

**PLANNING BOARD MEETING MINUTES**  
**October 7, 2019**

**Members Present**

**GEORGE FOX, CHAIRMAN**  
**SCOTT FIRMIN, VICE CHAIRMAN**  
**JAMES ANDERSON**  
**MOLLY BUTLER-BAILEY**  
**VINCENT GRASSI**  
**JAMES HALL**  
**MICHAEL RICHMAN**

**Staff Present**

**THOMAS M. POIRIER, Director of Community Development**  
**CAROL EYERMAN, 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 all members were present.

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**APPROVAL OF THE SEPTEMBER 9, 2019 MEETING MINUTES**

**James Anderson MOVED and Molly Butler-Bailey SECONDED a motion to approve the September 9, 2019 meeting minutes as written and distributed. Motion CARRIED, 6 ayes (Scott Firmin abstaining as not having been present at the meeting).**

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**CHAIRMAN'S REPORT**

Mr. Fox said there was no Chairman's Report this evening.

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**COMMITTEE REPORTS**

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

Mr. Poirier reported that there are no new administrative reviews pending. He said that the Town Council has forwarded to the Planning Board for its review and public hearing a proposed amendment to the Zoning Map for the Harding Bridge Road area to match the Future Land Use Map in the Comprehensive Plan, currently zoned Rural, to Suburban Residential. Mr. Poirier indicated that the item will probably come before the Board at its December meeting.

Mr. Poirier then introduced the new Town Planner, Carol Eyerman, who started work two weeks ago.

Ms. Eyerman told the Board that she has had 4 years' experience in the Topsham and Harpswell area, and between the two has been in that area for about 13 years as Town Planner and Assistant Planner. She said she is looking forward to working in Gorham, a little bit further west.

## CONSENT AGENDA

**Final subdivision and site plan review – STJ, Inc. – Tow Path Road Condominiums** – a request for approval of a 4-duplex (8 units) condominium development with associated parking and infrastructure off Tow Path Road, zoned Urban Residential/Manufactured Housing zoning district, Map 111, Lot 63-401.

Mr. Fox explained the Consent Agenda process, noting that items on the Agenda are administrative in nature and have been recommended for approval by staff. He said the items will not be discussed, unless a request is made by a Board member or by a member of the public to have an item taken off the Agenda. If there is such a request, the item in question will be removed from the Agenda and taken up immediately for discussion.

There being no one from the Board or the public wishing to take the item off the Consent Agenda, and the applicant being satisfied with the Conditions of Approval,

**James Anderson MOVED and Molly Butler-Bailey SECONDED a motion to approve the item on the Consent Agenda. Motion CARRIED, 5 ayes (1 nay – Michael Richman; 1 abstain – James Hall).**

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**ITEM 1 Great Falls Construction/Railroad Avenue, LLC – Master Sign Plan Amendment** - a request for approval of an amendment to the Master Sign Plan for 7 Railroad Avenue ("Station Square"), zoned Urban Commercial, Map 103, Lot 81.

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

**Molly Butler-Bailey MOVED and Vincent Grassi SECONDED a motion to recuse Mr. Richman from participation in the discussion of the item. Motion CARRIED, 6 ayes (1 abstain – Michael Richman).**

Mr. Poirier explained that the applicant is proposing to amend the Master Sign Plan, approved as part of the site plan for 7 Railroad Avenue, Station Square. Mr. Poirier advised the Board that master sign plans under the Ordinance are approved by the Planning Board as part of site plan review, so any changes that happen to those master sign plans come back to the Board for review. In this instance the applicant is looking to add signage for some commercial tenants on one portion of the building which were not identified as part of the master sign plan. Mr. Poirier noted that since the Station Square lot is located on an intersection or corner lot, there is some ability to waive certain standards with the approval of the Town Planner and the Code Enforcement Officer. He said that while the sign at the top is a bit larger than what would typically be allowed, because it is a corner lot and the applicant is not proposing to exceed the overall signage for the entire site, it can be increased as long as the Town Planner and the Code Enforcement Officer review and approve that it is needed. Mr. Poirier said that he, the Town Planner and the Code Enforcement Officer have reviewed the proposed amendment and find it consistent with being able to have the extra signage because of its location.

Jon Smith, applicant, came to the podium and told the Board that the signs being focused on are those in the tower section. Initially they did not know what commercial tenants they would have and what signage would be required. He said they now have a tenant for the upper floor, which is what is driving this master sign plan amendment.

In reply to Mr. Fox, Mr. Smith confirmed that the tower where the proposed signage is to be located is all commercial, retail, not the residential portion of the facility, and the signage directly applies to the tenants of those floors. Mr. Poirier replied to a question from Mr. Fox that the proposed amendment has been reviewed by himself, the Town Planner, and the Code Enforcement Officer, and all are in agreement that the amendment does meet the requirements of the Ordinance regarding overall size of signs in total. Mr. Fox confirmed that the Board does not need to decide if the proposed variance meets the Ordinance because it has already been approved by the Town Planner and the Code Enforcement Officer. Mr. Poirier said that if either the Planner or

the CEO disagreed, then the Planning Board is the de facto decider. However, he said that all the Board needs to determine now is if the proposed sign amendment creates a harmonious visual environment because it has been approved by the Town Planner and the Code Enforcement Officer.

Mr. Smith replied to a question from Mr. Fox that the sign colors will be a cream color with a black perimeter and black lettering. Mr. Smith said the signs could potentially be externally lit with shielded lighting similar to the gooseneck lighting shown on the plans, with some of the lighting to be tenant driven. In reply to Mr. Anderson, Mr. Smith said the lighting will be focused on the signs and probably would not even show up on a photometrics plan. Mr. Smith told Mr. Grassi that the signs will all be the same.

In answer to Mr. Anderson, Mr. Poirier said that the Board's role this evening would be to approve the master sign plan amendment if it feels that it is visually harmonious with the design of the building and meets the standards in the Ordinance.

Mr. Fox summarized that it would appear that the Board feels the visually harmonious standard has been met, what is proposed is consistent with what is in place, does not seem to be aesthetically objectionable, meets the standard in terms of size of total signage, and is a reasonable application.

**Molly Butler-Bailey MOVED and James Anderson SECONDED a motion to approve Great Falls Construction/Railroad Avenue, LLC's Master Sign Plan Amendment, located on Map 103, Lot 81, Urban Commercial zoning district, based on Findings of Fact and Conditions of Approval as written by the Town Planner. Motion CARRIED, 6 ayes (Michael Richman abstaining).**

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<b>OTHER BUSINESS</b>	<b>NONE</b>
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<b>ANNOUNCEMENTS</b>	<b>NONE</b>
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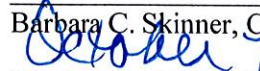
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#### ADJOURNMENT

James Anderson **MOVED** and Scott Firmin **SECONDED** a motion to adjourn. **Motion CARRIED, 7:21 p.m.**

Respectfully submitted,



Barbara C. Skinner, Clerk of the Board  
, 2019

**CONSENT AGENDA**

**STJ, Inc., Little Falls Condominiums**

**CHAPTER 3 - SUBDIVISION, SECTION 3 - PRELIMINARY PLAN**

The Planning Board, following review of the Subdivision Application, makes these findings based on the Subdivision Review criteria found in Chapter 3, Subdivision, Section 3 – C. Preliminary Plan Review, and Section 4 – D. Final 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 local, state, and federal permits needed for the proposed development.

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

*Finding: Little Falls Condominiums conform 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 Little Falls Condominiums is via Nora's Way, which will be constructed to the Town's 7-10 lot/dwelling unit paved private way standard. Nora's Way is a dead end private way that exits onto Tow Path Road.

The road has been named Nora's Way; the name has been approved under E911 naming requirements.

*Finding: Little Falls Condominiums 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 condominium units will be served by combination of overhead and underground power, telephone, and cable lines, as shown on Plan and Profile: Sheet 4 of 7.

Finding: *Little Falls Condominiums 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 condominium units will be served by a 2" and a 4" private water main extended from the Portland Water District's 8" water main located in the Tow Path Road right-of-way. The water main design and installation must meet the requirements of the Portland Water District.

The applicant has received an ability-to-serve letter from Robert Bartels, P.E., Portland Water District, dated May 24, 2019.

Finding: *Little Falls Condominiums provide 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 4 duplex condominium units will be served by a 6" sewer line leading into a 12" gravity sewer which flows into a 12" gravity sewer main located in Tow Path Road.

The applicant has received an ability-to-serve letter from Robert Bartels, P.E., with the Portland Water District, dated May 24, 2019.

Finding: *Little Falls Condominiums provide 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 proposed condominium buildings will have two dwelling units per building. Storm water from the site will be treated in storm water infrastructure meeting the Maine Department of Environmental Protection's and the Town of Gorham's storm water requirements. The dwellings units' sewage disposal will be treated in the Portland Water District public sewer system.

Finding: *Little Falls Condominiums 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 proposed construction of the condominium units and road will impact 320 sq.ft. of wetlands or waterbodies. The wetlands on the northern edge of the site will be located in common space and protected from development.

*Finding: Little Falls Condominiums 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.

A small stream is located within the wetland on the eastern edge of the parcel. The stream is not located in any of the Town's Shoreland Overlay districts. The stream is proposed to be disturbed with the outlet for the Little Falls Drive catch basin.

Storm water maintenance has been designed in accordance with state, Federal, and local requirements prior to discharging into groundwater or into abutting wetland and stream.

*Finding: Little Falls Condominiums 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.

The proposed construction of the condominium units and road will impact 320 sq.ft. of wetlands or waterbodies. The layout of the buildings and road will not impact any other natural features on the site.

No historic site, rare or irreplaceable natural or manmade assets are located on the site.

*Finding: Little Falls Condominiums 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 submitted a letter from Gorham Savings Bank, Karl Suchecki, Sr. Vice President, dated February 25, 2019, which identifies a \$750,000 line of credit.

*Finding: The applicant has adequate financial resources to construct the proposed improvements and meet the criteria standards for the development.*

- 3) Every subdivision shall be responsible for providing open space and recreational land and facilities to meet 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 issuance of the building permits.

*Finding: Little Falls Condominiums will be 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 required to form a condominium association for the development. The condominium association will maintain the land located outside of the individual condominium units, storm water infrastructure, and utilities located on the lot.

*Finding: Little Falls Condominiums will have common space within the subdivision in accordance with the Planning Board requirements and the condominium association shall be required to provide for the perpetual care of commonly owned land.*

#### **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 four two-unit condominium buildings located in the middle of the lot. The edges of the lot will remain undisturbed.

*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 Nora's Way, which will be built to the Town's 7-10 lot/dwelling unit paved private way standard. Nora's Way will be a dead end road that exits onto Tow Path Road.

The condominium development is proposed to have 76 daily trips with 38 trips entering and 38 trips exiting the site. The busiest a.m. time will be from 7 to 9 am and produce 6 trips, 1 entering and 5

exiting trips. The busiest p.m. time will be from 4 to 6 p.m. and produce 8 trips, 5 entering and 3 exiting trips.

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 proposed Nora's Way will be designed to the Town's 7-10 lot/dwelling unit paved private way standard.

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.

The private way is proposed to have a turn-around on the northern side. The driveway to the 4 condominium units will also have a turn-around located on the southern side to allow for vehicles to turn around on the site without needing to back out onto Tow Path Road.

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 sidewalk will be located on the southern side of Nora's Way. The sidewalk will connect to the existing sidewalk located via a sidewalk proposed to be located along the northern side of Tow Path Road.

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.

The applicant is proposing to construct a storm infiltration pond located at the end of the northern corner of the lot. Storm water along the private way will be collected in catch basins and directed to the wetland located along the eastern edge of the parcel. Storm water from the site will be collected, treated, and discharged via storm water level spreaders.

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 storm water 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.

During construction a filter berm or silt fence will be installed along the edge of the disturbed area, as shown on the Grading & Utility Plan: Sheet 4 of 9. The erosion control measures will be installed and maintained as outlined on the Erosion Control Notes: Sheet 5 of 9 and on the Details Plan: Sheet 6 of 9.

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

*Finding: The 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 condominium units will be served by public water from the Portland Water District. A 2" and a 4" water main will be extended into the site from the existing 8" water main located in the Tow Path Road right-of-way. The water main design and installation must meet the requirements of the Portland Water District.

*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 public sewer from the Portland Water District. A gravity sewer system will collect sewage through a 6" and 12" gravity sewer located on the lot and connected into 12" gravity sewer main located in the Tow Path right-of-way. The maintenance and operation costs of the sewer system located on the lot are the responsibility of the Little Falls Condominium Association.

*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 existing overhead power, cable, and telephone from Tow Path right-of-way and along the private way right-of-way. The proposal is to run underground power from the last pole on the private way right-of-way.

*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 no clearing of trees to construct the condominium units, the proposed road, or storm water infrastructure; 320 square feet of wetland impacts are proposed.

The trees and wetlands located on the northeastern half of the site will remain undisturbed.

*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 treat storm water in an infiltration pond located on the northern corner of the parcel. The condominium dwelling units will not utilize groundwater for use by the occupants of the units.

*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 building elevations identify the residential style of lighting proposed on the front of each of the units. No flood lights or wall pack lighting is proposed.

*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 a private waste hauler, Pine Tree. Waste will be stored in a dumpster which will be on a pad to be screened through the use of a fence.

*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 proposal is to install 6 street trees along the private way. Landscaping is also proposed along the parking area nearest the private way to buffer abutting properties and along the fronts of the building

and the rear of the duplex units to break up the development and to provide some privacy to the residents of the duplex units.

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. The applicant is proposing to treat storm water in a storm water infiltration pond before it is discharged into upland areas near the wetland and an unnamed stream. Storm water from the road will be directed and discharged into the small stream located on the eastern edge of the lot. The proposal is to impact 320 sq.ft. of wetland area on the site.

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 applicant has submitted a letter from Gorham Savings Bank, Karl Suchecki, Sr. Vice President, dated February 25, 2019 which identifies it has the financial capacity to complete the project.

The applicant has submitted a letter identifying the owner's and engineering firm's technical capacity to complete the project.

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 applicant is proposing to leave a majority of the existing trees located around the perimeter of the lot to break up the development from the abutters. The applicant is also proposing landscaping at the end of the parking area nearest the abutter to break up the headlights of cars parking in the parking area.

Street trees will be provided along the private way. A mix of trees, shrubs, and plants is proposed to be installed to the front and rear of the duplex building to break up the form of the development from the view of residents and abutting properties.

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.).*

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

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

1) An approved private way may serve a combination of dwelling units/ lots identified below:

1 lot gravel private way – 1 lot with a single family house

2-6 gravel private way – up to 6 lots, with no more than 6 total dwelling units served by the private way

7-10 paved private way – up to 10 lots, with no more than 10 total dwelling units served by the private way.

The lots served by the private way are required to meet the requirements of the Urban Residential zoning district. The maximum number of lots/dwelling units allowed to be served by the private way is 10 lots or dwelling units.

*Finding: The private way is designed to the 7-10 lots/dwelling units private way standard and no more than 10 dwelling units can be served by the private way.*

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

The private way plan was prepared by Charles Marchese, PLS, with Sebago Technics. The plan has been sealed by Shawn Frank, P.E., with Sebago Technics.

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

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

The proposal is for a 7-10 dwelling unit/lot private way, so a private way maintenance agreement or condominium documents are required detailing maintenance responsibilities for the private way.

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

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

The plans identify the construction of a private way meeting the requirements of the ordinance.

The private way right-of-way width is proposed to be 50'.

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

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

The applicant is proposing to construct the 270' private way to the 7-10 lot/dwelling unit private way standard. The private way plan shows the required 7-10 lot/dwelling unit private way standard cross section. The private way will have the required turnaround located at station number 1+94.

The angle to the proposed private way is proposed at 75 degrees. The Public Works Director and the Planning Board have reviewed the proposed angle intersection with Tow Path Road and find it an acceptable modification from the 90 degree requirement.

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

- 8) Notwithstanding other provisions of the Code to the contrary, no gravel surfaced private way shall provide access to or serve in any way to provide compliance with the requirements of the Code for more than the greater of six lots or six dwelling units; provided; however, nothing in this paragraph 8) shall serve to limit the use of such private way for occasional use by and for agricultural purposes.

The applicant is proposing a 7-10 lot/dwelling unit private way to serve one lot with 8 dwelling units, with the ability to serve 2 additional lots/dwellings in the future.

*Finding: The private way is proposing to serve less than 10 dwellings units/ lots.*

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

The total area of the lot with the private way right-of-way is 2.04 acres, with the area for the right-of-way being 1,677 square feet. The lot will need to retain enough area to meet the lot size with 8 dwelling units in the Urban Residential zoning district.

The ownership of the right-of-way will remain with the underlying lot.

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

**Conditions of Approval**

1. That this approval is dependent upon, and limited to, the proposals and plans contained in this application and supporting documents submitted and affirmed by the applicants and that any variation from the plans, proposals and supporting documents is subject to review and approval by the Planning Board, except for minor changes which the Town Planner may approve;
2. That the applicant shall provide property line information and site information in auto-cad format to the Town Planner;
3. That the duplex units 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 private way shall be properly named and signed with Town approved signs and signs shall be in place as soon as the private way is constructed;
8. 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;
9. That the private way shall be properly maintained by the condominium association for access of emergency vehicles year round;
11. That the condominium association is responsible for maintenance of the stormwater infrastructure including ditches per the Stormwater Management Report for Little Falls Condominiums prepared by Sebago Technics;
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;
15. 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;

16. That the construction of the off-site sidewalks shall be completed prior to issuance of 50% of the occupancy permits for the duplex units;
  17. That the Planning Board Chairman is authorized by the Planning Board to sign the Findings of Fact on behalf of the entire Board;
  18. That the subdivision/site and private way 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 and private way plans is required to be recorded within one year of original approval or the approval becomes null and void; and
  19. That once the subdivision and private way plans have 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.
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**ITEM 1      GREAT FALLS CONSTRUCTION/RAILROAD AVENUE, LLC – MASTER SIGN PLAN AMENDMENT**

**CHAPTER 2 – GENERAL STANDARDS OF PERFORMANCE, SECTION 2-3 - SIGNS**

The Planning Board, following review of the Master Sign Plan Application, makes these findings based on the General Standards of Performance Review criteria found in Chapter 2, Signs, Section 2-3 – Signs, G. Permitted Non- Residential Signs, 1) Village Environment b) Multi-Occupant Property 2) Allowed Building Signs, (c) Wall Business Signs (Upper Floor Occupants).

Wall Business Signs (Upper Floor Occupants): Any number of wall business signs having not more than thirty-six (36) SF of total sign area for each occupant on upper floors in accordance with an approved master sign plan if applicable. If the property does not have a freestanding ground-mounted project sign and an occupant does not have a projecting sign, the maximum total area of wall business signs permitted for the occupant may be increased by twenty-four (24) SF. If the occupant has a projecting sign and the property does not have a freestanding ground-mounted project sign, the maximum total area of wall business signs for an occupant may be increased by fourteen (14) SF. Not more than two (2) wall signs for any occupant may be located on each façade of the building, not including signs permanently painted on windows, unless a greater number is approved in accordance with Subsection L.

*Finding: The proposed amendment to the master sign plan meets the requirements of the Village Sign Environment section in the Land Use Code and is coordinated in conformance with this section to create a harmonious visual environment.*

**L.      ALLOWANCE OF ADDITIONAL WALL SIGNS OR WALL SIGN AREA**

More than two wall business signs per façade or an increase to the total allowed wall sign area for properties that front on two or more streets or access roads may be permitted if the applicant has

demonstrated to the satisfaction of both the Code Enforcement Officer and the Town Planner that additional signs and/or sign area.

1. Are needed to provide appropriate visibility for the business,
2. Will be within the maximum area of wall business signs allowed for the property including the allowed additional area,
3. If the project is located in the Village Centers or Urban Commercial Districts, the signs are compatible with Chapter 1, Section 1-9, Subsection 2.E.10 and Chapter 1, Section 1-10, Subsection 2.E.10.

In the event the Code Enforcement Officer and the Town Planner do not agree that the applicant meets or exceeds the requirements of this subsection, the application will be forwarded to the Planning Board for consideration.

*Finding: The Town Planner and Code Enforcement Officer have reviewed the proposed master sign plan and both are satisfied with the proposed plan amendment in that it is within the maximum area of 386 square feet for wall signs.*

#### **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 all relevant conditions of approval from the original Master Sign Approval shall remain in effect;
3. That the Planning Board Chairman is authorized by the Planning Board to sign the Findings of Fact on behalf of the entire Board; and
4. That these conditions of approval shall be recorded at the Cumberland County Registry of Deeds within thirty (30) days of the Planning Board's approval, and a dated copy of the recorded Decision Document shall be returned to the Town Planner prior to issuance of a sign permit.