

PLANNING BOARD MEETING

August 5, 2019

Members Present

GEORGE FOX, CHAIRMAN
SCOT FIRMIN, VICE CHAIRMAN
JAMES ANDERSON
VINCENT GRASSI

Members Absent

MOLLY BUTLER-BAILEY
MICHAEL RICHMAN

Staff Present

THOMAS M. POIRIER, Director of Community
Development
BARBARA C. SKINNER, Clerk of the Planning Board

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

APPROVAL OF THE JULY 183, 2019 MEETING MINUTES

James Anderson MOVED and Vincent Grassi SECONDED a motion to approve the July 18, 2019 Planning Board meeting minutes as written and distributed. Motion CARRIED, 3 ayes (George Fox abstaining as not having been present at the meeting, and Molly Butler-Bailey and Michael Richman 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. Fox noted that there is a vacancy on the Planning Board and suggested anyone interested in serving on the Board should contact the Clerk's office for more information.

ADMINISTRATIVE REVIEW REPORT

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

ITEM 1 Public Hearing – Land Use and Development Code Amendment – an amendment to Chapter 7, Section 7.2, to adopt the amended Middle School Facilities Impact Fee and Methodology.

Mr. Poirier explained that this amendment had been forward to the Board for review and recommendations by the Town Council. The Board has completed its review and has made proposed changes which are

designed to clarify the language in the amendment regarding modular and manufactured housing units, as well as recommending that the impact fees for those units should match the same impact fees as units on residential units. Mr. Poirier noted that the Town Attorney has reviewed and approved the Board's proposed amendments to the impact fee ordinance language.

PUBLIC COMMENT PERIOD OPENED: None offered.

PUBLIC COMMENT PERIOD ENDED

There being no further comments from the Board,

Scott Firmin MOVED and James Anderson SECONDED a motion to recommend adoption by the Town Council of a Middle School Impact Fee under Chapter 7, Section 7-2, Middle School Facilities Impact Fee #1, based on the Revised Mythology for Developing a Middle School Facilities Impact Fee, as amended by the Planning Board. Motion CARRIED, 4 ayes (Molly Butler-Bailey and Michael Richman absent). [7:10 p.m.]

ITEM 2 Public Hearing – Site Plan Amendment – Town of Gorham – Narragansett School – a request for approval of the addition of 12 modular classrooms and a cafeteria at Narragansett School at 284 Main Street. Zoned UR/OR, Map 26, Lot 4.

Mr. Poirier told the Board that the applicant is requesting approval to add a 72' by 112' modular classroom unit and a 56' by 56' modular café unit to the western side of the rear of the Narragansett School. The modular units will be connected to the school through the use of a covered walkway and the existing access driveway will be relocated from its current location to the eastern side of the building. The applicant is also seeking approval for 3 additional portable units, each being 72' by 28'.

Owens McCullough, P.E., Sebago Technics, came to the podium on behalf of the School Department and introduced Norman Justice, Facilities and Transportation Director for the School Department. Mr. McCullough told the Board that a referendum was passed in June of this year for additional portables because the school department is again experiencing growth in its student body capacity. The modulares will be a "temporary permanent solution," as they are likely to be around for a while because of construction costs to build a new school. This project is projected in two phases, the first one to be 6,048 square feet of modular classrooms, and a small 3,136 square foot cafeteria. No cooking is proposed in the cafeteria, food will be brought in from the main building. There will be an enclosed connector hallway between the gymnasium area and the modular classrooms. Utilities into the classrooms will include water, electrical, communications, all through the connector hallway, and all buildings will be sprinkled. A sanitary sewer line will service bathrooms inside the facility. The modulares will be set on concrete slabs, off the ground 3 feet, with conventional framing to resemble vinyl cladding. On the back side will be an emergency egress across over to the playground area.

Mr. McCullough said there are some school predictions indicating that additional classrooms may be needed in the future, so proposed are future 6 modular 6,048 square foot classrooms. An additional emergency access drive needs to be constructed, leaving the walking path coming out the southeasterly end of the school with an 8-foot separation distance to the access road, with a 16 foot gravel surface access road with two foot shoulders and a paved apron. A gate is proposed that will be closed during school hours. Mr. McCullough

said that also proposed is a stone dust walking path on the north side of the basketball court between the goal posts and scoreboard to allow defined pedestrian access to the ball fields.

Mr. McCullough said if approved, it is hoped that the earthwork and concrete pads can be done by mid-October, with the modulars arriving at about the same time.

PUBLIC COMMENT PERIOD OPENED: Paul Smith, Phinney Street resident and Town Councilor, advised the Board that various people have told him that this isn't the plan that they voted on and it isn't the location where the portables were originally shown. He asked if the Board has a full set of building plans to review. He spoke about the increased cost of the road to put it where it is now, where it wasn't before.

PUBLIC COMMENT PERIOD ENDED

In reply to a question from Mr. Fox, Mr. Poirier replied that submission requirements identify that the Board review the building and a basic floor layout, and a full set of building plans is separate from what the Board reviews. Mr. Poirier assured Mr. Fox that the plans submitted meet the requirements for the Board's review, and the only question he has is the color of the modulars. Mr. McCullough replied that the modulars will be a light gray.

Mr. Fox asked if the Council has given the Board any guidance concerning the location of the modulars. Mr. Poirier said that plans are submitted and the Board reviews whether they meet the requirements of the Code, and the Board can't discern what voters intend for a location.

Mr. Justice told the Board that the School Committee will make the decision as to whether this meets the expectations for the project.

Mr. Fox confirmed with Mr. McCullough that the Fire Department's concerns about separating student emergency egress from emergency vehicle access have been addressed by the proposed 8-foot grass strip between the two. Mr. McCullough told Mr. Fox that the access could be used by maintenance vehicles as necessary, and it will be left open for other vehicles as well on weekends.

Mr. Anderson said his biggest concern is the access road being available on weekends. Mr. McCullough said the access road will have 16 foot travel lands with 2 foot gravel and loam shoulders, wide enough for two vehicles to pass each other. Mr. Justice told Mr. Grassi that the Fire Chief is satisfied with the proposed 8 foot separation. Mr. McCullough told Mr. Firmin that the sign directing people to the playing fields, as well as all other signs, will be the responsibility of the School Department. The Board concurred that a handicap warning surface will be applied. In reply to Mr. Grassi, Mr. McCullough said that heating and air conditioning will be by natural gas. Mr. Grassi asked for the reason why a cafeteria is proposed. Mr. Justice replied that the current cafeteria/gymnasium is a multi-purpose use, and in order to meet the required number of sessions for physical education, food has to be served in a different area. No cooking will take place in the new cafeteria. In reply to Mr. Fox, Mr. McCullough said that the area for the phase 2 future concrete pads will be graded out, drainage will be put in, and the area will be loamed and seeded.

Mr. McCullough said there are no issues with the Conditions of Approval.

James Anderson Moved and Scott Firmin SECONDED a motion to grant the Town of Gorham's request for site plan amendment approval for the addition of two modular units and cafeteria and

a new emergency access road at Narragansett School, 270 Main Street, Map 26, Lot 4, Urban Residential and Commercial Office zoning district, with Findings of Fact and Conditions of Approval as written by the Town Planner. Motion CARRIED, 4 ayes (Molly Butler-Bailey and Michael Richman absent). [7:40 p.m.]

ITEM 3 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 SR-MH, Map 77, Lot 50.

Mr. Poirier said that this applicant was last before the Board on July 18, 2019, and remaining issues include the applicant's request for a waiver from the Class A soil survey requirement and any identification of proposed landscaping. He said that the Board can waive the Class A soil requirement if no new lots are being created; the applicant's proposal is not creating any new lots but adding three more dwelling units to lot 5. A Class C/D soil survey requires the fewest number of soil tests.

Dustin Roman, DM Roma Consulting Engineers, came to the podium and introduced the applicant Nick Flagg. He said that the driveway in front of the building has been widened by some 8 feet to provide 4 additional parallel parking spaces, addressing concerns about vehicle circulation. The development has been shifted away from the wetlands to accommodate that change. The drive will be 16 feet paved with 2 feet gravel shoulders. Mr. Roma referred to their waiver request for the Class A soil survey, saying that what is proposed for development will be within the same foot print as what was originally approved, and full HHE-200 septic systems have been provided for both leach fields proposed. A site-specific hydrogeologic analysis has been done in detail taking into account the two leach fields and a medium intensity soil survey has been provided. Regarding the landscaping, Mr. Roma said that specific information was provided detailing the screening trees along the property line, but 12 shrubs to be planted along the front of the building have been called out as "typical foundation screening shrubs" to allow for flexibility.

PUBLIC COMMENT PERIOD OPENED: None offered
PUBLIC COMMENT PERIOD ENDED.

In reply to Mr. Firmin, Mr. Roma said that it is not proposed to use the wetlands to treat wastewater. After further discussion, the Board concurred that the information provided by the applicant is sufficient to grant the requested waiver.

James Anderson MOVED and Vincent Grassi SECONDED a motion to grant Flagship New Portland Road, LLC's request to waive the submission requirements under Chapter 3, Section 3, B.11) for a Class A High Intensity Soil Survey and replace it with a Class D High Intensity Soil Survey. Motion CARRIED, 4 ayes (Molly Butler-Bailey and Michael Richman absent).

Regarding the landscaping, Mr. Fox said he is more concerned about buffering than foundation plantings. Mr. Anderson noted that the applicant owns a landscaping company so he should be able to figure out what works for the foundation plantings. Mr. Poirier said if the Board is comfortable with what is proposed, what staff will do is go out and counting the number of trees along the buffer. Mr. Roma said that the lighting will be typical residential style. The units will be heated with standard propane tanks located along the sides of the buildings.

Mr. Fox confirmed that no formal open space is contemplated. Mr. Flagg advised the Board there will be a single well and two separate septic systems, with about 6 gallons per minute being supplied. Mr. Poirier suggested that Finding of Fact d, under Chapter 3, Preliminary Plan Review, be amended to read "A second well if required will be drilled outside the nitrate plume area."

Mr. Roma confirmed that there are no concerns with the Conditions of Approval.

James Anderson MOVED and Vincent Grassi SECONDED a motion to grant Flagship New Portland Road, LLC's request for administrative site plan and subdivision amendment approvals to add 2 duplex units, located on Map 77, Lot 50, Suburban Residential-Manufactured Housing zoning district, with Findings of Fact and Conditions of Approval as written by the Town Planner as modified by the Planning Board this evening. Motion CARRIED, 4 ayes (Molly Butler-Bailey and Michael Richman absent). [7:40 p.m.]

OTHER BUSINESS

Mr. Poirier reminded the Board that there is a site walk scheduled for Thursday morning at 8:00 a.m.

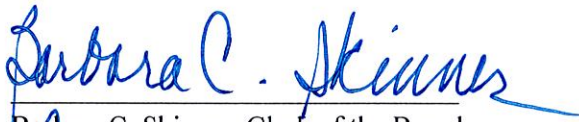
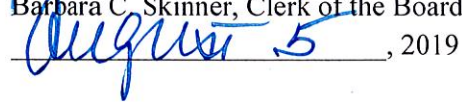
ANNOUNCEMENTS

NONE

ADJOURNMENT

James Anderson MOVED and Vincent Grassi SECONDED a motion to adjourn. Motion CARRIED, 4 ayes (Molly Butler-Bailey and Michael Richman absent). [8:10]

Respectfully submitted,


Barbara C. Skinner, Clerk of the Board
 August 5, 2019

**ITEM 2 TOWN OF GORHAM – SITE PLAN AMENDMENT - NARRAGANSETT SCHOOL
PORTABLES AND CAFETERIA**

CHAPTER 4, SITE PLAN REVIEW, SECTION 4-9 – 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 4-9 – Approval Criteria and Standards, of the Town of Gorham Land Use and Development Code.

CHAPTER 4, Section 4-9 – 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 has provided a site plan set containing 9 plan sheets, site plan application, and accessory information which outlines the proposed changes to 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.

Vehicular access is via Chick Drive and Main Street (State Route 25). Chick Drive was designed and built to the Town's urban sub-collector standards and Main Street is designed to Maine Department of Transportation arterial road standards.

No changes are proposed.

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

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

The existing access to the Narragansett School for parent and staff is via a 22' wide driveway located off Chick Drive through the existing parking lots located to the west side of the school, with bus traffic utilizing a 24' wide driveway located off Main Street.

No changes are proposed.

Finding: Vehicular access into the development will provide for safe and convenient access.

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

Access to the parking lots will be via two 24' wide paved driveways. The parking lots allow for vehicles to turn around and drive out of the site without needing to back out on to the public road.

Access to the rear of the school building and the baseball, football, and soccer fields, and trail use is through a 20' wide paved driveway located on the western side of the building. A new access driveway 16' wide with 2' shoulders will be constructed on the eastern side of the building. A gate is installed on the driveway near the entrance from the bus loop so access can be restricted during school hours.

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.

Pedestrian access to the Narragansett School is through off-site sidewalks located on both Chick Drive and Main Street. On-site sidewalks include a sidewalk along the bus loop drive, as well as a sidewalk located along the passenger vehicle access driveway located off Chick Drive.

The applicant is proposing to add a crosswalk for the proposed emergency vehicle access driveway off the bus loop. The applicant is proposing to separate the eastern emergency access walkway from the new emergency vehicle access with loan and seed.

Finding: The development plan will provide for a system of pedestrian circulation within and to 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 applicant is proposing underdrain improvements around the slab for the modular units which will connect into a new proposed closed drainage system and flow into the site's existing closed drainage system. The stormwater will then be directed into the stormwater wet pond located to the front of the Narragansett School. The stormwater treatment will meet Maine DEP 500 requirements.

Finding: The site has adequate provisions for the disposal of all storm water collected on parking areas or other impervious surfaces through a stormwater drainage system and maintenance plan which will not have adverse impacts on abutting or downstream properties.

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 applicant will comply with the "Maine Erosion and Sediment Control Handbook for Construction: Best Management Practices," Maine Department of Environmental Practices. The location of the erosion control devices are shown on the Grading and Utility Plan: Sheet 6 and 7 with the details shown on Erosion Control Notes Plan: Sheet 8, and Details Plan: Sheet 9.

Finding: The project, building, and site designs and roadway layouts will fit and utilize 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 new modular buildings will be served by public water through an extension from the existing Narragansett School Building.

The Narragansett School is served by public water from the Portland Water District. No change to the existing school's water service is proposed.

Finding: 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.

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 new modular buildings will be served with public sewer. Sewer service is proposed to serve the modular units through an extension of a 6" gravity sewer from an existing sewer manhole located to the rear of the school.

The Narragansett School is served by public sewer from the Portland Water District. No change to the existing school's water service is proposed.

Finding: The development will be provided with adequate sewage disposal for the 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 new modular buildings will be served with underground utilities through an extension from the electrical transformer located in the rear of Narragansett School.

Natural gas and data service is proposed to serve the modular units through an extension from the existing Narragansett School.

The lot is served by underground power, cable and phone from Main Street. No changes are proposed to utilities into the Narragansett School.

Finding: The development will have electrical and telephone service adequate 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 only disturb lawn area, old septic system, and paved parking area previously disturbed by past construction activity. No new natural features will be disturbed by the construction activity.

Finding: The landscape will be preserved in its natural state insofar as practical by minimizing tree removal, disturbance and compaction of soil, and existing vegetation will be retained insofar as 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 modular buildings will not impact the groundwater table on the site. The applicant is proposing to treat the stormwater according to the Maine DEP Chapter 500 standards with discharge into the existing chick property stormwater infrastructure.

Finding: 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.

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 applicant is proposing to illuminate the entrances/exits with lighting above the doors. No other lighting improvements are proposed. All fixtures are required to be full cut-off style lighting.

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

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

No changes to the site's existing waste disposal are proposed with the amendment.

Finding: Not applicable.

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 front of the site has multiple stands of trees. The property to the side and front of the school has multiple trees and shrubs to break up the appearance of the school. A buffer of trees is located along the eastern property boundary to break up the appearance of the development.

Finding: 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.

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 water body. The development plan will provide for access to abutting navigable water bodies for the use of occupants of the development.

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 Town of Gorham has had many experiences with the construction, operation, and maintenance of similar projects throughout the Town.

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 applicant is proposing to utilize existing vegetation along the eastern property boundary and along the front of the site to buffer the proposed development from residential uses and Main Street.

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 (7 a.m. - 7 p.m.) and 50 dBA nighttime (7 p.m. - 7 a.m.).

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

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 a complete set of building construction plans shall be provided to the Gorham Fire Department for review and State permitting;
- 5 That the building shall meet all applicable sections of the NFPA 101 Life Safety Code and NFPA Fire Prevention Code 1;
- 6 That the building shall be sprinkled meeting the requirements of the Town of Gorham's Fire Suppression Ordinance with the sprinkler plans shall be sent to the Gorham Fire Department and the State Fire Marshal's Office for review and permitting at least two weeks prior to the start of the installation of the system;
- 7 That portable Extinguishers shall be placed throughout the building as required by NFPA 101 Life Safety Code;
- 8 That any natural gas meters or propane meters shall be protected by bollards;
- 9 That the emergency access road shall be maintained year around;
- 10 That these conditions of approval must be added to the site plan;
- 11 That the Planning Board Chairman is authorized by the Planning Board to sign the Findings of Fact on behalf of the entire Board; and
- 12 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.

ITEM 3 FLAGGSHIP NEW PORTLAND ROAD LLC – TWO DUPLEX DWELLING AT 14 SPILLER ROAD, LOT 5, DOUGLAS BROOK SUBDIVISION

CHAPTER 3 - SUBDIVISION, SECTION 3 - PRELIMINARY PLAN

The Planning Board, following review of the Preliminary Subdivision Amendment Application, makes these findings based on the Subdivision Review criteria found in Chapter 3, Subdivision, Section 3 – C. Preliminary Plan Review.

C. PRELIMINARY PLAN REVIEW

- 2) The Planning Board shall include in its review the following general and specific requirements that the development has proposed for approval:

- a) Shall be in conformance with the Comprehensive Plan of the Town, and with all pertinent State and local codes and ordinances, including the Performance Standards related to specific types of development which are stipulated in Chapter 2.

The lot is located in the Village Residential District on the Comprehensive Plan's Future Land Use map.

Lot 5 in the subdivision is permitted for 2 two-family dwellings. No changes to the approved lot 5 size are proposed.

The Comprehensive Plan identifies this area as Suburban Residential.

Finding: Douglas Knoll Subdivision Amendment conforms with the Comprehensive Plan of the Town, and with all pertinent State and local codes and ordinances.

- b) Will not cause congestion or unsafe conditions with respect to use of the highways or public roads, existing or proposed on or off the site.

The lot access is from Spiller Road which is classified as a collector by the Town of Gorham.

The 4 new residential units are proposed to generate 40 average daily trips.

Finding: Douglas Knoll Subdivision Amendment will not cause congestion or unsafe conditions with respect to use of the highways or public roads, existing or proposed on or off the site.

- c) Will not place an unreasonable burden by either direct cause or subsequent effect on the availability of the Town to provide municipal services including utilities, waste removal, adequate roads, fire and police protection, school facilities and transportation, recreational facilities, and others.

The new duplex buildings will be served by underground power, cable, and telephone once the overhead utilities have been brought across Spiller Road into the site. No other changes to the subdivision's approved utility locations are proposed with the amendment.

Finding: Douglas Knoll Subdivision Amendment will not place an unreasonable burden by either direct cause or subsequent effect on the availability of the Town to provide municipal services including utilities, waste removal, adequate roads, fire and police protection, school facilities and transportation, recreational facilities, and others.

- d) Has sufficient water supply available for present and future needs as reasonably foreseeable.

The 2 duplex buildings will be served by shared private water supply well located to the eastern side of the proposed access driveway. Each of the buildings will be served by a water service able to provide portable and fire protection water supply to the units.

A second well if required will be drilled outside the nitrate plume area.

Finding: Douglas Knoll Subdivision Amendment has sufficient water supply available for present and future needs as reasonably foreseeable.

- e) Will provide for adequate solid and sewage waste disposal for present and future needs as reasonably foreseeable.

The proposal is to locate a two-septic system to the back of the duplex buildings. Each of the sewage from the proposed duplex buildings will flow to its own septic system. The applicant has provided two HHE-200 applications, designed by a licensed site evaluator, one for each of the septic systems.

The applicant has also provided a nitrate plume analysis completed for the proposed duplex units showing the groundwater quality impact.

Finding: Douglas Knoll Subdivision Amendment will not cause congestion or unsafe conditions with respect to use of the highways or public roads, existing or proposed on or off the site.

- f) Will not result in undue pollution of air, or surficial or ground waters, either on or off the site.

Storm water from the driveway and duplex units will be directed into the wetland located on the southern 2/3 thirds of the site. The proposal is to limit the amount of impervious area to 8,800 square feet.

Finding: Douglas Knoll Subdivision Amendment will not result in undue pollution of air, or surficial or ground waters, either on or off the site.

- g) Will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result.

The area around the new condominium units and construction of the access driveway will be loamed and seeded to prevent soil erosion. The majority of the storm water from the subdivision will be directed to the wetland area located on the southern 2/3 of the site.

Finding: Douglas Knoll Subdivision Amendment will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result.

- h) Will not affect the shoreline of any body of water in consideration of pollution, erosion, flooding, destruction of natural features and change of ground water table so that a dangerous or unhealthy condition may result.

The proposal is to locate the driveway in a common driveway with lot 4 to limit the amount of wetland disturbance on the lot. No new wetland impacts are proposed other than those approved as part of the original approval.

Finding: Douglas Knoll Subdivision Amendment will not affect the shoreline of any body of water in consideration of pollution, erosion, flooding, destruction of natural features and change of ground water table so that a dangerous or unhealthy condition may result.

- i) Will respect fully the scenic or natural beauty of the area, trees, vistas, topography, historic sites and rare or irreplaceable natural or manmade assets.

No impacts are proposed to any scenic areas, historic sites and rare or irreplaceable natural or manmade assets. Tree clearing is limited to the area around the driveway and the duplex units, trees are proposed to remain to the front, side, and rear of the parcel.

No wetland impacts are proposed as part of the amendment to the site plan.

Finding: Douglas Knoll Subdivision Amendment will respect fully the scenic or natural beauty of the area, trees, vistas, topography, historic sites and rare or irreplaceable natural or manmade assets.

- j) Financial Capacity to meet Subdivision Regulations. The applicant must have adequate financial resources to construct the proposed improvements and meet the criteria standards of these regulations. The Board will not approve any plan if the applicant has not proven its financial capacity to undertake it.

The applicant has provided a letter from Androscoggin Bank, dated May 24, 2019, from Steven Davis, VP Commercial Loan Officer, identifying the applicant's financial capacity to complete the project.

Finding: The applicant has adequate financial resources to construct the proposed improvements and meet the criteria standards of these regulations.

- 3) Every subdivision shall be responsible for providing open space and recreational land and facilities to the additional demand created by the residents of the subdivision. This requirement shall be met by the payment of a Recreational Facilities and Open Space Impact Fee in accordance with Chapter 8.

The applicant will be required to pay the Recreational Facilities and Open Space Impact Fee prior to the issuance of the building permits for the two (2) new duplex units (4 dwelling units) within the subdivision.

Finding: Douglas Knoll Subdivision is responsible for providing open space and recreational land and facilities to meet the additional demand created by residents of the subdivision.

- 4) If an applicant chooses to create open space and/or recreational land and facilities within the subdivision in addition to paying the impact fee, the following applies:

a) **Land Improvements:** The applicant shall improve the land according to the proposed use of the land and the requirements of the Planning Board.

b) **Owners Association:** A homeowners' association shall be formed to provide for the perpetual care of commonly owned recreation land.

The project is not proposing to create open space or provide recreational land or facilities with the subdivision.

Finding: Douglas Knoll Subdivision is not proposing to create open space and recreational land and facilities within the subdivision in accordance with the Planning Board requirements.

CHAPTER 3 - SUBDIVISION, SECTION 4 –FINAL PLAN REVIEW

D. FINAL PLAN REVIEW

- 1) The Planning Board shall review the Final Plan of the proposed development as submitted. It shall examine any changes made subsequent to the Preliminary Plan for satisfactory correction.

The proposal is an amendment to a previously approved plan so preliminary and final approvals are not required.

Finding: Not applicable.

- 3) No Final Plan shall be approved by the Planning Board unless submitted by the developer or his authorized agent within 12 months from the issuance of Preliminary Approval.

The proposal is an amendment to a previously approved plan so preliminary and final approvals are not required.

Finding: Not applicable.

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.

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 2 duplex buildings on a 4.56 acre lot. The applicant has provided the Planning Board with site/subdivision plan sheets, and accessory information showing that the lot can support the proposed improvements.

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 to the north of Ossipee Trail, State Route 25, on Spiller Road. The duplex units are proposed to create 40 new daily trips as part of the development.

The road access is from Spiller Road, which is identified as a collector road by the Town of Gorham.

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

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

The development will be served by a 16' private drive with 2 foot shoulders. The driveway has adequate sight distance and will provide for safe and convenient 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.

Vehicles will enter the lot through a shared private driveway located between Douglas Brook Subdivision lots 4 and 5. The proposal is to locate parking for 11 vehicles.

The applicant is proposing to construct the driveway a little past the last parking space to allow all the vehicles to back out of parking spaces.

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.

The applicant is proposing to install a walkway along the western edge of the parking lot to facilitate pedestrian circulation from the parking lot into the duplex units. No off-site sidewalks are proposed.

No sidewalks are located on any public roads in the vicinity of the development.

Finding: *The plans provide a system of pedestrian circulation within and to 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.

Storm water from the site will be allowed to sheet flow into the large wetland area located on the southern 2/3 thirds of the site.

Finding: *The site has adequate provisions for the disposal of all storm water collected on streets, parking areas, roofs or other impervious surfaces through a stormwater drainage system and maintenance plan which does not have adverse impacts on abutting or downstream properties.*

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 Grading & Utility Plan: Sheet GU-1 shows the locations for erosion control devices to be installed. Details Sheet D-1: has the erosion and sediment control plan and details how erosion control measures will be implemented on the site.

The applicant will also comply with the “Maine Erosion and Sediment Control Handbook for Construction: Best Management Practices,” Maine Department of Environmental Protection.

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 applicant is proposing to install a shared private water supply well to serve both buildings.

The applicant is proposing to connect a water line with sufficient capacity to serve both portable and fire protection services from the well to serve each unit of duplex units.

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 applicant is proposing to located 2 septic systems behind the duplex structures. Each of the duplex structures will have its own septic system.

The applicant has provided an HHE-200 application for each of the proposed septic systems designed by 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 development will be served by overhead power, cable and phone from Spiller Road. Once a pole is set on lot 5 the 2 new duplex units will be served by underground utilities from the new pole.

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 northern third of the site is proposed to be developed with the duplex units. The remaining southern two-thirds is proposed to be undeveloped. The undeveloped portion of the lot is where the stormwater will be directed.

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 applicant has hired a licensed soil evaluator to design the septic systems for each of the duplex units. A nitrate nitrogen assessment to estimate the groundwater quality impact caused by the proposed subsurface wastewater disposal systems for the lot has been completed by Summit Geoengineering Services.

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 applicant is proposing residential style lighting to the front of the units. No floodlighting style of lights are proposed for the development.

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 proposal is to utilize the Town's contracted waste hauler to handle household trash and recyclables collection.

Finding: The development will provide for adequate disposal of solid wastes and hazardous waste.

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 development is proposing to locate 12 spruce trees along the shared property line between lots 4 and 5 to break up the development. The applicant is proposing to install 6 shrubs to the front of each duplex unit.

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 Town's 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 hired DM Roma to permit and design the proposed amended plans and accessory submission information. DM Roma provides a full range of site and civil engineering services.

The applicant has provided a letter from Androscoggin Bank, dated May 24, 2019, from Steven Davis, VP Commercial Loan Officer, identifying the applicant's financial capacity to complete the 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 development is buffered from abutting lot 4 with 12 spruce trees along the northern property line of the lot 5. The applicant is proposing to keep existing trees to the front and rear of the lot to break up the view of the development from Spiller Road and abutting residential units.

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 all relevant conditions of approval from past approvals shall remain in effect;
- 4 That all residential structures shall be sprinkled meeting all applicable sections of the Towns Sprinkler ordinance;
- 5 That the Sprinkler plans must be submitted to the State Fire Marshal's Office and the Gorham Fire Department for review and permitting at least two weeks prior to the start of installation of the system;
- 6 That all houses shall be properly numbered with the numbers being visible from the street year around;
- 7 That any proposed use on the site shall meet the sound level requirements outlined under Chapter 4, Section 9, T. Noise;
- 8 That prior to the pre-construction meeting, the applicant will establish the following: an escrow for field inspection meeting the approvals of Town Staff;
- 9 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;
- 10 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;
- 11 That the subdivision/site amendment plan shall not be released for recording at the Registry of Deeds until the required performance guarantee for that phase has been posted meeting the approval of Town Staff, and the subdivision/site plan is required to be recorded within one year of original approval or the approval becomes null and void;
- 12 That the Planning Board Chairman is authorized by the Planning Board to sign the Findings of Fact on behalf of the entire Board; and
- 13 That once the subdivision/site amendment plan has been recorded at the Cumberland County Registry of Deeds, a dated mylar copy of the recorded subdivision/site amendment plan shall be returned to the Town Planner prior to the pre-construction meeting.