

**GORHAM PLANNING BOARD ZOOM MEETING  
January 4, 2021**

**MEMBERS PRESENT**

**GEORGE FOX, CHAIRMAN  
JAMES ANDERSON  
MOLLY BUTLER-BAILEY  
SUSAN DURST  
SCOTT FIRMIN, VICE CHAIRMAN  
VINCENT GRASSI  
THOMAS HUGHES**

**STAFF PRESENT**

**THOMAS POIRIER, DIRECTOR OF  
COMMUNITY DEVELOPMENT  
CAROL EYERMAN, TOWN PLANNER  
BARBARA SKINNER, CLERK OF  
THE BOARD**

George Fox, Chairman, called the zoom meeting to order at 7:00 p.m. The Clerk of the Board called the roll, noting that all members were present.

Mr. Fox reminded the Board and applicants that the Board has a 10:00 o'clock rule that says that the Board does not start the review of a new item after that time unless a waiver is granted by the Board. He said that in light of the number of agenda items this evening, it may not be possible to review all of them.

**APPROVAL OF THE DECEMBER 7, 2020 MEETING MINUTES**

**James Anderson MOVED and Vincent Grassi SECONDED a motion to approve the December 7, 2020 meeting minutes. Motion CARRIED, 6 ayes (Scott Firmin abstaining as not having been present at the meeting).**

---

**CHAIRMAN'S REPORT**

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

---

**COMMITTEE REPORTS**

- A. Ordinance Review Committee – Mr. Grassi reported that the Committee had a workshop to discuss ordinance changes to the clustered residential subdivision requirements, with a recommendation that the item come before the full Board for public hearing.
- B. Comprehensive Plan Implementation Committee – Ms. Butler-Bailey reported that this committee has not met since the Board's last meeting.

**ADMINISTRATIVE REVIEW REPORT**

Ms. Eyerman reported that there are no new administrative review applications under consideration at this time.

**ITEM 1 Discussion** – Proposed amendments to the Land Use and Development Code regarding allowing medical marijuana growing as a home occupation and to allow medical marijuana commercial cultivation, manufacturing and testing.

Mr. Poirier advised the Board that the Town Council is looking to amending the Land Use Code to provide performance standards for the growing of both medical and commercial marijuana. The Council has amended the Town's licensing ordinance provisions, and the proposed amendments are to provide some basic standards for medical marijuana caregivers growing in residential areas. Mr. Poirier recommended that the item be forwarded to one of the Board's subcommittees for review and recommendations back to the Board.

Mr. Fox asked for Board input on how to deal with the proposed amendments.

**James Anderson MOVED and Thomas Hughes SECONDED a motion to forward the item to the Planning Board's Ordinance Amendment Committee for review and recommendation. Motion CARRIED, 7 ayes.**

---

**ITEM 2 Discussion** – Proposed amendment to the Land Use and Development Code to the Narragansett Mixed Use Development District to modify side and rear setbacks and to add Personal Services as an allowed use.

Mr. Poirier explained that there are two unrelated proposed amendments to the Narragansett Mixed Use Development District. One change recommended by staff is to add a provision to the side and rear yard setback dimensional standards that has a maximum height limit that can utilize the 20' setback with taller structures needing to meet the 2 times the building height, with buildings 40' and less utilizing the 20' setback.

The second amendment to the District involves a request by a current business owner in the District to include a tanning salon as a permitted use, which would be a personal service. The Comprehensive Plan for this District identifies that this District allows a new use to be added provided it does not compete with a use allowed in Gorham Village. In order to avoid competing with similar uses in Gorham Village, the proposed amendment allows personal service uses only as part of a mixed use development.

Mr. Fox asked for Board input on how to deal with the proposed amendments.

**James Anderson MOVED and Vincent Grassi SECONDED a motion to forward the item to the Planning Board's Comprehensive Plan Implementation Committee for review and recommendation. Motion CARRIED, 7 ayes.**

---

**ITEM 3 Public Hearing – Site Plan – Gorham ME 1, LLC** – a request for approval of a ground mounted solar energy facility on 35 acres located at 17 Nonesuch Road, zoned R-MR/R, Map 1, Lot 11.

Ms. Eyerman gave the Board an overview of the project, which will include associated infrastructure of an access way and a chain link fence. She said the applicant has received its Army Corps of Engineers permit and NRPA and SLODA permits are pending. She told the Board that the Conservation Commission is interested in pursuing a pedestrian trail easement on site, based on its proximity to the Fuller Farm conservation area and the Nonesuch River, and that the Commission would work with the developer to define the trail easement. Ms. Eyerman said financial capacity needs to be established and noted that the applicant is requesting three waivers from the submission requirements of Chapter 4 of the Land Use Code, which are as follows:

1. 1" = 50' required scale of plans
2. 1" = 400' required scale of locus maps
3. Inclusion of two-foot existing contour lines

Dale Knapp, Boyle Associates, introduced Chris Byers, and gave an overview of the project. Mr. Knapp said the fencing will not be chain link but will instead be agricultural fence with wooden posts and mesh. Mr. Byers said that the panels proposed are fixed tilt and have no moveable parts. The panels are mounted on I beams which are driven into the ground and no concrete is proposed. The majority of the wiring for the project will be underground. The leading edge of the solar panels will be 36 inches off the ground to allow for mowing, no more than twice a year. Solar projects are generally self-treating and will not generate stormwater; the meadow underneath the panels provides stormwater treatment for the small amount of impervious surface from access roads or pads.

PUBLIC COMMENT PERIOD OPENED: Nick Messer said he has just purchased acreage abutting the project and is concerned about the possible impact on wildlife. He is also concerned about clear cutting that may occur on his property.

Ian Clark, 119 Burnham Road, abutter directly across the street from the project, expressed concern in particular about the impact on the area of the project's aesthetics. He asked which way the panels will face and will there be a great deal of reflection.

Sean Callahan, 125 Burnham Road, expressed concerns about buffering and Mitchell Hill Road and Nonesuch Road visual impact.

PUBLIC COMMENT PERIOD ENDED

Mr. Anderson noted that he lives in the area and said he is concerned about the view down Mitchell Hill Road. Mr. Firmin asked what can be done to soften the view along Mitchell Hill Road. Mr. Grassi suggested that a drone site walk for the area would be appropriate. After further discussion among Board members and Mr. Knapp, it was agreed that a drone site walk would be appropriate, especially regarding any buffering that may be required. Mr. Knapp said they can provide a video of the site from the ground as well for the Board, and referred to a 3-dimensional model based on LIDAR tree heights showing a projected viewshed analysis.

Mr. Fox noted that most of the abutter comments appear to be centered about the visual aesthetics of the project on the abutting residential areas, especially at the western most corner where the disturbance comes close to the property. In reply to Mr. Fox, Mr. Knapp pointed out the setbacks at the different boundaries along the property, particularly the western most corner, and the clearing

limits on the site. Mr. Knapp told Ms. Butler-Bailey that they are not aware of any trails in the area that they will lease, just tree harvesting pathways and game trails. Ms. Eyerman said she will facilitate a conversation with the Conservation Commission and the applicant about possible trails. Mr. Knapp told Mr. Grassi that the structure on the parcel is located outside the project area.

Mr. Knapp told Mr. Hughes that there are no batteries proposed with this project, it will connect to the existing 3-phase power and deliver locally. Only equipment pads will be located on site. The panels will be silent, the project shuts down at night, all the invertors turn off, and the transformer noise created is similar to a pad-mounted residential air conditioner. No lighting is proposed on site, unless specifically requested by emergency services locally, such as a motion detector light by the gate. Mr. Knapp said that the project will be self-treating for stormwater, and no water would leave the site.

Ms. Durst asked if a landowner would need permission from the Town to clear cut trees from his property. Ms. Eyerman said there is no tree clearing/lot grading portion in the ordinances, but it could be done so long as there is a tree harvesting plan in place through the state.

PUBLIC COMMENT PERIOD REOPENED: Steve Quimby, 166 Burnham Road, spoke about water issues and asked about the flagging that has appeared at his property boundaries. Mr. Knapp said the flags could be as a result of the boundary survey they have had done, but it was agreed that Mr. Quimby and Mr. Knapp would meet outside the meeting to discuss the flagging in further detail.

PUBLIC COMMENT PERIOD ENDED

Regarding the applicant's waiver requests, Steve Blake, BH2M, advised the Board that they have the ability to create 1 foot contours, but a project of this size does not need that level of detail and that not a great deal of grading will be required on site.

**James Anderson MOVED and Vincent Grassi SECONDED a motion to grant the applicant's waiver requests from the submission requirements of Chapter 4 as follows: 1" = 50' required scale of plans, 1" = 400' required scale of locus maps, and inclusion of two-foot existing contour lines. Motion CARRIED, 7 ayes.**

Mr. Fox summarized remaining issues to include scheduling a drone site, the applicant will supply a visual of what the aesthetics look like, the need for a Maine DEP permit, adjustment to the plans will be made based on Town's peer engineer's comments.

**James Anderson MOVED and Scott Firmin SECONDED a motion to table further review of Gorham ME 1, LLC's request for site plan approval for the construction of a 4.875 megawatt ground-mounted photovoltaic solar array and associated infrastructure pending the scheduling of a drone site walk and responses to remaining issues. Motion CARRIED, 7 ayes. [8:25 p.m.]**

**ITEM 4 Public Hearing – Site Plan – Gorham Solar I, LLC** – a request for approval of a PV Solar Ground-Based Array with associated equipment, gravel access and perimeter fence, located on 18.4 acres at 135 Brackett Road, SR zone, Map 8, Lot 40.



Ms. Eyerman advised the Board that this application, for a 4.99 MW solar energy generating array with associated equipment and gravel access drive at 135 Brackett Road, was before the Board on November 2, 2020 as both a pre-application and preliminary site plan review. She noted that there are some items that the Town's engineer Woodard & Curran has asked be included on the plans. Otherwise there are no further outstanding issues.

David Albrecht, Borrego Solar, introduced Gregory Rosshirt, project developer. Mr. Albrecht discussed with the Board the previous comments about screening the golf course, which has been resolved with the proposal to installing a chain link fence with natural slats and the planting of trees and shrubs ten feet in front of the fence for a distance of some 1,000 to 1,110 feet to fill in the gaps in the understory areas.

PUBLIC COMMENT PERIOD OPENED: None offered  
PUBLIC COMMENT PERIOD ENDED

The Board and Mr. Albrecht discussed using the services of a registered landscape architect, with the Board concurring that a condition of approval be crafted requiring that the landscape plan submitted in the most recent plan set be peer reviewed by a registered landscape architect. New Condition of Approval #12 was drafted and approved by the Board and the applicant "that the landscape plan included in the plan set dated November 10, 2020, will be peer reviewed and the applicant will work with the peer reviewer to finalize the plan and to develop a cost estimate for the landscaping to be included in the performance guarantee."

Mr. Albrecht told Mr. Fox that they will address the comments from the Town's peer review engineer. Ms. Eyerman said the plan will not be altered by addressing those comments and no condition of approval is needed.

**James Anderson MOVED and Thomas Hughes SECONDED a motion to grant Gorham Solar 1, LLC's request for site plan approval to construct a 4.99 megawatt ground-mounted photovoltaic solar array and associated infrastructure including a perimeter fence for property located at 135 Brackett Road, Map 8, Lot 40, Suburban Residential zoning district with Findings of Fact and Conditions of Approval as written by the Town Planner and modified this evening by the Planning Board. Motion CARRIED, 7 ayes.**

---

5 Minute Break to 8:30

---

**ITEM 5 Public Hearing – Site Plan – Gorham Savings Bank** – a request for approval of a ground-mounted photovoltaic project located at 10 Wentworth Drive, CZ/UR zoning district, May 46, Lots 9 and 9.001.

Ms. Eyerman advised the Board that this application was before the Board on October 5, 2020 for public hearing and is for approval of the construction of approximately 3.5 acres of 866 kW DC ground-mounted photovoltaic solar array and associated infrastructure including a chain link perimeter fence to be located at 10 Wentworth Drive. She noted that the applicant needs to submit a

letter of financial capacity. She said the Conservation Commission has reviewed the location of a trail outside the fence; the Commission will work with the applicant to work out the details. Ms. Eyerman said that parking spaces for the trail will be designated in the existing parking lot in the back, near the trail entrance. The applicant has requested an additional waiver from the requirement of Chapter 4 for bearings and distances of all property lines.

Nate Niles, ReVision Energy, Inc., said that since coming before the Board on October 5, 2020, the project design was shifted eastward to remove any impact to the Tannery Brook at the western most portion of the property. A turnaround and access road width to the proper width have been added per the Fire Chief's request. A full boundary survey has been performed.

**PUBLIC COMMENT PERIOD OPENED:** Tom Donnelly, 70 Hillview, asked about parking for the trail head, is FAA approval needed for the project, and is a decommissioning bond required for the project.

**PUBLIC COMMENT PERIOD ENDED**

Mr. Niles advised the Board that existing parking is located on the east side of the entrance road and the solar access will be separate and will not interfere with any existing parking. Mr. Niles pointed out the location of a brand new trail. Signage will be provided by the public to park in the existing lot. A decommissioning bond will not be required because the solar array will be completely owned by Gorham Savings Bank. No FAA approval will be required because the panels will be lower than the surrounding trees.

Mr. Anderson commented that based on the site and how far they are from the setbacks, he sees no problem granting the requested waiver.

**Scott Firmin MOVED and Molly Butler-Bailey SECONDED a motion to grant the applicant's waiver request of the submission requirement of Chapter 4, C 1) a.5 "...bearings and distances of all property lines." Motion CARRIED, 7 ayes.**

The Board concurred that a new condition of approval #10 should be crafted to deal with proof of financial capacity as follows: "That the applicant will need to show proof of financial capacity to construct the project."

**James Anderson MOVED and Molly Butler-Bailey seconded a motion to grant Gorham Savings Bank's request for site plan amendment approval to construct approximately 3.5 acres of 866 KW DC ground-mounted photovoltaic solar array and associated infrastructure including a chain link perimeter fence for the property located at 10 Wentworth Road on Map 46, Lots 9 and 9.001 in the Urban Residential zoning district with Findings of Fact and Conditions of Approval as written by the Town Planner and modified this evening by the Planning Board. Motion CARRIED, 7 ayes.**

---

**ITEM 6 Subdivision Amendment – Robert Kolodziej** – a request for approval to subdivide lot 3 into 2 lots at 97 Burnham Road, R zoning district, M 3, Lot 5-3.

Ms. Eyerman explained the project as a subdivision amendment to divide one lot into two lots at 97 Burnham Road. She noted that the applicant needs to show financial capacity, and there are some comments from the Town's peer review engineer that need to be addressed.

Andrew Morrell, BH2M Engineers, introduced the applicant Robert Kolodziej. Mr. Morrell explained that there was a 3-lot subdivision approved in 1985; the applicant currently resides on the parcel. The applicant would like to split the parcel, 3.65 acres, into lot A, where the house is located, and lot B, where the barn is. The applicant is seeking to reconfigure the barn as a garage. There is an existing driveway to the barn, which will be removed, and there will be a separate driveway off Burnham Road. The lots will have drilled wells and subsurface wastewater disposal systems.

He asked that proof of financial capacity be accomplished through a condition of approval, as well as responding to Woodard & Curran's request for standard erosion control notes. No wetland disturbance is proposed with this project.

New condition of approval #7 was drafted as follows: "That the applicant will submit revised plans based on the comments provided by Woodard & Curran" and condition of approval #8 was drafted as follows: "That the applicant shall provide proof of financial capacity."

Mr. Kolodziej told the Board said the structures will be built according to Code and will not disturb any wetlands.

Ms. Eyerman told the public that questions in the "Q & A" portion of the zoom meeting will not be answered; rather, anyone wishing to comment needs to use the method of raising his hand.

PUBLIC COMMENT PERIOD OPENED: None offered  
PUBLIC COMMENT PERIOD ENDED

Mr. Fox commented that outstanding are the proof of financial capacity and responding to the comments of the Town's review engineer. Mr. Anderson asked how a cost estimate would be established for the project, and how would financial capacity for that be established. Mr. Fox suggested the applicant could get a general statement from his personal bank. Mr. Kolodziej said that financial capacity is not an issue for the project. Ms. Eyerman answered a query from Mr. Fox that the remaining issues can be dealt with by conditions of approval.

**James Anderson MOVED and Molly Butler-Bailey SECONDED a motion to grant approval of Robert Kolodziej's request for approval to subdivide lot 3 into 2 lots at 97 Burnham Road, Map 3, Lot 5.003, in the Rural zoning district, with Findings of Fact and Conditions of Approval as written by the Town Planner and amended by the Planning Board this evening. Motion CARRIED, 7 ayes. [9:45]**

Mr. Fox noted that even though it is 9:45, the Board will take up Item 7, which will be lengthy based on the number of people who will want to speak. That means that Item 8, Plowman Road, will not be heard this evening.

**ITEM 7 Preliminary Subdivision – Sawyer Estates** – a request for approval of Sawyer Estates, a 119 lot residential subdivision on 103.59 acres on property located off South Street, R/SR zoning district, Map 21, Lot 10, 16, and 17.16.

Mr. Firmin advised the Board that he works for the Portland Water District and has had some input with this project. He asked to be permitted to recuse himself.

**Molly Butler-Bailey MOVED and Vincent Grassi SECONDED a motion to allow Mr. Firmin to recuse himself from participating in the discussions on this item. Motion CARRIED, 6 ayes (Scott Firmin recused).**

Ms. Eyerman gave the Board an overview of this project, which has come before the Board a number of times in different formats. The current proposal have been under review for about two years. The project, by Chase Custom Homes, is for 119 houses off South Street, taking access from 3 different points: an access off South Street, an access off Starlit Way in the Heartwood Subdivision, and an entry point from Waterhouse Road. A great deal of work has been done with the Water District on the sewer issues of the project. The applicant proposes to use the Development Transfer Overlay zoning for the area.

Andrew Morrell, BH2M, explained to the Board that work on the project began in 2003, and its major hurdle has been the sewer system design to accommodate the requirements of the Portland Water District, the Town and the applicant. Major design changes to the sewer system include eliminating a cross country sewer previously proposed on some of the lots; roadway grades have been elevated in order to provide gravity sewer access to the Heartwood pump station; and a private low pressure sewer system has been added for certain lots along what is to be known as Josh's Way, which will be maintained by homeowners of those lots. These changes have affected a large portion of the site, specifically the grading along a number of the lots and the stormwater design previously proposed.

In addition, Mr. Morrell explained that a connection to Waterhouse Road will be made through Josh's Way, the connection being a critical point of emphasis from the Planning Board impacting the phasing of the project work. This connection will be the main access for Phase 1 of the project, which will consist of 58 lots. Phase 2 will consist of 61 lots.

Mr. Morrell summarized the project's roads as follows: Terina's Way, urban sub-collector; Crestwood Drive, urban access; Starlit Way, urban sub-collector; Dominic's Way, private; Chase's Way, urban access; Bill's Way, private; and Josh's Way, urban access.

Mr. Morrell told the Board that the stormwater design had to be revised because of the sewer and roadway changes and will now be treated with 12 vegetated underdrain soil filters, 1 wet pond, and 11 stormwater wooded buffers.

Mr. Morrell said that sidewalks have been added along South Street. He said the applicant is working with the Fire Department on the locations of the hydrants proposed for the development. Homeowners' documents will be submitted at final approval. Ability-to-serve letters will also be provided as the project moves forward. They will work with Woodard & Curran to address those comments.

Following tonight's discussion, Mr. Morrell said they would like to return for the February 1, 2021 meeting to discuss additional points. After that meeting, all the Town comments would be taken under consideration and necessary revisions made, and they would work with Peter Burke Design on landscaping, work to complete a traffic analysis, work with Weco-Group to complete the sewer design, and have a pre-application meeting with the Maine DEP to discuss permitting for the project.

As part of the Board's review and for the benefit of the public, Mr. Morrell gave a summary of the issues they would like to discuss this evening as follows:

- Utilities
- Roadways
- Lots
- Landscape design
- Open spaces (pocket parks)
- Lighting
- Fire Protection

Issues proposed to be discussed at the Board's February meeting are:

- Stormwater
- Traffic
- Phasing
- Wetlands
- Soils
- Development Transfer Overlay Standards
- DEP permitting
- Other

Mr. Fox noted therefore that there is still work remaining on this project and some answers may not be available this evening.

PUBLIC COMMENT PERIOD OPENED: Allyson Lowell, 6 Crestwood Drive, asked when comments can be made for items proposed to be discussed at the February meeting. Mr. Fox said the Board will try to focus on specific items in Mr. Morrell's list this evening, and if an abutter wishes to speak on something else, those concerns will be captured but it may not be possible to respond to those concerns this evening. Ms. Lowell said that Crestwood has no lighting at this time and has concerns about what lighting is proposed for Crestwood. She has concerns about fitting two lanes of traffic on Crestwood when it is an access road for the development, quality of life for the neighbors, impacts on nature, screening and buffering. She also has infrastructure comments which she will address to the Town Council.

Janet Rodgers, 33 Waterhouse Road, seconded Ms. Lowell's concerns, and expressed concerns about wildlife and traffic.

Eric Semle, 5 Crestwood, asked about building designs for the lots.

Allan Potthoff, 17 Crestwood, asked for a definition of the buffers in the plan – does it refer to a “no cut” buffer or a “no build” buffer but which can be made into a back yard. He spoke about the lack of buffering for his lot and said buffering should be all around any existing lot perimeter.

Dale Rodgers, 33 Waterhouse Road, asked if Waterhouse Road is to be widened as it is now busy and narrow. He also asked whether there will be lighting on Waterhouse Road.

Ian O’Hora, 327 South Street, asked how far sewer and water will extend down South Street.  
PUBLIC COMMENT PERIOD ENDED.

Mr. Fox said that some of the abutter comments will be addressed this evening as they pertain to Mr. Morrell’s list of discussion items.

1. Utilities. Sewer and water will be extended down to South Street to the southern most entrance of Terina’s Way. In response to Mr. Anderson, Mr. Morrell said there will be no sewer up Crestwood Drive.
2. Roadways. Sheet 1, note 23, contains a list of the roadways proposed for the roads in the project. All the major roads that are serving more than 25 lots will be built to the Urban Subcollector standard, all the others will be built to the Urban Access standards, and there are two short dead ends that serve less than 6 lots that will be built to the private way standards. Almost the entire subdivision will be built with a curbed closed drainage system and sidewalks. In reply to a question from Mr. Fox, Mr. Morrell said that the major radii curbing will be vertical granite, and the majority of the curbing will be concrete slip form.

Regarding Waterhouse Road, Mr. Morrell said originally there was no connection proposed to Waterhouse, but the Board was anxious that the connection be made. As a result of that connection, there could be some improvements needed to Waterhouse after construction. In reply to Mr. Anderson, Mr. Morrell said the original plan was to dead end at Waterhouse, but the Board required that the applicant connect to Waterhouse. Mr. Poirier said it was a Board requirement when it considered the number of lots that were proposed for that dead end road and the connectivity throughout the area. Mr. Poirier said if it is to be accepted as a Town road, it has to be connected. Mr. Poirier said that the Fire Chief also weighed in on the need for a connection to Waterhouse. Mr. Morrell said that a traffic study was done before the Waterhouse connection, now that study will need to be updated to see what impact traffic will have on Waterhouse.

Mr. Morrell said that the small connection to Crestwood Drive will be built to the Urban Access standard, 24 foot wide.

In reply to Mr. Hughes, Mr. Morrell said the Board required the applicant to connect to the closest existing sidewalk, which is the sidewalk at Weeks Road, extending from the proposed entrance at Terina’s Way. Mr. Hughes commented that installing sidewalks along South Street from Waterhouse Road to Weeks Road could be problematic, based on past problems involving proposed sidewalks on South Street. Mr. Morrell said the sidewalk design will be something that will be peer reviewed as the application goes through the



process.

3. Lots. Mr. Morrell said that a majority of the lots shown on the plan are Development Transfer Overlay lots; DTO standards contain specific requirements on the size and shape of the lots. He said that 95 of the lots will be 140% longer than they are wide, encouraging deeper and narrow lots. Notes on the plans will be provided going forward which show which lots are designed to the DTO standards. Buffering is shown on the rear of many of the lots proposed as wooded buffers, varying in depth from 50 feet to 75 feet wide. These buffers will be two-fold: they will restrict the ability to develop in those areas and they will also limit the disturbance in those areas. As part of the DEP process, these buffers will be considered stormwater buffers, and to meet those requirements, they need to be classified as either a limited disturbance buffer or a no disturbance buffer. A homeowner will not be permitted to clear cut the buffers and eliminate them completely, but perhaps a dead or diseased tree might be cut down. Mr. Fox noted that some of the lots on the outside of the development do not have the restricted buffer area. Mr. Morrell said that a buffer can be added on some of those lots.
- 4 and 5. Open space/landscaping. Mr. Morrell said that they will work with Peter Burke in the design of 3 or 4 pocket parks and community gardens. Street trees will be provided per the requirements of the DTO district. There will be detailed landscaping areas at the South Street entrances. Mr. Morrell pointed out 4 areas along South Street left as open space. One of the areas will accommodate the pump station, one will have the stormwater facility, and the other two will be pocket parks. Mr. Morrell pointed out the existing pond, with some kind of connection from Terina's Way for a trail to be constructed, with perhaps a parking area and some bike racks. Benches are also envisioned around the existing pond. He said there are a number of trails already on the site to which some kind of connection could be made, and they will work with the Conservation Commission to maintain those trails.

Mr. Fox commented that because of the size of the development, it is important that there are really good uses of the open space and encouraged the applicant to invest in the open spaces so they are useful for the residents of the development. Mr. Anderson recommended that a serious effort be put into the design of the open space.

Replying to someone's comments, Mr. Morrell said he does not know what types of homes would be built. Mr. Fox said that replying to that question should be postponed to a subsequent meeting.

Mr. Morrell responded to a query that the open space would belong to the homeowners and it would be up to the homeowners' association to decide who would be allowed to access the amenities of the open space. Mr. Poirier clarified that in the ordinance, the Town has the option of whether to adopt the open space or not. The applicant proposes the open space, and then it is up to the Town Council to decide whether to accept the open space as a public open space, or leaving it to remain private with the homeowners' association maintaining it.

6. Lighting. Mr. Morrell said the lighting for the subdivision would involve a pole light at each proposed intersection. Mr. Fox confirmed that the applicant is not proposing to install lights for the sidewalks, but installing lights strictly for traffic safety at the intersections.
7. Fire. Mr. Morrell said all the houses would be sprinkled per Town ordinance. They will discuss with the Fire Chief the recommendation to relocate some of the fire hydrants.

Ms. Eyerman said that because of time constraints this evening there will have to be another Planning Board meeting on January 11, 2021 to hear Item 8, she asked if Mr. Morrell would want to come back at that time with the second half of his presentation instead of waiting until the February meeting. Mr. Morrell said they are ready and would appreciate coming back next week.

---

**ITEM 8 Private Way Amendment – Plowman Road** – a request for approval to extend Plowman Road approximately 950 feet and widen the existing drive to the current 2-6 lot private way standard, Rural zoning district, Map 4-102.

**Due to the 10 o'clock rule, James Anderson MOVED and Vincent Grassi SECONDED a motion to continue Item 8 to the Board's January 11, 2021 meeting. Motion CARRIED, 7 ayes.**

---

<b>OTHER BUSINESS</b>	The Planning Board will hold a second meeting on January 11, 2021, at which time Item 8 from this meeting will be heard, and the discussion on Item 7 will continue.
-----------------------	--

---



<b>ANNOUNCEMENTS</b>	None
----------------------	------

---

## ADJOURNMENT

**Molly Butler-Bailey MOVED and James Anderson SECONDED a motion to adjourn. Motion CARRIED, 7 ayes. [11:00 p.m.]**

Respectfully submitted,

  
Barbara C. Skinner, Clerk of the Board  
 January 4, 2021

## **ITEM 4 GORHAM SOLAR I, LLC – 135 BRACKETT ROAD SOLAR ENERGY GENERATING ARRAY**

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

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

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

The applicant is proposing to construct approximately a 4.99 megawatt ground-mounted photovoltaic solar array and associated infrastructure including a 7 foot chain link perimeter fence.

The construction will be on the portion of the property that is outside of most wetlands and the vernal pool.

*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.

Access to the site is via Brackett Road.

There will be very little additional vehicle trips, after construction, proposed with this project.

*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 applicant is proposing access via a 20 foot gravel way off Brackett Road.

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

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

The site provides for a two-way vehicle access located on the northeastern side of the parcel. Brackett Road provides frontage and access to the property. The proposed 20 foot gravel way will provide access to the solar array.

*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 access drive provides for pedestrian traffic throughout the site.

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

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

The applicant has provided engineering calculations demonstrating that pre and post development cumulative runoff curve numbers are similar. The applicant should provide engineering calculations demonstrating post development peak runoff rates do not exceed pre development rates. The applicant should provide revised designs and modeling to satisfy the peer review engineer comments.

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.

Any soil disturbance will require erosion and sedimentation controls that meet the Maine Erosion and Sediment Control Best Management Practices.

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

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

No water supply is needed for this development.

Finding: *The development does not require a water supply. Therefore, this standards does not apply.*

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.

No sewer disposal is needed for this development.

Finding: *The development does not require sewer disposal. Therefore, this standards does not apply.*

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

Electrical wiring will be aggregated into underground PVC conduit. The conduit will be buried in trenches 24 inches deep within the array area and will connect into the existing electric pole at Brackett Road.

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

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

The applicant proposes to remove the landscaping throughout the site and meadow conditions will be maintained and will not be mowed more than twice a year.

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

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

The project will not affect groundwater quantity or quality.

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

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

This project does not require exterior lighting.

*Finding: The proposed development does not require exterior lighting. Therefore, this requirement does not apply.*

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

No hazardous waste will be generated and all solid waste from construction will be collected in a dumpster onsite and transported away via private service.

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

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

The applicant is proposing to remove the landscaping throughout the site and plant low growth grass mix which will be mowed not more than twice a year.

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

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

The arrays and equipment are located outside of any water bodies.

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

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

The applicant has shown financial capacity by way of a letter January 10, 2020 from Bank of the West and a letter dated January 6, 2020 from Citi Bank. Technical capacity is demonstrated by the hiring of David Albrecht, P.E. #10729 of Borrego Solar and Sean Thies, P.E. of CES, Inc.

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

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

The applicant is proposing to remove landscaping on site and install low growth grass. The arrays and associated infrastructure are in the back portion of this parcel. The parcel contains canopy trees and understory that surround the perimeter all of the site.

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

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

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

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



**Conditions of Approval**

1. That this approval is dependent upon, and limited to, the proposals and plans contained in this application and supporting documents submitted and affirmed by the applicants and that any variation from the plans, proposals and supporting documents is subject to review and approval by the Planning Board or Site Plan Review Committee, except for minor changes which the Town Planner may approve;
2. That prior to the commencement of construction of the site plan, the applicant is responsible for obtaining all required local, state and federal permits;
3. That any proposed use on the site shall meet the sound level requirements outlined under Chapter 4, Section 9, T. Noise;
4. That the plans shall be revised to address all staff comments;
5. That a Maine Department of Environmental Protection permits shall be submitted to town upon receipt;
6. That a performance bond for the decommissioning of the array project shall be established;
7. That the street shall be named as required by the E-911 regulations;
8. That prior to the pre-construction meeting, the applicant will establish the following: an escrow for field inspection meeting the approvals of Town Staff;
9. That prior to the commencement of any site improvements, the applicant, its earthwork contractor, and the design engineer shall arrange a pre-construction meeting with the Town's Review Engineer, Public Works Director, Fire Chief, Code Enforcement Officer and the Town Planner to review the proposed schedule of improvements, conditions of approval, and site construction requirements;
10. That all site construction shall be carried out in conformance with the Maine Erosion and Sediment Control Best Management Practices, Maine Department of Environmental Protection, latest edition and in accordance with the erosion and sedimentation control information contained in the application;
11. That the site plan amendment shall not be released for recording at the Registry of Deeds until the required performance guarantee has been posted meeting the approval of Town Staff, and the site plan is required to be recorded within one year of original approval or the approval becomes null and void;
12. That the landscape plan included in the plan set dated November 10, 2020 will be peer reviewed and the applicant will work with the peer reviewer to finalize the plan and to develop a cost estimate for the landscaping to be included in the performance guarantee;

13. That the Planning Board Chairman is authorized by the Planning Board to sign the Findings of Fact on behalf of the entire Board; and
  14. That once the subdivision/site amendment plan has been recorded at the Cumberland County Registry of Deeds, a dated copy of the recorded subdivision/site amendment plan shall be returned to the Town Planner prior to the pre-construction meeting.
- 

## **ITEM 5 – GORHAM SAVINGS BANK SOLAR ARRAY**

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

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

The applicant is proposing to construct approximately 3.5 acres of 866 kW DC ground-mounted photovoltaic solar array and associated infrastructure including a chain link perimeter fence.

The construction will be on the portion of the property that is outside of wetlands and floodplain.

*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.

Access to the site is via Wentworth Drive, which is off Gray Road/State Route 202/4. Wentworth Drive is a private way and Gray Road is considered a principal arterial by the Maine Department of Transportation.

There will be very little additional vehicle trips proposed with this project and the applicant has requested a waiver from providing a traffic impact analysis.

*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.

There is the existing paved way, Wentworth Drive, which is 25 feet wide and is located on the northern portion of the lot. The access to the solar array field will be via a 16 foot gravel way.

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

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

The site provides for a two-way vehicle access through the existing parking lot located on the eastern side of the parcel. There is a 25 foot wide paved street, Wentworth Drive, providing access to the property. The proposed 16 foot gravel way will provide access to the solar array.

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

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

An existing bituminous walk way is located in front of the building which allows pedestrian access from the parking lot to the front of the building for use by employees and the general public. No changes are proposed to the existing pedestrian circulation.

The applicant is providing for a 10 foot trail corridor outside of the security fence that will complete a connection between Gorham Village and the trail system at Tannery Brook.

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

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

A hydrologic model was developed to evaluate the existing and proposed drainage conditions on site. The results of the analysis indicate that there is no increase in peak discharge rates between the pre- and post-development conditions. The area under the solar arrays will be planted with a meadow seed mix, and not mowed more than twice a year.

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.

Any soil disturbance will require erosion and sedimentation controls that meet the Maine Erosion and Sediment Control Best Management Practices.

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

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

No water supply is needed for this development.

*Finding: The development does not require a water supply. Therefore, this standards does not apply.*

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.

No sewer disposal is needed for this development.

*Finding: The development does not require sewer disposal. Therefore, this standards does not apply.*

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

Electrical wiring will be aggregated into underground PVC conduit. The conduit will be buried in trenches 2-4 inches deep within the array area and will connect into the existing electric pole at Wentworth Drive. A new step-up transformer, metering package, and riser pole will be installed by Central Maine Power adjacent to Wentworth Drive for new electrical service.

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

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

The applicant proposes to remove the landscaping throughout the site and plant low growth grass mix that will be mowed no more than twice a year.

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

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

The project will not affect groundwater quantity or quality.

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

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

This project does not require exterior lighting.

Finding: *The proposed development does not require exterior lighting. Therefore, this requirement does not apply.*

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

The applicant states on page 2 of the project narrative that no hazardous waste will be generated and all solid waste from construction will be collected in a dumpster onsite and transported away via private service.

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

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

The applicant is proposing to remove the landscaping throughout the site and plant low growth grass mix which will be mowed no more than twice a year.

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

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

A portion of the lot is located in the Shoreland Overlay District. The arrays and equipment are located outside of the Shoreland Overlay District.

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

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

Financial capacity has not been shown with this application. Technical capacity is demonstrated by the hiring of ReVision Energy and VHB for engineering.

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

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

The applicant is proposing to remove landscaping on site and install low growth grass. On the southern portion of the site, in the direction of residential abutting properties, 100 feet of uninterrupted vegetation will remain as a buffer.

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

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

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

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

### **Conditions of Approval**

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



8. 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;
9. That the site plan amendment shall not be released for recording at the Registry of Deeds until the required performance guarantee has been posted meeting the approval of Town Staff, and the site plan is required to be recorded within one year of original approval or the approval becomes null and void;
10. That the applicant will need to show proof of financial capacity to construct the project;
11. That the Planning Board Chairman is authorized by the Planning Board to sign the Findings of Fact on behalf of the entire Board; and
12. That once the subdivision/site amendment plan has been recorded at the Cumberland County Registry of Deeds, a dated copy of the recorded subdivision/site amendment plan shall be returned to the Town Planner prior to the pre-construction meeting.

---

## **ITEM 6 KOLODZEJ SUBDIVISION AMENDMENT**

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

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

#### **C. PRELIMINARY PLAN REVIEW**

- 2) The Planning Board shall include in its review the following general and specific requirements that the development has proposed for approval:
  - a) Shall be in conformance with the Comprehensive Plan of the Town, and with all pertinent State and local codes and ordinances, including the Performance Standards related to specific types of development which are stipulated in Chapter 2.

The lots are located within the Rural District and the approved Comprehensive Plan Future Land Use Map identifies the lot being in the Suburban Residential.

*Finding: The subdivision amendment conforms to 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.

There is an existing driveway to the existing house. A portion of the driveway will be removed and re-vegetated. There will be a new driveway located for the proposed lot at the time of construction.

*Finding: The proposed lot 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 existing house is served by overhead power, cable, and telephone. The proposed lot and future house are to be served by overhead power, cable, and telephone.

*Finding: The new lot 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 existing house is served by a private well. There is sufficient water to serve the proposed lot.

*Finding: The project has sufficient water supply available for present and future needs as reasonably foreseeable.*

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

The applicant will provide onsite sewage waste disposal. A letter dated September 8, 2020 has been provided Mark Hampton Associates indicating that an onsite system can be constructed.

*Finding: The applicant has provided 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 applicant is proposing to construct in an area that contains other houses and is suitable for an additional house.

*Finding: The additional house 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 construction of a new house and driveway is required to install erosion control devices meeting the requirements of the Maine Erosion and Sediment Control Best Management Practices, Bureau of Land and Water Quality, Maine Department of Environmental Protection.

*Finding: The house and driveway 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.

No changes are proposed to any body of water or wetland.

*Finding: The proposed lot and new house 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 house is to be located on an area that is previously disturbed land. Tree clearing will be limited. No wetland impacts are proposed.

*Finding: The house and lot 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 hired BH2M to provide the subdivision amendment plans and as representative.*

*Finding: The applicant has adequate financial and technical 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 issuance of the building permits for the new house.

*Finding: The applicant 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 has not chosen to provide open space or recreational land.

*Finding: The applicant has not chosen to provide open space or recreational land. Therefore, this requirement does not apply.*

### **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 for a subdivision amendment, so preliminary and final subdivision 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 for a subdivision amendment, so preliminary and final subdivision 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 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, the applicant is responsible for obtaining all required local, state and federal permits;

3. That any proposed use on the site shall meet the sound level requirements outlined under Chapter 4, Section 9, T. Noise;
4. 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;
5. That the building will meet all applicable sections of the NFPA 101 Life Safety Code and the NFPA Fire Prevention Code 1. All buildings shall be properly numbered in accordance with E911 standards including height, color and location.
6. That the building shall be protected under the Fire Suppression Systems Ordinance as applicable. The sprinkler plans shall be submitted to the Fire Department and the State Fire Marshal's Office for review and permitting. The plans submitted to the Fire Department shall be submitted at least two weeks prior to the start of the installation of the system. Sprinkler test papers will be required to be submitted to the Fire Department at the time a CO is issued.
7. That revised plans shall be submitted based on comments provided by Woodard & Curran;
8. That the applicant shall provide proof of financial capacity;
9. That the subdivision plan is required to be recorded within one year of original approval or the approval becomes null and void;
10. That the Planning Board Chairman is authorized by the Planning Board to sign the Findings of Fact on behalf of the entire Board; and
11. That once the subdivision amendment plan has been recorded at the Cumberland County Registry of Deeds, a dated copy of the recorded subdivision amendment plan shall be returned to the Town Planner prior to a building permit being issued.