

**PLANNING BOARD MEETING
May 6, 2019**

Municipal Center, Burleigh H. Loveitt Council Chambers
75 South Street, Gorham, Maine

Members Present

GEORGE FOX, CHAIRMAN
SCOFF FIRMIN, VICE CHAIRMAN
JAMES ANDERSON
MOLLY BUTLER-BAILEY
VINCENT GRASSI
BRIAN PLOWMAN
MICHAEL RICHMAN

Members Absent

VINCENT GRASSI

Staff Present

THOMAS M. POIRIER, Town Planner
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 Vincent Grassi was absent.

APPROVAL OF THE APRIL 1, 2019 MEETING MINUTES

Scott Firmin MOVED and James Anderson SECONDED a motion to approve the minutes of April 1, 2019 as written and distributed. Motion CARRIED, 6 ayes (Vincent Grassi absent).

- A. Ordinance Review Committee** – This Committee has not met since the last Board meeting.
- B. Comprehensive Plan Implementation Review Committee** – Ms. Butler-Bailey reported this Committee has neither met nor elected a chairman.
-

ADMINISTRATIVE REVIEW REPORT – Mr. Poirier reported that for 19 Bartlett Road, Custom Coach and Limousine, staff has approved a parking lot expansion, as well as the redesign of a loading dock for the facility. In addition, the application for Timbernook, an outdoor school facility for children, is under review and will be completed soon.

CONSENT AGENDA **Christensen, Kurt – Final Subdivision – Fort Hill Road Subdivision, a four-lot residential subdivision located off 765 Fort Hill Road, zoned R-MH, Map 85, Lot 14.**

Mr. Fox explained the consent agenda procedure, noting that items on the consent agenda are applications that have been before the Board which have minor outstanding issues that staff feels have been satisfactorily addressed, and the item is ready for Board approval. Such items are approved without discussion, unless a member of either the Board or the public wishes to take the item off the Consent Agenda.

Mr. Fox confirmed that the Conditions of Approval are satisfactory to the applicant, and there being no one from the Board or the public wishing to take the item off the Consent Agenda,

James Anderson MOVED and Brian Plowman SECONDED a motion to approve the item on the Consent Agenda. Motion CARRIED, 6 ayes (Vincent Grassi absent).

ITEM 1 Public Hearing – Zoning Amendment- Standards for Private Ways – Proposed Amendment to clarify the number of lots and dwelling units allowed on a private way.

Mr. Poirier advised the Board that this item was last before the Board on April 1, 2019 for discussion, at which time the Board's Ordinance committee identified and supported the proposed changes recommended by the Town Attorney and moved the item back to the full Board this evening for a public hearing and recommendation to the Town Council.

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

James Anderson MOVED and Molly Butler-Bailey SECONDED a motion to recommend adoption by the Town Council of the proposed zoning amendment to the Land Use and Development Code with the Planning Board's changes. Motion CARRIED, 6 ayes (Vincent Grassi absent).

ITEM 2 Public Hearing – Site Plan Review – Harvey Performance Company – a request for approval to construct a two-phase manufacturing facility, with phase 1 consisting of a single story 76,887 square foot building, 1,300 foot access drive and 172 parking spaces, and phase 2 consisting of an additional 30,000 square feet to the building and 115 parking space. Zoned Narragansett Mixed-Use Development District, Map 39, Lot 2.

Mr. Poirier reminded the Board that this application was last before it at the April 1, 2019 meeting, and a site walk was held on April 10. He said the applicant is looking for Board comments on this submission, and to return at the next meeting with a DEP permit. Two items under discussion are landscaping and building designs as required by the Narragansett Mixed-Use Development District. In addition, the applicant has some renderings that have not been provided to the Board.

Steve Vatcher, Harvey Performance Company, said that the Board's feedback at the site walk was very helpful in providing guidance. Mr. Vatcher spoke about the HVAC units on the roof, saying that they have been moved from the edge of the building and are not visible from any vantage point around the perimeter of the property. He said that the landscaping plan now optimizes the screening, with proposed planting additional trees along the expansion wall and the By-pass and wrapping around the southeast corner of the building. Mr. Vatcher said they are exceeding the number of trees required. He referred to the Board's major concern on the site walk with the high spot view on the By-pass, some 100 feet from the rotary, and said that if anything can be seen on the roof, it will be difficult to tell what it is. They considered putting an actual fence around the building roof, but they felt that would be more visible, less visibly pleasing, and the additional cost to do that would add some \$400,00 to the project's total cost. Mr. Vatcher said the architects have made changes to the expansion wall facing the By-pass to address Board concerns about breaking up the appearance of that wall, as well as the southern wall of the building.

Dana Watts, SMMA Architects, told the Board that the design concept of the building is proposed to reinforce what Harvey Performance Company does, seeing the building as a block of base metal and extracting certain elements of the building to break the massing down. There will be multiple roof

elevations, some of the entry elements have been refined, as well as the south elevation. He showed the Board landscape renderings, reflecting mid-level maturity, 5 to 10 year growth level approaching the roof line itself. Mr. Watts said that three panel type materials are being considered: a vertical flush panel, a vertical ribbed panel, and a flush composite panel. Also proposed is curtain wall glazing as an element staggered on the south. The basic goal is to use shape, texture and color to help define the architectural qualities of the building. The north elevation is now proposed to be a mixture of flush panels, interrupted with some glass elements, including egress areas, and to turn the corner with vertical ribbed panels.

Mr. Watts discussed the roof line, saying that it will be kept flat, and due to the sun orientation on the building, very little shadowing would be possible, and cornices would be of little effect. Some shadowing can be accomplished with recessing the fascia of the office area from the fascia of the higher part of the building and with some recessed windows in the front. Therefore they feel that pushing the equipment further back from the edge of the roof and the use of buffering is the best way to minimize the visibility of the units on the roof.

Mr. Watts showed the Board various site line studies of the building from different vantage points with the proposed landscaping that is designed to block the roof top units. He noted that they are still working on a color palette, but they will be muted, light toned colors, with a small element of "Harvey blue" being incorporated as a color of choice.

Shawn Frank, Sebago Technics, came to the podium and advised the Board that the proposed second building phase will be an additional 36,000 square feet and not 30,000 square feet. He noted the number of trees required by the ordinance consists of 25 canopy trees, proposed are 45 to include taller trees to work with the buffering; 49 understory trees required, proposed are 39; and 159 shrubs required, proposed are 213. Mr. Frank noted that as the rest of the site becomes developed in the future, the visual impact of this building will become less and less. The roadway is now to be called "Raceway Drive," and they will coordinate the issue of the off-site sidewalks with staff as they move forward.

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

Mr. Anderson said that the screening of the rooftop units appears to be creative and effective. He asked that the applicant provide in the next submission what the panels look like. Mr. Watts said they can provide cut sheet showing what is contemplated. Mr. Richman said he said that while the ordinance does not permit glass as a required building material, he agrees that the fenestration proposed by the applicant would be appropriate; asked that the panels not be "shiny;" and agrees that the proposed roof treatment will comport with the ordinance's language in #6 about roofs.

Mr. Fox referred to #6's statement that "All roof-top mechanical equipment shall be screened so that it is not visible from grade," saying that this is a larger building with some limitations that can be done with a building of this size and asked for Board input. Mr. Plowman said he believes the applicant has dealt with the problem in a good way. Mr. Anderson said he believes it would be difficult to put a gambrel roof on a building of this size, whereas at 25 feet tall the propose landscaping will minimize the size and what they are proposing for a 76,000 square foot building works. Ms. Butler-Bailey said she has a problem with the language that "The architectural design of the building **shall** incorporate features which screen, contain and conceal..." saying she does not believe that the Board has the flexibility to disregard that standard's language.

Mr. Poirier referred to Mr. Richman's comment about glass not being counted as a required building material, saying that if the Board considers the glass that is being proposed is greater than just windows and doors, the Board can count it as one of the three building materials being utilized in the design of the building. Insofar as concealing of roof top materials at grade, he believes that "grade" is on the applicant's site, and screening of the roof top units would be on their site. He believes that the addition of such robust

landscaping requirements in this district is to provide some kind of landscape buffer to break up the appearance of the building and the roof top mechanicals. The ordinance has enough gray area with the use of “shall be used” and “may be used” that if the Board is comfortable that the applicant is working to meet the requirements of the ordinance, the Board has the flexibility to consider other elements such as landscaping and the design of the building and use of the building to satisfy the requirements of the ordinance.

Mr. Fox said he believes that Mr. Poirier is recommending that the Board look at the totality of the design, architectural, roof design, landscaping, and determine that the applicant is meeting the requirements of the zone. Mr. Fox said that the discussions on the zone spoke about bringing “Village character” to the zone, but that could be difficult with a building of this size, and he is more interested in seeing an attractive, high quality building that stretches as far as it can practically stretch to meet the requirements. Mr. Anderson agreed, saying it is difficult to achieve a Village character in a building this size, especially being visible from three sides, but he believes that what is being proposed works. Ms. Butler-Bailey said that lawyers take the word “shall” very seriously and does not believe the Board has the ability to ignore it. Mr. Plowman said if staff believes the Board has the flexibility to look past the word “shall,” he believes that the applicant has gone above and beyond to address the Board’s concerns. Mr. Firmin said that in light of the work that has gone into the design of the building and the size and scope of the building, he is satisfied that architectural standards have been used to conceal the roof top units. Mr. Richman said he agrees, saying that the applicant has made a conscious efforts to conceal and minimize the roof top units, such as moving them back further on the roof, and reiterated his concern to soften the appearance of the panels.

Mr. Fox commented that the proposed landscaping seems robust and will accomplish what was asked for at the site walk to break up features of the building visible in closer to the building. The rest of the Board concurred.

Mr. Frank said that hopefully they will have their DEP approval this month and would like to come back before the Board in June for final approval. Mr. Plowman asked if the item could be placed on a consent agenda. Mr. Fox said he would like to know more about the materials proposed, which would be difficult to deal with on a consent agenda.

Scott Firmin MOVED and James Anderson SECONDED a motion to postpone further review of Harvey Performance Company, LLC’s site plan pending submission of additional materials, revisions to the plans. Motion CARRIED, 6 ayes (Vincent Grassi absent). [8:00 a.m.]

Mr. Plowman asked to be recused from the discussion on this item as he is the developer on the project.

James Anderson MOVED and Molly Butler-Bailey SECONDED a motion to allow Mr. Plowman to be recused. Motion CARRIED, 5 ayes (Brian Plowman abstaining, Vincent Grassi absent).

ITEM 3 Public Hearing – Final Subdivision/Site Plan Review – Plowman Development Group, LLC – Grady Farm Subdivision – a request for approval of a 16-unit condominium located at 136 South Street, zoned Urban Residential, Map 103, Lot 78.

Mr. Poirier reminded that Board that the applicant received preliminary approval on March 4, 2019, pending the submission of additional information about groundwater impacts, as well as additional landscape information. The applicant has provided a hydro-geological services report from Clifford R. Lippitt, senior geologist with S.W. Cole Engineering, rendering an opinion about groundwater impacts; staff has added a new condition of approval #11 to address the summary from that report. Additional landscape renderings have been provided, and the applicant has received its DEP permit.

Steve Blake, BH2M, introduced Cliff Lippitt from S.W. Cole Engineering, and advised the Board that the context renderings the Board asked for at the March meeting have been provided, viewpoints from South

Street and from the north, showing the proposed landscaping in various stages of growth, 2, 6 and 10 years, as well as existing buildings.

PUBLIC COMMENT PERIOD OPENED: Caroline Dahms, 17 Spruce Lane, cited elevations of the condos and pointed out that people would look down into her yard, a big concern about the loss of her privacy. She said that the type and number of houses doesn't fit in with the neighborhood. She said her other concern is about the groundwater. Ms. Dahms said if the plan goes forward as is, she is not satisfied about the proposed buffering, and asked if she can speak again about the possibility of additional fencing to screen her property. When told by Mr. Fox that the applicant is asking for final approval this evening, so if she has concerns and this is the time to talk about them, Ms. Dahms then said she wants a fence to screen her property.

Mr. Plowman described the proposed types of housing, with the majority of the houses most likely will be capes, and described the amount of extra landscaping proposed. He said that the houses will be 40 feet from the lot lines.

Gina Marianacci, 144 South Street, spoke about the five houses would about the open field of her property and the proposed buffering. Mr. Blake said that the neighboring deck would be about 17 feet from the property line, room for the landscaping. She commented about the number of cars entering and exiting the development, and said there will be too many people in too small a space. She asked that the fence be extended the entire length of her property to preserve her privacy.

Caroline Dahms, 17 Spruce, returned to the podium to talk about the size and impact of the development and asked again for fencing around the perimeter of the property to create even more of a barrier between them and the development.

Mr. Plowman told the Board that fencing had originally been proposed but that they had been told not to do it and instead go the route of buffering with trees. He said they believe they have done everything they were supposed to do, taking into consideration the concerns of the Board and the abutters.

Before Mr. Fox closed the public hearing, he asked that Mr. Lippitt from S.W. Cole speak about the ground water impact of the development. If there are any questions after his presentation, the public comment period will be still be open for more comments.

Clifford Lippitt came to the podium and described his findings regarding ground water and surface water drainage, ground water being what is in the ground and surface water is what is running off the ground. The key feature to Mr. Lippitt's review was the original surface topography; he said that what is proposed by the applicant's stormwater drainage plan will decrease the amount of infiltration going into the ground because of the added impermeable area, with less going into the ground and more running off. There will probably be less infiltration to the abutters, and the development could actually help the drainage impacts to the neighbors' lots., as it appears the stormwater control plan addresses that issue. Mr. Lippitt said that if the fill materials are the same as existing soils, and the stormwater and site drainage features constructed as designed, stormwater mounding beneath the site will be limited and any mounding on site or adjacent properties should be mitigated by the drainage plan. Mr. Blake confirmed to Mr. Fox that the homeowners' documents will spell out what the maintenance requirements are for the storm drain pipes, swales, catch basins and the like in the water management of the site.

Ms. Butler-Bailey confirmed with Mr. Lippitt that the information Mr. Lippitt had is thorough enough for his analysis. Mr. Fox confirmed that conditions on the site, along with the provisions that the applicant is proposing for stormwater runoff controls, should not have any adverse effects on the people outside the property and potentially could make it better.

Mr. Firmin asked how to insure Mr. Lippitt's recommendation that fill materials of a similar character in grain size, compaction and permeability are being met. Mr. Plowman said they will ask S.W. Cole to do compaction testing. After discussion, Mr. Poirier proposed a new Condition of Approval #11 as follows: "That a certified geologist and engineer hired by the applicant shall review and approve the proposed fill

material to be utilized on the site to ensure fill materials are of a similar character (gran size, compaction, and permeability) to the existing soils, and any reports and inspections done by the applicant's engineer and geologist shall be submitted to the Town." Mr. Blake said a note will also be added to the grading plan specifying what that material will be.

PUBLIC COMMENT PERIOD REOPENED: Caroline Dahms, 17 Spruce Lane, came back to the podium to thank the applicant for the studies that have been done to provide the information that the abutters wanted, and said that she believes the Board has the abutters' best interests in mind when they require notification that the fill has been done properly. She once again asked the Board to consider the number and sizes of the houses to be developed on the site.

PUBLIC COMMENT PERIOD ENDED.

Mr. Anderson told the Board that he was not a Board member during the previous discussions on this item, but he has reviewed the record and believes he can participate fairly.

Scott Firmin MOVED and Michael Richman SECONDED a motion to allow Mr. Anderson to remain for the discussion of the item. Motion CARRIED, 5 ayes (James Anderson abstaining, Vincent Grassi absent).

Mr. Fox commented that he shares some of the abutters' concerns such as the density and the amount of fill required and appreciates the applicant having Mr. Lippitt address the Board this evening. Mr. Richman thanked the applicant for going through the efforts to produce the various renderings; while he is sensitive to the density, the development in general comports with the direction for development in the Village; he cautioned about the use of fencing, which he believes is unfriendly; and is reassured by the S.W. Cole report about the lessening of an impact on abutting properties and perhaps even an improvement to those properties. Mr. Anderson confirmed with Mr. Blake that the swale along the property line slope toward the applicant's property and could help surface water to drain into the swale. Ms. Butler-Bailey said that the renderings were helpful, does not believe that a fence is appropriate but vegetation is more desirable, and personally finds the density disturbing, but other developments in the downtown area have similar density and the Comprehensive Plan encourages that level of density. Mr. Firmin noted that there are 14 houses on Spruce Lane's 3.9 acres and that this 3.2 acre lot would have 16 dwelling units, and does not believe this development is totally out of character. Mr. Firmin said the renderings have shown the impact of the 5 foot elevation difference and he is satisfied that this meets the Comprehensive Plan and the intent of development in that area. Mr. Fox said the number of units is not his preference on the property, but feels it is consistent with the zoning requirements and the Comprehensive Plan and the applicant has meet the requirements under the Code. Mr. Fox commented that this is an indication of where Gorham is going where infrastructure is already in place.

Mr. Blake said that the Conditions of Approval meet with the applicant's approval.

James Anderson MOVED and Scott Firmin SECONDED a motion to grant Plowman Development Group LLC's request for final subdivision and site plan approval for Grady Farms Subdivision, 16 house-o-miniums, located off South Street, Urban Residential zoning district, Map 103, Lot 78, with Conditions of Approval and Findings of Facts and Conditions of Approval as written by the Town Planner and revised by the Planning Board this evening. Motion CARRIED, 5 ayes (Brian Plowman recused and Vincent Grassi absent). [8:50 p.m.]

Mr. Plowman returned to the dais.

ITEM 4 Public Hearing – Site Plan Amendment – Town of Gorham – Little Falls Recreation Facility a request for approval for a combined concessions/storage building and bathrooms at the Little Falls Recreation Facility, 688 Gray Road, zoned Urban Residential-Manufactured Housing zoning district, Map 52, Lot 12.

Mr. Poirier explained that in 2014 the Town received site plan approval to renovate one existing multipurpose field, create a new multipurpose field, and convert an existing baseball field to a multipurpose field at the Little Falls Recreation Facility. The applicant is now proposing to construct a concessions stand and storage building with bathrooms to support the facility.

Shawn Frank, P.E., Sebago Technics, introduced Cindy Hazelton of the Gorham Recreation Department. The concessions/storage building and bathrooms will be identical to those at the high school, and the porta-potties at Little Falls will be replaced. Access will remain the same. There is an existing 2" water line that will be extended with a 4" line, sewer will be extended from Gray Road, and there will be underground electric to service the building. Mr. Frank pointed out proposed parking with handicap capability, sidewalk access to the concessions building and restrooms.

PUBLIC COMMENT PERIOD OPENED: None offered
PUBLIC COMMENT PERIOD ENDED

Mr. Fox asked about lighting on the building. Mr. Frank replied that there will be a total of six lights, including a wall pack light above each bathroom door to be full cut-off LED lighting, one over the garage door, one on the side facing the parking lot, and one over the window on the end. Cindy Hazelton told the Board that the lights will be dawn to dusk with a low light security feature, minimal impact to abutters. Mr. Plowman asked if the restrooms will be secured overnight; Ms. Hazelton replied that they will be. Mr. Firmin asked about gating at the facility when it is not in use. Ms. Hazelton said there are two gates, one is close to the tennis and basketball courts that is opened based on the surface, such as snow plowing, and there is a second gate forces everyone entering the facility to go into the parking lot. Mr. Anderson and Mr. Frank discussed the small amount of grading that will be necessary between the parking lot and the access road for the building for drainage. Mr. Fox commented about the walking path shown on the plans. Mr. Poirier said that the path is an ADA requirement. Mr. Firmin disclosed that he works for the Portland Water District but has had no involvement with this project and is comfortable discussing the item. He asked if the Water District has issued approval; Mr. Frank replied that approval was granted today for the 4" watermain.

Scott Firmin MOVED and Brian Plowman SECONDED a motion to grant the Town of Gorham's request for approval of the site plan amendment for Little Falls Recreation Facility to add a masonry concession/storage building and bathrooms located on Map 52, Lot 12, in the Urban Residential-Manufactured Housing zoning, with Findings of Fact and Conditions of Approval as written by the Town Planner. Motion CARRIED, 6 ayes (Vincent Grassi absent). [9:00 p.m.]

ITEM 5 Public Hearing – Site Plan Amendment – First Russian Baptist Church – Garage Addition – a request for approval for a 34' x 52' (1,664 square feet) garage at 211 Mosher Road, Suburban Residential zoning district, Map 49, Lot 10.

Mr. Poirier told the Board that this is the 5th amendment to a previously approved site plan. At this time the applicant is asking for approval to construct a masonry garage/storage building on the site. Mr. Poirier noted that the Board will need to determine if a site walk is warranted for the project.

David Latham, Casco Bay Engineering, told the Board that a 32' x 52' garage is proposed to be located on an existing gravel area. The building will not lead to an increase in water use and no exterior lighting is proposed.

PUBLIC COMMENT PERIOD OPENED: Tim Boynton, 215 Mosher Road, asked how tall the garage is proposed to be and what will it be used for. Will the garage stay on a gravel pad or will they put a cement pad. He is concerned that the building could be two stories and used to repair heavy equipment every night. He would like there to be a site walk.

PUBLIC COMMENT PERIOD ENDED.

Mr. Latham said that the garage is to be one story, 16 feet tall and used primarily for storage. Dennis Kushner, church member, said that items such things as tables, chairs, children's play equipment, vans, lawn mowers, plow and the like would be stored in the building. Mr. Kushner said there will be no work done in the garage.

Mr. Boynton returned to the podium to clarify the building height. Mr. Latham said the wall height would be ten feet and then roughly 6 feet to the peak.

Mr. Firmin asked if there are any elevations for this project and would the Board typically see any. Mr. Poirier replied that elevations are a submission requirement to show a rendering of what the building is going to look like, a basic floor plan and the color of the proposed building unless the Board waives the requirement. This information has not been submitted. Mr. Fox confirmed with Mr. Latham that this will be a stand-alone building with no utilities, water or sewer, on a concrete foundation.

Mr. Anderson commented that the plan from the 2015 approval does not show a gravel pad now being proposed as the location for the garage. Mr. Latham said the 2015 plan was prepared by another company and the location of the pad was determined from aerial photographs, but he is not sure when the pad was added. In reply to Mr. Fox, Mr. Latham said it is expected that fill will be added as necessary.

Mr. Poirier said that checking Google Earth photographs could show when the gravel pad first appears, and the applicant could also contact BH2M. He noted that the Town's engineer commented that the gravel area is not shown on the 2015 approved site plan, and is asking that the applicant demonstrate that the existing gravel area is impervious by providing test pit data and supplementary photographs. Mr. Poirier said the applicant should try to find out when the pad was installed, if it was prior to the 2015 approval it is probably a grandfathered area, if it was after 2015, then it needs to be addressed as part of this application.

In reply to Mr. Fox, Mr. Latham said the wetlands are about 150 feet from the property line. Mr. Latham said that any clearing of trees will be limited to pruning. Mr. Richman asked how far away the garage will be from the existing structure; Mr. Latham replied that he believes it to be 10 to 15 feet. Mr. Richman asked for some photos of the existing structure with the next submission.

The Board concurred that no site walk is warranted.

Scott Firmin MOVED and Brian Plowman SECONDED a motion to table further review of the First Russian Baptist Church's request for site plan amendment approval pending responses to remaining issues and finalizing revisions to the plans. Motion CARRIED, 6 ayes (Vincent Grassi absent). [9:20 p.m.]

ITEM 6 Public Hearing – Site Plan Amendment – Simona Shores Properties, LLC – Condominium Development – a request for approval to add one additional duplex and a 35-foot extension to

Simona Shoes Drive, Urban Residential-Manufactured Housing zoning district, Map 110, Lot 301-312.

Mr. Poirier said that the Board had a pre-application discussion with the applicant on March 4, 2019.

Travis Letellier, Northeast Civil Solutions, appeared on behalf of the applicant Suphi Turker. Mr. Letellier said the plan is essentially the same as was discussed at the pre-app. He said that the original site plan did require a DEP permit by rule, but because they will disturb less than an acre there is no updating to the permit by rule required.

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

In reply to Mr. Fox, Mr. Letellier said he has spoken to the DEP and has confirmed that there is no permit by rule because they are disturbing less than an acre, so they are not bumped up to the next level of DEP permitting. Mr. Letellier said he will get that determination from the DEP in writing.

Mr. Anderson asked what the public access to the river will consist of, Mr. Letellier replied that it will be a chipped surface and will be shown on the plan. Mr. Fox asked about the Portland Water District's ability-to-serve letter; Mr. Letellier said they have not yet completed their actual sprinkler design. Mr. Firmin said he does work for the Portland Water District but has had no involvement with this project and believes he can participate in the discussion on the item. Mr. Poirier said that the Water District's comment refers to the service from the existing private water main into the building and the water main needs to be sized correctly. Mr. Anderson and Mr. Letellier discussed the snow storage location; Mr. Letellier said it will be shown on the plan.

Scott Firmin MOVED and James Anderson SECONDED a motion to postpone further review of Suphi Turker's request for site plan and subdivision amendment approval pending responses to remaining issues and finalizing revisions to the plans. Motion CARRIED, 6 ayes (Vincent Grassi absent). [9:25 p.m.]

ITEM 7 Subdivision Amendment – Ralph Vance – Harrison Lane Subdivision – a request for approval for a change of ownership of Harrison Lane Subdivision off Libby Avenue from Robert Hamblen to Ralph Vance Land Development,

Mr. Poirier explained that Harrison Lane Subdivision received final approval on September 10, 2018. Robert Hamblen, the original applicant, has sold the land and the subdivision approval to Ralph Vance. The amendment before the Board this evening is to review the applicant's technical and financial capacity to complete the project, and no other changes are proposed as part of the amendment. Since no changes are proposed to the plan, no changes can be reviewed or requested by the Planning Board, and all conditions of approval from the original approval remain the same.

Ralph Vance came to the podium and introduced his daughter, Kris Allen.

Mr. Fox noted that a letter of financial capacity has been provided by Gorham Savings Bank, and a letter of technical capacity has been provided by Mr. Vance.

PUBLIC COMMENT PERIOD OPENED: None offered
PUBLIC COMMENT PERIOD ENDED

James Anderson MOVED and Brian Plowman SECONDED a motion to grant Ralph Vance's request for subdivision amendment approval for a change of ownership from Robert Hamblen to

Ralph Vance of Harrison Lane Subdivision off Libby Avenue, Suburban Residential-Manufactured Housing zoning district, Map 46, Lot 23, based on Findings of Fact and Condition of Approval as written by the Town Planner. Motion CARRIED, 6 ayes (Vincent Grassi absent). [9:50 p.m.]

IEM 8 Discussion – Land Use and Development Code – proposed amendment to Chapter 7, Section 7.2, to adopt the amended Middle School Facilities Impact Fee and Methodology.

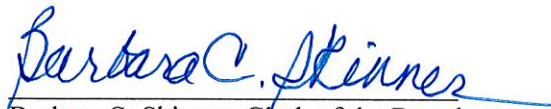
Mr. Poirier told the Board that the Town Council, looking to re-establish the Middle School Impact Fee, forwarded the proposed amendment to the Board for its review on April 2, 2019. The Town Attorney has drafted the proposed fee and methodology for the implementation of the impact fee.

Due to the complexity of the proposed amendment, the Board concurred that a full Board workshop should be scheduled, with perhaps the Town Attorney present to provide guidance.

After discussion, the Board agreed that staff will schedule a full Board workshop with the Town Attorney present to discuss the proposed amendment.

Molly Butler-Bailey MOVED and Scot Firmin SECONDED a motion to adjourn. Motion CARRIED, 6 ayes (Vincent Grassi absent). [10:15 p.m.]

Respectfully submitted,


Barbara C. Skinner, Clerk of the Board
May 6, 2019

CONSENT AGENDA – KURT CHRISTENSEN FORT HILL ROAD SUBDIVISION

CHAPTER 3 - SUBDIVISION, SECTION 3 - PRELIMINARY PLAN

The Planning Board, following review of the Preliminary Subdivision Application, makes these findings based on the Subdivision Review criteria found in Chapter 3, Subdivision, Section 3-3 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 single-family lots range in size from 40,029 square feet to 197,253 square feet with street frontage for the lots ranging in size from 200 feet to 299.75 feet.

The Comprehensive Plan identifies the future land use designation of this lot as in the Rural district.

Finding: Fort Hill Subdivision 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 new lots will be served by Fort Hill Road, State Route 114. Fort Hill Road, State Route 114 is considered a major/urban collector road by the Maine Department of Transportation.

Fort Hill Road has the capacity to handle the additional trips proposed by the 2 new lots.

Finding: Fort Hill Subdivision 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 single-family homes located in the subdivision will be served by underground power, electric and telephone lines, and the Town's contracted waste disposal contractor.

Finding: Fort Hill Subdivision 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.

Fort Hill Road right-of-way has a 8" size watermain located along the frontage of the subdivision. The subdivision lots will be served by public water from the watermain located in Fort Hill Road.

The watermain services shall be sufficient in size to allow for each new house to have a residential sprinkler system.

Finding: Fort Hill Subdivision provides for adequate water supply for present and future needs.

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

The lots will have on-site subsurface disposal systems designed by a Maine Licensed Site Evaluator. All private septic systems are required to meet the requirements of the State of Maine Subsurface Wastewater Disposal Rules.

Finding: Fort Hill Subdivision provides for adequate solid and sewage waste disposal for present and future needs as reasonably foreseeable.

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

Storm water from the limited amount of impervious areas proposed for lots 1 and 2 will be directed into wooded areas. Sewage disposal from the site will be treated in subsurface disposal systems designed by a Maine Licensed Site Evaluator.

Finding: Fort Hill Subdivision 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.

All the residential house lots will be loamed and seeded to prevent soil erosion. The majority of storm water from the subdivision will be directed into forested and vegetated areas of the residential lots.

Finding: Fort Hill Subdivision 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 construction of each of the proposed residential buildings or accessory buildings for the lots located within the subdivision shall comply with the Maine Erosion and Sediment Control Handbook for Construction: Best Management Practices, Maine Department of Environmental Practices.

Finding: Fort Hill Subdivision 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 scenic vistas, historic sites or irreplaceable natural or manmade assets have been identified on the site.

The proposed pond and abutting wetland areas are not anticipated to be impacted with the development of the site.

Finding: Fort Hill Subdivision 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 statement from Gorham Savings Bank, dated December 14, 2018, identifying his ability to fund the project.

The applicant has identified that he has been self-employed for 34 years as a developer and has completed several subdivision projects in Sebago and Bridgeton.

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 building permits for the two (2) lots within the subdivision.

Finding: Fort Hill 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 applicant is proposing a common lot located in the middle of the development which will retain the existing pond and wetlands for use of the 4 lots within the subdivision.

Finding: Fort Hill Subdivision is not proposing to create open space and recreational land and facilities within the subdivision. .

CHAPTER 3 – SUBDIVISION, SECTION 3-4 C– 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 applicant was granted a waiver from the Planning Board for the Board's policy to grant preliminary and final subdivision approvals at separate meetings. The final plan and documents are adequate to grant final subdivision approvals.

Finding: *The final plans have been submitted to the Planning Board.*

- 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.

Finding: *The final plan has been submitted within 12 months of issuance of the preliminary approval.*

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 applicant 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 the applicant shall provide property line information and site information in auto-cad format to the Town Planner;
3. That the underground electric lines shall be inspected by the Code Enforcement Officer prior to backfill;
4. That the houses shall be properly numbered with the numbers being visible from the street year around;
5. That the applicant is responsible for recording the approved Homeowners' Association documents along with evidence that the Homeowners' association has been formed within 90 days of the date of approval of the subdivision by the Planning Board or before the sale of any lots and a recorded copy of the Homeowners' Association documents shall be returned to the Planning Department prior to a building permit being issued for a lot in the subdivision;
6. That the applicant shall provide a recorded copy of the approved access easement on lot 1 for the benefit of lot 2 prior to any building permit being issued for a lot within the subdivision;
7. That the Planning Board Chairman is authorized by the Planning Board to sign the Findings of Fact on behalf of the entire Board;
8. That the subdivision plans shall not be released for recording at the Cumberland County Registry of Deeds until the required performance guarantee has been posted meeting the approval of Town Staff; and the subdivision plan is required to be recorded within one year of original approval or the approval becomes null and void; and
9. That once the subdivision plans have been recorded at the Cumberland County Registry of Deeds, a dated mylar copy of the recorded subdivision plans shall be returned to the Town Planner prior to a pre-construction meeting being held.

ITEM 3 PLOWMAN DEVELOPMENT GROUP, LLC – GRADY FARM SUBDIVISION

CHAPTER 3 - SUBDIVISION, SECTION 3 - PRELIMINARY PLAN

The Planning Board, following review of the Preliminary Subdivision Application, makes these findings based on the Subdivision Review criteria found in Chapter 3, Subdivision, Section 3-3 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 166,573 sq.ft. in size and has a residential density of 166,573 sq.ft./10,000 sq.ft. = 16 dwelling units.

The Comprehensive Plan identifies the future land use designation of this lot as in the Village Residential district.

The driveway name Fae Lane meets the E911 naming requirements.

Finding: Grady Farms Condominium Subdivision 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 applicant is proposing to install Fae Lane, a driveway built to the Town's Urban Access street standard. The site is accessed via South Street, State Route 114, which is classified as a major urban collector by the Maine Department of Transportation.

The proposal will add 153 average daily trips into the site. The busiest a.m. peak hour will be 8:00 am and have 9 trips, with the busiest p.m. peak hour being 5:00 pm and having 16 trips.

Finding: Grady Farms Condominium Subdivision 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 house-o-minium units located in the subdivision will be served by underground power, residential sprinkler systems, electric and telephone lines, and the Town's contracted waste disposal contractor.

Finding: Grady Farms Condominium Subdivision 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 house-o-minium units will be served by public water meeting the requirements of the Portland Water District.

The 4" watermain located in Fae Lane will be a private watermain and maintenance will be the responsibility of the Grady Farm Condominium Association.

The applicant has provided an ability-to-serve letter from Robert Bartels, P.E., Senior Project Engineer, with the Portland Water District, dated July 25, 2018.

Finding: Grady Farms Condominium Subdivision provides for adequate water supply for present and future needs.

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

The house-o-minium units will be served by a gravity sewer main meeting the requirements of the Portland Water District.

The 8" gravity sewer main located under Fae Lane will be private and the maintenance of the sewer main shall be the responsibility of the Grady Farm Condominium Association.

Finding: Grady Farms Condominium Subdivision provides for adequate solid and sewage waste disposal for present and future needs as reasonably foreseeable.

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

The stormwater management system on the site includes catch basins, underground storm drains, vegetated swales, and a wet pond. The stormwater will be collected in the closed drainage system and piped from the western portion of the site and directed easterly to a wet pond located on the eastern third of the lot.

Finding: Grady Farms Condominium Subdivision 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.

All the residential house lots will be loamed and seeded to prevent soil erosion. The majority of the storm water from the subdivision will be directed to and treated in a wet pond.

The Grady Farms Condominium Association shall be required to maintain the storm water drainage infrastructure.

Finding: Grady Farms Condominium Subdivision 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 plan set includes sheets showing the locations for erosion control devices as well as providing erosion control details, notes, and requirements. The information is shown on the Site Grading: Sheet 4, and the Erosion Control Details: Sheet 8.

Finding: Grady Farms Condominium 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 scenic vistas, historic sites or irreplaceable natural or manmade assets have been identified on the site.

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

- k) 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 submitted a letter from Vicki L. Bessette, Vice President, with Katahdin Trust Company, dated September 27, 2018, identifying financial capacity.

The applicant has provided a schedule of values.

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 building permits for the fifteen (15) lots within the subdivision.

Finding: Grady Farms Condominium 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 applicant is not proposing any formal open space as part of the development of the site. The common space will include all areas outside of the house-o-minium dwelling units and shall be considered common area for the use by the condominium association members.

Finding: Grady Farms Condominium Subdivision is not proposing to create open space and recreational land and facilities within the subdivision.

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 final plan and documents are adequate to grant final subdivision approval.

Finding: The final plans have been submitted to the Planning Board.

- 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 Planning Board granted preliminary approval for the subdivision on March 4, 2019.

Finding: The final plan has been submitted within the 12 months of preliminary approval.

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.

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 proposal is to construct 15 new single-family dwellings and to relocate the existing house on the lot. A majority of the western three-quarters of the lot will be developed with houses, road, and stormwater infrastructure. The eastern edge of the lot will remain as woodlands.

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 to the site will be on South Street, State Route 114, which is classified as a major urban collector by the Maine Department of Transportation.

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.

Vehicular access into the site will be on Fae Lane, which is being designed to the Town's Urban Access road standard. Fae Lane is a dead end driveway that exits onto South Street.

The proposal will add 153 average daily trips into the site.

Finding: *The 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.

Fae Lane is proposed to be a dead-end driveway to allow traffic to access the single-family dwelling units. There will be a turn-around to the right at the end of the driveway meeting requirements for emergency vehicles to turn around. No parking is allowed in the turn-around.

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.

A privately maintained sidewalk will be located on the northern side of Fae Lane to serve the units in the development. The private sidewalk will connect into the sidewalks on South Street, State Route 114.

Finding: *The layout of the site provides 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.

A storm water pond is proposed to be located along the eastern end of the property. Storm water will be collected into a series of catch basins or field inlets and directed into a riprap swale portion of the storm water pond.

The project received a stormwater management permit from the Maine Department of Environmental Protection, Permit #: L-28039-NJ-A-N.

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.

During construction a filter berm or silt fence will be installed along the edge of the disturbed area, as shown on the Site Grading: Sheet 4. The applicant has also provided Erosion Control Details: Sheet 8. The applicant will comply with the "Maine Erosion and Sediment Control Handbook for Construction: Best Management Practices," Maine Department of Environmental Practices.

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 house-o-minium units will be served by a Portland Water District 6" public water main located in South Street.

A private 4" water main will be extended into the site from the existing 6" water main located in the South Street right-of-way. The water main design and installation are required to meet the requirements of the

Portland Water District. The Grady Farms Condominium Association shall be responsible for maintenance of the private water main located under Fae Lane.

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 condominium units will be served by the 10" Portland Water District public sewer located in South Street, State Route 114 right-of-way.

A private gravity sewer system will collect sewerage from the 16 units which will flow into a private 8" gravity sewer main located under Fae Lane. The Grady Farms Condominium Association shall be responsible for maintenance of the private sewer system located under Fae Lane.

Finding: *The sanitary sewer system will be installed at the expense of the developer meeting the requirements of the sewer user ordinance.*

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

The units will be served by underground power, cable, telephone, and natural gas.

Finding: *The development will be provided with 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 proposal requires clearing of trees to construct units, stormwater infrastructure, and proposed roadway. The project will not impact any wetlands or streams located on the lot.

The trees and wetlands located on the eastern portion of the site will remain undisturbed as well as some trees located along the southern and northern property lines.

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 applicant is proposing to direct stormwater into a stormwater pond for treatment. The condominium dwelling units will not utilize groundwater for use by the occupants of the units.

The fill materials used on the site are required to be of similar character (grain size, compaction, and permeability) to the existing soils and if the stormwater and site drainage features are constructed and maintained as designed, groundwater mounding beneath the site will be limited and any mounding that may occur on the site or adjacent properties should be mitigated by the drainage plan.

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 proposal is to locate five light poles along the northern edge of the Fae Lane. The lights will be located on 14' aluminum tall poles and have decorative fixtures on top.

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.

Trash removal will be through the Town's solid waste provider.

Finding: *The development will provide 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 applicant has submitted a Landscaping Plan: Sheet L1, showing the location of landscaping to be added to break up the proposed development from abutting properties and the road. Each house-o-minium unit is proposed to have foundation plantings in front of it.

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 a Shoreland Overlay District and no wetlands or waterbodies are proposed to be impacted by construction activities.

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 it has the financial and technical capacity to carry out the project in accordance with this Code and the approved plan.

The applicants have experience in development and have completed several projects similar to the one proposed.

The applicant has submitted a letter from Vicki L. Bessette, Vice President, with Katahdin Trust Company, dated September 27, 2018, identifying financial capacity.

Finding: *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.*

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 proposal is to retain trees and vegetation and add additional vegetation where needed along the property boundaries to break up the proposed development from abutting properties.

Additional trees and foundation landscaping are also proposed to be installed to soften the interior appearance of the development.

Finding: The development will provide for buffering of adjacent uses where there is a transition from one type of use to another use and 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, except for minor changes which the Town Planner may approve;
2. That the applicant shall provide property line information and site information in auto-cad format to the Town Planner;
3. That the houses shall be properly numbered with the numbers being visible from the street year around;
4. That the driveway name shall be approved by the Police and Fire Chiefs;
5. That the underground electric lines shall be inspected by the Code Enforcement Office prior to backfill;
6. That the driveways shall be properly named and signed with Town approved signs and signs shall be in place as soon as the driveway is constructed;
7. That prior to the 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 private driveway shall be properly maintained by the condominium association for access of emergency vehicles year round;
9. That the building units 1, 2, 13, 14, 15, 16 foundations must be pinned and certified by a licensed surveyor in writing before the foundation is backfilled;

-
10. That the condominium association is responsible for maintenance of the stormwater infrastructure including ditches per the Maine DEP stormwater permit and the Stormwater Management Report for Grady Farm prepared by BH2M;
 11. That a certificated geologist and engineer hired by the applicant shall review and approve the proposed fill material to be utilized on the site to ensure fill materials are of similar character (grain size, compaction, and permeability) to the existing soils, and reports and inspections done by the applicant's geologist and engineer shall be submitted to the Town;
 12. That all homes are to be sprinkled meeting all applicable section of the Town Fire Suppression Ordinance and a set of sprinkler plans shall be submitted to the Fire Department at least two weeks prior to the start of installation of the system for permitting and review;
 13. That the buildings will meet all applicable sections of the NFPA 101 Life Safety Code and the NFPA Fire Prevention Code 1;
 14. That the applicant is responsible for recording the approved Condominium Association documents within 90 days of the date of approval of the subdivision by the Planning Board and a recorded copy of the Condominium Association documents shall be returned to the Planning Department prior to a preconstruction meeting behind held;
 15. That the Planning Board Chairman is authorized by the Planning Board to sign the Findings of Fact on behalf of the entire Board;
 16. That the subdivision/site plan shall not be released for recording at the Cumberland County Registry of Deeds until the required performance guarantee has been posted meeting the approval of Town Staff; and the subdivision plan is required to be recorded within one year of original approval or the approval becomes null and void; and
 17. That once the subdivision plan has been recorded at the Cumberland County Registry of Deeds, a dated mylar copy of the recorded subdivision plan shall be returned to the Town Planner prior to a pre-construction meeting being held.
-

ITEM 4 TOWN OF GORHAM SITE PLAN AMENDMENT – LITTLE FALLS RECREATION FACILITY

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.

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 has provided a site plan index containing 6 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 to the site will remain on Gray Road, State Route 202, and no additional trips are proposed to be generated. No changes are proposed to the access into the site.

Finding: The 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.

Vehicular access into the site will be via a 20' gravel driveway located off Gray Road, State Route 202. The driveway runs before the western parking lot between multipurpose fields 2 and 3. No changes to the access into the site are proposed with the site plan amendment.

Finding: The 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 western and eastern gravel parking lots is currently via a 20' gravel driveway. The gravel parking lots allow for vehicles to turn around and drive out of the site without needing to back out onto the public road.

A driveway is located between the three multi-purpose fields 1, 2, and 3. The driveway is restricted for use by maintenance and emergency services for maintenance and emergency responses to the fields. No changes are proposed to the access into 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.

The site is proposed to be open which will allow pedestrians parking in either the eastern or western parking lot to walk across grassed areas to access the multipurpose fields.

A walkway will be extended along the southern and western edges of the proposed building to provide access to the concession area and bathrooms. The new walkway will be connected into the walkway system located between the parking lot and the restricted gravel driveway located between the recreation fields.

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.

Stormwater from the fields is directed to the ends of the fields through a system of 6" underdrain pipes. The stormwater will then be directed into storm drains and catch basins to the western and northern portions of the site.

No change to the stormwater system is proposed with the development on the site.

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 Grading, Utility, and Erosion Control Plan: Sheet 3 of 8 shows the locations for the required filter barriers and erosion control blanket. Erosion Control Notes and Details: Sheet 5 of 6 provides details and notes for erosion control measures to be installed.

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 applicant will be extending a 4" watermain to serve the new building.

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 applicant is proposing to run a new 6" gravity sewer system into the site to serve the new building. The sewer will outlet into the existing 10" public sewer main located in Gray Road, State Route 202.

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.

Underground electrical lines will be installed to serve the new concessions building in either existing conduit or new conduit line installed as part of the installation of services to the new building.

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 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 it has the financial and technical capacity to carry out the project in accordance with this Code and the approved plan.

The applicant proposes to fund the project through annual appropriations within the municipal budget, impact fees, and/or municipal bonds.

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 rear of the site has a 520' +/- of wooded buffer between multipurpose field 2 and the rear property line. An 86' +/- wooded buffer will be retained between multipurpose field 3 and the southern property line. A 10' +/- wooded buffer will be retained between multipurpose field 1 and the northern property line.

No changes to the wooded buffer are proposed for the development of the site.

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 70 dBA daytime (7 a.m. - 7 p.m.) and 60 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 these conditions of approval must be added to the site plan;

-
5. That the Planning Board Chairman is authorized by the Planning Board to sign the Findings of Fact on behalf of the entire Board; and
 6. 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 7 SUBDIVISION AMENDMENT – RALPH VANCE – HARRISON LANE
SUBDIVISION CHANGE OF OWNERSHIP**

CHAPTER 3 - SUBDIVISION, SECTION 3 - PRELIMINARY PLAN

The Planning Board, following review of the Preliminary Subdivision Application, makes these findings based on the Subdivision Review criteria found in Chapter 3, Subdivision, Section 3-3 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 applicant is required to obtain all required local, state, and federal permits for the proposed development.

The Comprehensive Plan identifies this area as Village Expansion. The plans meet the requirements of the Village Expansion zoning district for residential density.

Finding: Harrison Lane Subdivision 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.

Access to lot 1 will be via a shared driveway off Libby Avenue, which is designated as a collector road by the Town of Gorham.

Access to lots 2 through 6 will be via Harrison Lane, which is designed as an urban access road.

No changes are proposed.

Finding: Harrison Lane Subdivision 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 single-family homes located in the subdivision will be served by underground power, electric and telephone lines, and the Town's contracted waste disposal contractor.

A clustered mailbox will be located along Harrison Lane at station number 0+75.

No changes are proposed.

Finding: Harrison Lane Subdivision 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 subdivision lots will be served by public water supply from the 12" water main located in Libby Avenue. The applicant is proposing to serve lots 2-6 in the subdivision with an 8" water main extension in the Harrison Lane right-of-way meeting the Portland Water District requirements. Each lot will be served with a 1" residential service from the 8" water main extension.

Lot 1 will be served with a 1" residential service from the 12" watermain located in the Libby Avenue right-of-way.

No changes are proposed.

Finding: Harrison Lane Subdivision provides for adequate water supply for present and future needs.

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

The lots will have on-site subsurface disposal systems designed by a Maine Licensed Site Evaluator. All private septic systems are required to meet the requirements of the State of Maine Subsurface Wastewater Disposal Rules.

Each lot has a passing soil test pit meeting the State of Maine' Subsurface Wastewater Disposal Rules.

No changes are proposed.

Finding: Harrison Lane Subdivision provides for adequate solid and sewage waste disposal for present and future needs as reasonably foreseeable.

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

Storm water from a portion of the road will be collected into ditches and directed into 2 wetlands on either side of the road.

No changes are proposed.

Finding: Harrison Lane Subdivision 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.

All the residential house lots will be loamed and seeded to prevent soil erosion. The majority of the storm water from the subdivision will be directed into grassed ditches.

The Harrison Lane Subdivision homeowners' association shall be required to maintain the storm water drainage infrastructure.

No changes are proposed.

Finding: Harrison Lane Subdivision 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 plan set includes sheets showing the locations for erosion control devices as well as providing erosion control details and requirements. The information is shown on Sheets 3, 4, 5, and 6.

Wetlands are located on both the southern and northern portions of the site. No wetland impacts are proposed for the development.

No changes are proposed.

Finding: Harrison Lane Subdivision 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 scenic vistas, historic sites or irreplaceable natural or manmade assets have been identified on the site.

No changes are proposed.

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

- l) 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 submitted a letter from Jill Laflamme, Vice President, with Gorham Savings Bank, dated April 16, 2019, identifying financial capacity.

The applicant has provided a schedule of values for the proposed improvements as well as an estimated construction schedule.

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 building permits for the six (6) lots within the subdivision.

No changes are proposed.

Finding: Harrison Lane 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 applicant is not proposing any formal open space as part of the development of the site.

No changes are proposed.

Finding: Harrison Lane Subdivision is not proposing to create open space and recreational land and facilities within the subdivision. .

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.

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 applicant and that the approval

is subject to the Conditions of Approval, plans, and submission information submitted as part of the original subdivision approval.