Way has been prepared by a registered land surveyor and sealed by a registered professional engineer meeting the requirement for private ways.

- 3) If a private way provides access to 2 or more lots, a maintenance agreement shall be prepared for the lots accessed by any private way.

The existing 2-6 lot/dwelling unit private way has a recorded private way maintenance agreement. The proposal is for an additional lot off the private way, so an amendment to the private way maintenance agreement is required as part of the private way review.

The amended private way maintenance agreement will need to be submitted, reviewed and approved prior to a certificate of occupancy being given to any proposed new dwelling unit served by the private way.

Finding: The private way maintenance agreement identifies the rights and responsibility of each lot owner with respect to the maintenance, repair, and plowing of the private way as outlined in this section.

- 4) Private ways shall have a minimum right-of-way width of 50 feet and a paved apron 20 feet in length commencing at the existing edge of pavement where it intersects with the private way.

The existing private way has an approved paved apron built to the following standards:

- a) 9" of MDOT Spec. 703.06 Type E;
- b) 12" of base gravel MDOT Spec. 703.06 Type D;
- c) 3" of 1 ½" crushed gravel, Type A or reclaimed;
- d) a minimum of 4" of paved surface, or greater as specified by the Town Engineer;
- e) a negative 2.0% grade from the existing edge of pavement to an appropriate drainage way, but in no case less than 5 feet from the travel surface of the public way it intersects;
- f) approach radius shall be specified by the Town Engineer.

The existing and proposed private way right-of-way extension are or will be 50'.

Finding: The right-of-way width and a paved apron have been designed to conform to the paved apron standards outlined in this section.

- 5) Private ways shall be designed to conform to the standards presented in Tables 1 and 2 and the typical cross sections depicted in Figures 9 and 10.

The applicant is proposing to construct the 20.19' foot extension on to the existing private way to the 2-6 lot/dwelling unit private way standard. The private way plan shows the required 2-6 lot/dwelling unit private way standard cross section. No changes are proposed to the existing turnaround located at station number 6+45.

Finding: The private way meets all the criteria and design requirements presented in Tables 1 and 2 and the typical cross sections depicted in Figures 9 and 10 of the Gorham Land Use and Development Code.

- 8) Notwithstanding other provisions of the Code to the contrary, no gravel surfaced private way shall provide access to or serve in any way to provide compliance with the requirements of the Code for

more than the greater of six lots or six dwelling units; provided; however, nothing in this paragraph 8) shall serve to limit the use of such private way for occasional use by and for agricultural purposes.

The existing private way serves 3 lots with single-family houses. The applicant proposing a 2-6 lot/dwelling unit private way extension to serve 1 potential new lot.

Finding: The private way is proposing to serve 4 lots with less than 6 dwelling units.

- 9) The land area of the private way may not be used to satisfy the minimum lot area requirements for any lot (whether the lot(s) to be served or any front lot over which the private way runs).

The lots will need to retain enough area to meet the lot sizes in the Rural Zoning District.

The ownership of the right-of-way will remain with David Sawyer, as identified on the private way plan.

Finding: The land area of the private way is not being used to satisfy the minimum lot area requirements for the existing lot or any proposed future lot.

- 10) The Planning Board shall have the ability to require improvements to both public roads and private ways serving any proposed private way to ensure off-site access is suitable to serve the proposed private way.

Both the existing Tanglewood Drive, private way, and Phinney Street, public road, are suitable to serve the proposed 21.09' private way extension.

Finding: The land area of the private way is not being used to satisfy the minimum lot area requirements for the existing lot or any proposed future lot.

Conditions of Approval

1. That this approval is dependent upon, and limited to, the proposals and plans contained in this application and supporting documents submitted and affirmed by the applicants and that any variation from the plans, proposals and supporting documents is subject to review and approval by the Planning Board, except for minor changes which the Town Planner may approve;
2. That prior to the commencement of construction of the private way, the applicant is responsible for obtaining all required local, state and federal permits;
3. That the applicant shall provide property line information and site information in auto-cad format to the Town Planner prior to the pre-construction meeting;
4. That at least one week prior to the date of the pre-construction meeting, four complete sets of the final approved plan set will be delivered to the Planning Office to be distributed to: (1) Code Office, (2) Public Works Director, (3) Inspecting Engineer, and (4) Town Planner;
5. That prior to the pre-construction meeting, the applicant must provide estimated costs for the proposed improvements and must establish the performance guarantee per the Land Use and Development Code,

6. That the applicant shall provide an escrow for field inspection based on costs for improvements shown on the plan and meeting the requirements of Gorham's Land Use and Development Code;
7. That prior to commencement of construction, the applicant, applicant's engineer and earthwork contractor shall have a pre-construction meeting with the Town's Engineer, Town Planner, Code Enforcement Officer, Public Works Director and Fire Chief;
8. That the approved amended private way maintenance agreement shall be recorded in the Cumberland County Registry of Deeds prior to a certificate of occupancy being given to any proposed new lot with a recorded copy of the private way maintenance agreement to be returned to the Planning Office;
9. That the Planning Board Chairman is authorized by the Planning Board to sign the Findings of Fact on behalf of the entire Board; and
10. That these conditions of approval must be added to the private way plan and the private way plan shall be recorded in the Cumberland County Registry of Deeds within thirty (30) days of endorsement of the plan by the Planning Board, and that a recorded mylar copy of the private way plan shall be returned to the Town Planner prior to the Pre-construction Meeting.