

**GORHAM PLANNING BOARD ZOOM MEETING  
March 1, 2021**

**MEMBERS PRESENT**

**GEORGE FOX, CHAIRMAN  
SCOTT FIRMIN, VICE CHAIRMAN  
JAMES ANDERSON  
MOLLY BUTLER-BAILEY  
SUSAN DURST  
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.

**APPROVAL OF THE FEBRUARY 1, 2021 MEETING MINUTES**

**James Anderson MOVED and Vincent Grassi SECONDED a motion to approve the minutes of February 1, 2021 as written. Motion CARRIED, 7 ayes. (7:04 p.m.)**

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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 Planning Board meeting.
- B. Comprehensive Plan Implementation Committee – Ms. Butler-Bailey reported that this Committee has not met since the last Planning Board meeting.

**ADMINISTRATIVE REVIEW REPORT**

Ms. Eyerman reported that there are two new administrative review applications which have been submitted and possibly a third, and that more information will be forthcoming at the next meeting.

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**CONSENT AGENDA**

- A. **Site Plan – Walter Stinson – 551 Main Street** – a request for approval of a self-storage facility at 551 Main Street, zoned RC, Map 32, Lot 39.

Ms. Eyerman noted that the remaining outstanding issues on this project have been satisfied. There being no one from the Planning Board or the public wishing to take the item off the Consent Agenda,

**James Anderson MOVED and Scott Firmin SECONDED a motion to approve Item A on the Consent Agenda. Motion CARRIED, 7 ayes.**

**B. Subdivision/Site Plan – Cottage Advisors ME, LLC – Pheasant Knoll, Phases 4-6** – a request for approval of a change of ownership of Pheasant Knoll Subdivision, Phases 4-6 from Kasprzak Homes, Inc., to Cottage Advisors ME, LLC, zoned UR, Map 46, Lot 11.0004.

Mr. Fox noted that the comments which have been received by abutters deal with issues not involved in the transfer of ownership and none take issue with the change of ownership. If there are any major changes to the already approved plan, the item will have to come back before the Board unless it is a de minimis change. There being no one from the Planning Board or the public wishing to take the item off the Consent Agenda,

**James Anderson MOVED and Vincent Grassi SECONDED a motion to approve Item B on the Consent Agenda. Motion CARRIED, 7 ayes.**

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**ITEM 1 Public Hearing – Proposed Amendments to the Land Use and Development Code** – proposed amendments to the Narragansett Mixed Use Development District modifying side and rear setbacks and adding Personal Services as an allowed use.

Mr. Poirier explained that the Board's Comprehensive Plan Implementation Committee reviewed the proposed amendment changes at its February workshop and had no changes to the addition of a personal service use with 2,000 square feet or less of gross floor area and a change in the side and rear yard setback dimensional standards.

Ms. Butler-Bailey said that the CPIC in its review of the proposed changes had no issue with either of them.

Mr. Anderson advised the Board that he has been in preliminary talks with a business owner who could be directly impacted by these zoning changes, and therefore asked to be recused from participation in discussion of the item.

**Scott Firmin MOVED and Molly Butler-Bailey SECONDED a motion to allow Mr. Anderson to be recused. Motion CARRIED, 6 ayes (James Anderson abstaining).**

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

**Molly Butler-Bailey MOVED and Sue Durst SECONDED a motion to recommend adoption by the Town Council of the proposed Land Use and Development Code amendments to Chapter 1: General Standards of Performance, Section 1-16, Narragansett**

**Mixed Use Development District, B. Permitted Uses, 2) adding Personal Services as an allowed use and modifying side and rear setbacks under D. Dimensional Standards. Motion CARRIED, 6 ayes, James Anderson recused.**

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**ITEM 2 Public Hearing – Proposed Amendments to the Land Use and Development Code –**  
proposed amendments to allow medical marijuana growing as a home occupation use  
and to allow medical marijuana commercial cultivation, manufacturing and testing

Mr. Poirier advised the Board that the Board and the Board's Ordinance subcommittee had reviewed an earlier version of the proposed language, which has been replaced by the version presently before the Board. Items missing in the previous version but now in the version before the Board involve the additions to Section 1-5 Definitions, a change to item 12 in Home Occupation Standards determining allowed services hours provided by caregivers, and the addition of a reference to applicable State law. He said that the Board's Ordinance subcommittee had recommended one change, regarding licensing provisions for existing medical caregivers in residences.

Mr. Fox confirmed that the definitions included in the language before the Board now were not reviewed by the Board's Ordinance Review committee and that there is nothing substantial in those definitions that the Review committee. Mr. Poirier confirmed that the definitions tie the uses to the licensing and the Land Use provisions.

In reply to a question from Mr. Fox, Mr. Grassi, chairman of the Ordinance Review committee, said he did not believe that a review of the definitions would have affected the review of the committee.

**PUBLIC COMMENT PERIOD OPENED:** Kathleen West asked for clarification about use of an existing building in the Rural zone, a building not attached to the house. Ms. West also asked for clarification of the 20% total floor area requirement of the dwelling unit occupied by the home occupation.

**PUBLIC COMMENT PERIOD ENDED.**

Mr. Poirier replied to Ms. West's questions that because no specific date has been added to the language for an existing building in the Rural district, the date of an existing agricultural building will be the date of adoption by the Council of the proposed language, so any building existing at the time of adoption will be able to be used to grow medical marijuana. Mr. Fox said the intent is to apply to buildings in existence at the time of adoption as of the approval date. Regarding the 20% calculation, the amount can be in any accessory building and does not need to be in the dwelling unit, but is the maximum that can be utilized.

Mr. Firmin confirmed with Mr. Poirier that the Code Enforcement Officer will oversee the required permit relating to issues such as electrical, as well as inspections of commercial marijuana growers involving such things as odor control. In addition to Item 9, Permit Required, Mr. Firmin confirmed that Item 12g.'s requirements concerning building, electrical and fire codes are also part of the Code Officer's inspection.

Ms. Durst asked for further confirmation that an accessory building not part of the dwelling unit has to be 20% of the dwelling unit. Mr. Poirier replied that the size of the single family home is measured, and 20% of that area can be used for the home occupation. Ms. Durst asked if an accessory building is larger than the 20% figure, could the entire building be used. Mr. Poirier replied that as a home occupation it could not.

**James Anderson MOVED and Susan Durst SECONDED a motion to recommend adoption by the Town Council of the proposed zoning amendments pertaining to medical marijuana and caregivers under Chapter 1, Section 1-8- Rural District, Section 1-12 Industrial District, and Section 1-21 Olde Canal Industrial District, and under Chapter 2, Section 2-15, Home Occupation Standards, as amended by the Planning Board. Motion CARRIED, 7 ayes.**

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**ITEM 3 Site Plan – Gorham ME 1, LLC – Burnham Road Solar** – a request for approval of a ground-mounted solar energy generation facility on 25 acres located at 17 Nonesuch Road, zoned R, MH/R, Map 1, Lot 11

Ms. Eyerman explained that this item is before the Board for a review of additional information regarding DEP permitting, glare impact, stormwater, demonstration of financial capacity, and a landscape plan buffering certain abutters. She said that most of the items have been dealt with, but a review is ongoing of the landscaping buffering plan and the question about a possible subdivision creation, which has been reviewed by the Town’s attorney, who has determined that no subdivision will be created.

Chris Byers of Boyle Associates entered the zoom meeting on behalf of the client, Con Edison. Mr. Byers introduced Dale Knapp of Boyle Associates, and Grey Carey of Con Edison. Mr. Byers gave an overview of the project, noting that they had met with abutters on January 15 to discuss potential buffering. Mr. Byers pointed out two distinct tree screening areas, one area to the north for the benefit of abutters along Burnham Road, and the other location along property owned by Steve Quimby. The area to the north will be composed of 97 trees, mostly 6 to 8 feet tall, and 83 trees along the access road off Burnham Road. Mr. Byers provided a series of 3D renderings showing the proposed landscaping as current, 5 and 10 year growths.

Mr. Byers said that a glare memo has been provided, noting that only 2% of incoming light will be reflected, saying that the solar panels are designed to absorb sunlight. He showed examples of panels used along roads and at airport runways. Mr. Fox said he has no problems with a possible glare problem.

Mr. Byers said they have received all their DEP permits.

Mr. Fox reminded the public not to use the “Chat” or “Question and Answer” features of the zoom meeting as any comments made that way are not captured as part of the public record. He asked that anyone wishing to comment or ask questions, use the “raise your hand” feature.

**PUBLIC COMMENT PERIOD OPENED:** Sean Callahan, 125 Burnham Road, told the Board that he appreciates having worked with the applicant so far, but he still has concerns about the screening

of the view of the project from his master bedroom. He said they continue to have discussions about how to deal with the visual impacts to their property.  
PUBLIC COMMENT PERIOD ENDED.

Mr. Byers replied to a query in the Question and Answer portion of the zoom meeting that there will be no impact to southwest abutters on Kinney Road.

Mr. Firmin asked about the design and maintenance of the proposed planting. Mr. Byers replied that the design has been prepared by Terry DeWan of DeWan & Associates, with a spacing design for the species of trees chosen, and the trees being warranted for a standard one year. Mr. Byers said their responsibility will be to maintain easements for access to the trees.

Mr. Anderson and Mr. Byers spoke about addressing the comments provided by the Town's engineer about pre and post drainage swales. Steve Blake of BH2M Engineers said that only minor plan revisions would be required to address those comments.

**James Anderson MOVED and Vincent Grassi SECONDED a motion to place further review of Gorham ME 1, LLC's request for site plan approval for construction of approximately 35 acres of 4.875 megawatts ground-mounted photovoltaic solar array and associates infrastructure on property located at 7 Nonesuch Road, Map 1, Lot 11, Rural zoning district, on a future Consent Agenda pending responses to remaining issues and revisions to the plans if needed. Motion CARRIED, 6 ayes, 1 nay (Thomas Hughes).**

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**ITEM 4 Subdivision/Site Plan – STJ, Inc. – Hannah Drive Condominiums** – a request for approval of four condominiums in two duplex units, located on 1.59 acres off the existing Hannah Drive cul-de-sac, zoned UR-MH, Map 111, Lot 48.

Ms. Eyerman told the Board that this is a request for approval of four dwelling units in two duplex units on either side of the proposed road on 1.59 acres in the Residential zoning district.

Shawn Frank, Sebago Technics, joined the zoom meeting and introduced Chris Taylor of Sebago Technics and Mark Curtis, representing STJ, the applicant. Mr. Frank explained that the project involves the construction of two duplex buildings off the Hannah Drive cul-de-sac and a 175 foot roadway with a 50 foot right-of-way. He said the right-of-way off Hannah Drive is between two existing homes and abuts the Brackett Brook condominiums project. Mr. Frank said STJ petitioned the Town Council in August of 2018 and was granted permission to use the right-of-way to access the abutting property.

Mr. Frank described the proposed 175 foot roadway with a hammerhead, hoping at some point to extend that back into Brackett Brook condominiums and remove the hammerhead. Two duplexes are proposed, one on either side of the road. He pointed out the driveways that can be utilized for parking so that parking will not be necessary in the roadway. The roadway is designed to come up from Hannah Drive, a slow slope coming up, so all the water on the road itself will be directed to two catch basins at the Hannah Drive intersection. The water will come back into a storm drain and then outlet into an underdrain soil filter, with only the back half of one of the buildings not being treated. Hopefully the drainage proposed will alleviate some of the existing concerns in the back

yards of some of the abutters. All of the water will ultimately be re-directed back into Brackett Brook.

Mr. Frank said currently there is public water available in Hannah Drive, with a fire hydrant and a stub to which they will connect, and there is sewer in Hannah Drive as well. The units will be sprinkled in accordance with Gorham requirements, and the duplexes will be similar to the units at Brackett Brook and Tow Path Road. He said they are requesting a waiver from the subdivision requirement of a Class A High Intensity soils survey due to the availability of public water and sewer. A Class B High Intensity soils survey has been done which will be submitted at the next submission. Wetlands have been done, with about 10,000 square feet of wetlands to be impacted, so an NRPA application has been prepared and submitted to the DEP, along with the Permit by Rule application for the stormwater.

**PUBLIC COMMENT PERIOD OPENED:** Stephanie Nichols, 33 Hannah Drive, expressed concern about the proximity of the development and a lack of privacy as direct abutters, concerns about drainage, impact on schools, their water line's relation to the proposed access road, and effect on their property value.

Stephanie DeVinney, 19 Hannah Drive, spoke about traffic concerns on Huston Drive and the impact this new road would have, impact on schools, number of duplexes that have been added to the neighborhood, and property values.

**PUBLIC COMMENT PERIOD ENDED.**

Mr. Fox said that the Planning Board process requires it to review the applicant's proposed project under the ordinance requirements of the Land Use Code and that some of the issues raised by the abutters such as school overcrowding, property value devaluation and sight lines into somebody's property are not in the purview of the Planning Board and therefore are outside of the scope of the Board's authority.

Mr. Frank said that the proposal meets setback requirements and that 5 or 6 units could be accommodated on the site. He said he believes that the proposed drainage will address standing water issues, with everything draining into Brackett Brook. Mr. Anderson asked if Brackett Brook can handle the additional stormwater. Mr. Frank said they will provide the data requested to respond to the comments from the Town's review engineer.

In reply to Mr. Fox, Mr. Frank said no lighting is proposed other than at the driveways. Mr. Firmin asked if additional landscaping can be added along the access road. Mr. Fox noted that there will need to be a good robust landscape plan; Mr. Frank said he will discuss landscaping with the applicant.

Mr. Firmin advised the Board that he does work for the Portland Water District but has had no involvement with this project. However, he asked if in situations where groundwater could be an issue, does the Town have a way to discourage sump pumps being connected to sewers. Mr. Poirier replied that the Town does not allow basement or foundation drains hook into storm drains. Mr. Frank said the foundation drains will be gravity to the forebay of the underdrained pond and not connected to the storm drain. Mr. Frank replied that they are not connecting to the sewer system.

Mr. Poirier said there may be a requirement for an offsite sidewalk, depending on the number of lots. Mr. Frank said they are not proposing a sidewalk on Hannah Drive.

Mr. Poirier read the following from the Land Use Code in Chapter 2:

“The requirement for off-site sidewalk extension in the Urban Residential District shall be modified by the Planning Board provided the following conditions are met:

- a. The cost for the sidewalk exceeds a cost of \$5,000 per dwelling unit. The number of dwelling units used in the calculation shall be based on the maximum number of dwelling units allowed on the parcel as identified under the Urban Residential District Space standards.
- b. In place of a full sidewalk extension as required in subsection 11, the applicant is required to extend the nearest sidewalk the following lengths towards the proposed development.
  - (1) For roads with existing closed drainage systems and curbing the applicant shall extend the sidewalk 200’ for each proposed dwelling unit in the development.
  - (2) For roads without existing closed drainage systems and curbing the applicant shall extend the sidewalk 100’ and closed in the drainage system for each proposed dwelling unit in the development.
  - (3) For existing public roads with sidewalks in poor condition as determined by the Public Works Director or his designee, an applicant can request that half of the required extension be utilized to repair the existing sidewalk network on a foot by foot exchange.”

Mr. Frank said he will discuss the issue with the applicant and meet with staff to prepare something for the Board to review when the application is before it for final approval.

Mr. Anderson asked if the sidewalks can be pulled away from the buildings’ foundations. Mr. George noted that this is probably more of an aesthetic issue and not one of function.

Mr. Frank advised Mr. Anderson that all work would occur in the existing 50-foot right-of-way and not on abutting properties.

**James Anderson MOVED and Thomas Hughes SECONDED a motion to grant the applicant’s waiver request from the submission requirement of a high intensity soil survey since the site is served by public water and sewer. Motion CARRIED, 7 ayes.**

**Vincent Grassi MOVED and James Anderson SECONDED a motion to grant STJ’s request for preliminary subdivision and site plan approval for a 4-unit residential condominium project located on 1.59 acres off Hannah Drive, Map 111, Lot 48, UR and MH zoning districts, based on Findings of Fact written by the Town Planner. Motion CARRIED, 7 ayes.**

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**5 Minute Break to 9:20**

**ITEM 5 Subdivision/Site Plan – Earle Enterprises, LLC – 8 College Avenue** – a request for approval to convert 8 College Avenue from an existing single family residence into an 8-unit apartment building, zoned UR, Map 102, Lot 5.

Ms. Eyerman said this is a request for approval to create an apartment building out of the single family home at 8 College Avenue. She noted that this is a building that suffered a significant fire some years ago. She indicated that this applicant has received approval from the Historic Preservation Commission to raise the roof on the structure to create more headroom

Ms. Eyerman told the Board that this application would give the Board a chance to workshop the fact that Maine State law allows the option for review of single building multi-unit review under Site Plan, rather than two, Site Plan and Subdivision. She said that the Board would need to vote to approve the use of that one ordinance.

Mr. Fox confirmed that this particular application will be reviewed under both types of review. Ms. Eyerman said that reviewing the application under both Subdivision and Site Plan will not change and will have no adverse impact on this applicant.

Charlie Burnham of Atlantic Resource Consultants, entered the zoom meeting to make a presentation on behalf of the applicant. He said the intent is to split up the building into 8 one-bedroom apartments. He said the biggest design feature is to get an 8-space parking lot into the back, serviced by a 24-foot wide paved road. Mr. Burnham mentioned that he has been considering narrowing that road width to perhaps 18 feet, 9 foot access lanes. Infiltration trenches around the outside are proposed. Impact to abutters should be minimal. Mr. Burnham said utilities are all existing and they are waiting to hear back from the Water District about the sprinkler systems numbers. He said he believes water main work is proposed for College Ave, and they are hoping to coordinate their tie-in to that.

PUBLIC COMMENT PERIOD OPENED: None offered  
PUBLIC COMMENT PERIOD ENDED

Ms. Butler-Bailey asked whether fill will be needed on the downward slope and suggested that buffering be considered for the play area of the day care of the Community Art Center. Ms. Butler-Bailey asked that future plans show the grades on the site.

The Board and Mr. Burnham discussed parking requirements for the site, which are dependent on whether Mr. Burnham is using the Small Dwelling Overlay district parameters and which could vary from 8 to 16 spaces required. The Town's review engineer stated that parking for the proposed 8-unit use required 16 off-street parking spaces. It was suggested that Mr. Burnham provide in writing which standards he is using. The Board encouraged Mr. Burnham to provide additional parking on the site, perhaps using defined spaces in front of the garage.

Mr. Burnham said lighting will be kept on the building, parking and the dumpster area. Snow removal will be to the back of the site.



Mr. Anderson commented that the comments from the Town's engineer are significant, noting that the applicant has not provided a pre-treatment systems, nor has pre and post-development site information been provided. Mr. Burnham said the project doesn't trigger DEP review, it is just mitigating and minimizing any impact to abutters. Mr. Fox advised Mr. Burnham that the Board will follow the recommendations of the Town's engineer, and suggested that Ms. Eyerman facilitate a conversation between Woodard & Curran and Mr. Burnham.

Ms. Butler-Bailey said her concern right now is the number of parking spaces this project requires and until that is answered, preliminary approval is premature. Mr. Anderson commented about the issues raised by the Town's review engineer which need to be addressed as another reason to delay granting preliminary approval this evening.

**Vincent Grassi MOVED and James Anderson SECONDED a motion to postpone further review of Earle Enterprises, LLC's request for preliminary subdivision and major site plan review pending responses to remaining issues and revisions to the plans. Motion CARRIED, 6 ayes (Thomas Hughes not present to vote).**

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**ITEM 6 Discussion – Proposed Amendments to the Land Use and Development Code -**  
proposed amendments regarding Mosher's Corner Mixed Use Development zone.

Forwarded to the Board's Comprehensive Plan Implementation Committee for review and recommendations.

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**ITEM 7 Discussion - Proposed Amendments to the Land Use and Development Code –**  
proposed amendment to allow for an exemption beyond daytimes hours for well drilling activities.

Forwarded to the Board's Ordinance Review Committee for review and recommendations.

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**ITEM 8 Discussion - Proposed Amendments to the Land Use and Development Code –**  
proposed amendments regarding setback requirements during permit application process.

Forwarded to the Board's Ordinance Review Committee for review and recommendations.

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**ITEM 9 Discussion - Proposed Amendments to the Land Use and Development Code –**  
proposed amendments regarding invasive terrestrial plants.

Forwarded to the Board's Ordinance Review Committee for review and recommendations.

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**OTHER BUSINESS: Election of Board Officers and committee assignments will take place at the April 5, 2021 meeting.**

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**ANNOUNCEMENTS:      NONE**

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**ADJOURNMENT**

**Molly Butler-Bailey MOVED and Susan Durst SECONDED a motion to adjourn. Motion CARRIED, 7 ayes. (10:05 p.m.)**

Respectfully submitted,

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Barbara C. Skinner, Clerk of the Board  
\_\_\_\_\_, 2021

**CONSENT AGENDA “A”**

**WALTER STINSON, 551 MAIN STREET SELF-STORAGE FACILITY**

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

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

**CHAPTER 4, Section 9 – Approval Criteria and Standards**

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

The proposal is to construct eight (8) buildings totaling 53,000 square feet. The buildings are proposed to be constructed toward the front of the lot because there are wetlands toward the middle portion. The total developed acreage proposed is 3.74 acres of an 11.50 acre parcel.

**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 from Main Street, State Route 25.

The development is proposed to have 49 daily trips with 49 trips entering and 49 trips exiting the site. The busiest a.m. time will be from 7 to 8 am and produce 13 trips, 7 entering and 6 exiting trips. The busiest p.m. time will be from 7 to 6 p.m. and produce 13 trips, 7 entering and 6 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 driveway into the site is located relatively near the traffic light at the intersection of Main Street, State Route 25, and Sebago Lake Road, State Route 237. Staff recommended during the September 2019 meeting that the applicant provide a traffic assessment by a traffic engineer that evaluates whether the proposed driveway will impact traffic along Main Street and the signalized intersection. According to the assessment report from Derek Caldwell, PE PTOE of Sebago Technics dated August 17, 2020, there is adequate sight distance which meets the DOT and the Town's requirements. The report also states that the total number of peak hours trips does not exceed 100 peak hour trips, and therefore will not require a DOT Traffic Movement Permit.

Site distance for the existing entrance is 420 feet to the west and 440 feet to the east.

The grade of the proposed drive will be a -2.0% for a minimum of five (5) feet from the existing pavement edge or the centerline of the existing drainage swale.

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.

Site plans 1 and 2 show vehicular pavement that is 24 and 30 feet wide between the buildings, which is more than the width of a travel way in a road. The width of the entrance is 28 feet wide.

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 closest sidewalk is located at and going into the Martin's Point entrance to the east. A waiver was granted from providing sidewalks to the site along the public road. The circulation within the site is via driveways and vehicular pavement.

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.

Stormwater will be managed and treated through utilization of one gravel wetland and one building drip edge filter.

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 an erosion control mix berm, silt fence, dirt bag, blanket, silt sack and rip rap apron will be installed along the edge of the disturbed areas, as shown on the Grading and Utilities Plan 1 and 2, Sheets 8 and 9 of 14. The erosion control measures will be installed and maintained as outlined on the Erosion Control Notes: Sheet 12 of 14 and on the Details Plan: Sheet 13 of 14.

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 buildings will be served by public water from the Portland Water District. A 3/4 " water service line extends into the site from the existing 8" water main located in the Main Street right-of-way.

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 Board granted a waiver from the public sewer requirement. The applicant is going to install a private septic system that includes a 1,000 gallon tank with pump and disposal field along the site's frontage.

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 building in the front along Main Street has overhead electrical utilities, underground gas, and water service running to it.

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.

Eleven canopy trees are to be removed in the front and east of the lot to facilitate construction. Maple trees, juniper, grasses, rhododendron and hydrangea will be planted along the frontage.

The trees and wetlands located on the southern 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 stormwater in a wetland located on the middle of the parcel.

*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 photometric plan dated September 28, 2020 shows illuminance averages of 3.97 at the driveways throughout the site and 1.74 at the entry. The maximum on site is 16.9.

*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 pickup will be from a local waste hauler.

*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.

Eleven canopy trees are to be removed in the front and east of the lot to facilitate construction. Maple trees, juniper, grasses, rhododendron and hydrangea will be planted along the frontage.

The trees and understory located on the southern half of the site will remain undisturbed.

*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 wetland.

*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 dated August 16, 2020 from Mike Voisine, Vice President of Gorham Savings Bank, which identifies it has the financial capacity to complete the project.

The applicant has submitted resumes and information for each member of the Sebago Technics team who worked on the plans and application.

The applicant has retained Grant Hayes for the architectural renderings.

*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 in the rear portion of the lot. The applicant is also proposing landscaping along the road frontage.

*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 70 dBA daytime (7 a.m. - 7 p.m.) and 60 dBA nighttime (7 p.m. - 7 a.m.).

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

## **Chapter 1 Section 1-11 Roadside Commercial**

### **E. Performance Standards**

1) The performance standards contained in Chapter 2 of this Code shall be fully observed.

#### **2) a) Lot Layout**

The site plans show utility pads located behind the proposed buildings. There is no parking located along the frontage between the buildings and Main Street.

*Finding: The applicant has located storage and pads behind the buildings.*

#### **b) Utilities**

The applicant plans to provide public water. The applicant will provide the Portland Water District ability-to-serve letter prior to a pre-construction meeting.

The applicant has received a waiver from the public sewer requirement.

All developments are required to have underground utilities.

*Finding: The applicant has provided the required utilities.*

c) Buffer yards

The landscape plan shows a mix of canopy trees, shrubs, plants and berms as well as existing vegetation that break up the development.

*Finding: The development will provide for buffering of adjacent uses and landscaping.*

d) Building Design Standards

The applicant proposes 3 different building materials which are stone veneer, metal roofing, and vinyl clapboard siding. The building materials will not be highly reflective.

*Finding: The applicant will utilize materials that meet the standards of this section.*

e) Access Management

The applicant was granted a waiver from providing sidewalks to the site under the Site Plan Review Ordinance.

The applicant proposes one entrance where a driveway exists presently as well as an access easement to the abutting parcel for vehicular and pedestrian use. The nearest intersection is over 400 feet away.

*Finding: The access is located the required distance away from an existing entrance along Main Street.*

**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 any proposed use on the site shall meet the sound level requirements outlined under Chapter 4, Section 9, T. Noise;



4. That prior to the pre-construction meeting, the applicant will establish the following: a performance guarantee equal to 125% of the costs to complete the site improvements and an escrow for field inspection meeting the approvals of Town Staff;
5. 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;
6. That the buildings will meet all applicable sections of the NFPA 101 Life Safety Code and the NFPA Fire Prevention Code 1;
7. That all buildings shall be properly numbered in accordance with E911 standards including height, color and location;
8. That the Fire Department shall have building plans submitted 2 weeks prior to start of building for review and approvals;
9. That the owner of the lot is responsible for compliance with the Town of Gorham Stormwater Ordinance, Chapter 2 – Post Construction Stormwater Management;
10. That the applicant shall submit the pedestrian and vehicular access easement deed for review and approval by the Town Planner and the Town Attorney prior to the issuance of any building permit for this project.
11. That a recorded copy of the approved pedestrian and vehicular access easement deed shall be returned to the Community Development: Planning Division Office prior to a certificate of occupancy being issued for the site;
12. That the Planning Board Chairman is authorized by the Planning Board to sign the Findings of Fact on behalf of the entire Board; and
13. That once the site plan has been recorded at the Cumberland County Registry of Deeds, a dated copy of the recorded site plan shall be returned to the Town Planner prior to a pre-construction meeting being held.

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**CONSENT AGENDA “B”**

**CHANGE OF OWNERSHIP FROM KASPRZAK TO  
COTTAGE ADVISORS ME, LLC**

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

The Planning Board, following review of the Subdivision Amendment Application, makes these findings based on the Subdivision Amendment Review criteria found in Chapter 3, Subdivision, Section 3 – C. Preliminary Plan Review, and Section 4 – D. Final Plan Review.

Because this is an amendment, some of the Subdivision and Site Plan Review standards are not applicable, as indicated below.

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

The applicant has provided a letter dated February 4, 2021 from Kennebunk Savings identifying that the applicant has the financial capacity for the project.

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

### **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.

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 provided a letter dated February 4, 2021 from Kennebunk Savings identifying that the applicant has the financial capacity for the project.

The applicant has provided a list of 4 residential and recreational development projects that it has have been involved with in Maine, as well as 6 projects in Massachusetts and 1 in Canada.

In addition, the applicant has retained Sebago Technics Inc. to provide civil engineering and permitting services.

*Finding: The applicant has demonstrated that it has the financial and technical capacity to complete the project in accordance with the Land Use and Development Code and the approved plans.*

### **CHAPTER 3 - SUBDIVISION, SECTION 3-4C– FINAL PLAN REVIEW**

### **D. FINAL PLAN REVIEW**

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

The applicant has submitted all financial capacity information required of preliminary plan.

Finding: *The applicant has met the standards of this section for final plan approval.*

- 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 applicant has submitted the application and plans within 12 months of preliminary plan approval.

Finding: *The applicant has met the standards of this section for final plan approval.*

**NOW THEREFORE,** on March 1, 2021, the Gorham Planning Board based on these Findings determines that Cottage Advisors ME, LLC may proceed as the new owners of Pheasant Knoll Phases 4- 6.