

**PLANNING BOARD ZOOM MEETING
MINUTES
APRIL 12, 2021**

MEMBERS PRESENT

**MOLLY BUTLER-BAILEY, CHAIRWOMAN
JAMES ANDERSON
SUSAN DURST
GEORGE FOX
VINCENT GRASSI
THOMAS HUGHES**

STAFF PRESENT

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

MEMBERS ABSENT

SCOTT FIRMIN

Chairman Fox noted that tonight's agenda includes the election of Planning Board officers.

ELECTIONS OF OFFICERS:

George Fox nominated and James Anderson seconded Molly Butler-Bailey for the position of Chairwoman. There being no other nominations, the nomination of Molly Butler-Bailey was voted and approved, 5 ayes (Molly Butler-Bailey abstaining; Scott Firmin absent).

George Fox nominated and Thomas Hughes seconded Scott Firmin for the position of Vice-Chairman. There being no other nominations, the nomination of Scott Firmin for the position of Vice-Chairman was voted and approved, 6 ayes (Scott Firmin absent).

COMMITTEE ASSIGNMENTS:

Comprehensive Plan Implementation Committee:

James Anderson, Molly Butler-Bailey, Scott Firmin, George Fox

Ordinance Review Committee:

Susan Durst, Vincent Grassi, Thomas Hughes

Each committee will select a chair person at its first meeting.

Ms. Butler-Bailey assumed the chair to conduct the meeting.

CHAIRWOMAN'S REPORT

Ms. Butler-Bailey said she had no report.

COMMITTEE REPORTS

- A. Ordinance Review Committee** – Mr. Grassi reported that the Committee had met on March 22, 2021 to discuss three proposed ordinance changes: invasive terrestrial species, well drilling activity hours, and certain setback requirements during the permit application process. He said that the Committee recommended that all three proposed ordinance changes be set for public hearing at a future Planning Board meeting.
- B. Comprehensive Plan Implementation Committee** - Ms. Butler-Bailey reported that this committee met to discuss the Mosher Corner mixed-us; discussions will be continued in another meeting.
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ADMINISTRATIVE REVIEW COMMITTEE REPORT

Ms. Eyerman reported that the Committee had approved two applications, the Irish barn conversion and the Joseph Kerwin single family home conversion, and that there is a third application which she will discuss in more detail at the Board's next meeting on April 14, 2021.

CONSENT AGENDA

Site Plan - Gorham ME 1, LLC – Burnham Road Solar – a request for approval of a ground-mounted solar energy generation facility on 35 acres at 17 Nonesuch Road, zoned R-MH/R, Map 1, Lot 11.

Ms. Eyerman told the Board that the applicant's landscape plan has been reviewed and was found to be acceptable. Ms. Eyerman advised the Board that in response to comments from the Town's review engineer, the applicants are requesting a waiver from Site Plan Section 4.9.F.1), as stormwater runoff from pre- to post-development during a 2-year storm will be increased onto abutting properties. In order to discuss that waiver request, the item needs to be taken off the Consent Agenda by Planning Board vote. She said the Town's review engineer had no issue with the small amount of stormwater increase in a 2-year storm, should the Board wish to grant the applicant's waiver request.

James Anderson MOVED and George Fox SECONDED a motion to take the item off the Consent Agenda for discussion. Motion CARRIED, 6 ayes (Scott Firmin absent).

Ms. Eyerman advised that no reply will be made in the "question and answer" section of the zoom meeting as those items are not part of the official record.

Ms. Eyerman noted that correspondence had been received from abutter Sean Callahan, 125 Burnham Road.

PUBLIC COMMENT PERIOD OPENED: Sean Callahan, 125 Burnham Road, spoke about his dissatisfaction with the proposed buffering of his property.

Ellen Sanborn, 19 Burnham Road, asked to see a plan of the site.

PUBLIC COMMENT PERIOD ENDED.

Chris Byers and Dale Knapp, representing the applicant, and Greg Carey, applicant Con Edison, told the Board of their efforts in trying to buffer the Callahan property, some 700 feet away from the project. Mr. Byers said that some 80 trees are proposed to be planted in that area, and that it is not possible to plant trees 20 feet tall enough to buffer a second story view of the project.

In reply to Mr. Anderson, Steve Blake, BH2M Engineers, explained the increase in the 2-year storm figures, stating that the increase is approximately 1/8th of an inch.

Vincent Grassi MOVED and George Fox SECONDED a motion to grant the applicant's waiver from the requirement of Site Plan Section 4.9.F.1) to allow an increase of stormwater runoff onto abutting properties from pre- to post-development during a 2-year storm. Motion CARRIED, 6 ayes (Scott Firmin absent).

Mr. Hughes said that he believes the purpose of a consent agenda item is that it has been reviewed by staff and is presented to the Board as ready to be considered for approval. He said that while the item could be taken off the consent agenda to discuss the waiver, the Board approved the landscaping as presented and he is not in favor of opening up a public discussion on the landscaping in this stage of the review process.

Ms. Butler-Bailey said she agreed with Mr. Hughes, that the item had been taken off the Consent Agenda for a specific reason and was not taken off to discuss abutter comments. Mr. Fox concurred with Mr. Hughes that discussion of a consent agenda item is intended to be very focused, and that the applicant has rights as well in believing that this was 99% ready for approval, with the waiver the only item for discussion. Mr. Fox noted that the landscaping plan had been peer reviewed and approved and is not part of the approval process at this time.

There being no further discussion from the Board,

George Fox MOVED and Thomas Hughes seconded a motion to grant Gorham ME 1, LLC's request for site plan approval for construction of approximately 35 acres of 4.875 megawatts of ground-mounted photovoltaic solar array and associated infrastructure including a perimeter fence for property located at 17 Nonesuch Road on Map 1, Lot 11, Rural 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, 6 ayes (Scott Firmin absent). [7:55 p.m.]

ITEM 1 Public Hearing – Site Plan – Town of Gorham – Narragansett School – a request for approval for improvements at Narragansett School for a new 1,307 square foot storage shed, sidewalks, paving improvements and student drop-off improvements. Zoned OR/UR, Map 26, Lot 4.

Ms. Eyerman told the Board that the improvements requested by the Town of Gorham for the Narragansett School include constructing sidewalk improvements, a 1,307 square foot storage shed and drop-off improvements. She said that under a Master Plan review approved in 2015, sidewalks along the eastern side of Chick Drive were approved, and the applicant now proposes to construct

an additional sidewalk on the western side of Chick Drive. She noted that there is a new plan that will presented this evening.

Owens McCullough, Sebago Technics, Inc., noted that also present is Norman Justice, facilities manager for the School Department, told the Board that is a primarily a maintenance project, as the sidewalks have not been reworked for many years and is intended to reclaim road surfaces and rebuild the sidewalks coming in from Main Street. The sidewalks will be widened from 5 feet to 7 feet coming in from Main Street. Granite curbing will be reset for the new width. The maintenance building will be masonry block at the bottom and will be located where there is currently a playground and will be intended for the storage of mowers and other equipment. Because of anticipated usage, it is proposed that instead of the sidewalk being built on the westerly side of Chick Drive, it will be constructed on the easterly side of Chick Drive.

PUBLIC COMMENT PERIOD OPENED: None offered
PUBLIC COMMENT PERIOD ENDED

Mr. Fox confirmed that outside lighting will only be over door of the maintenance building.

George Fox MOVED and James Anderson SECONDED a motion to grant the Town of Gorham's request for special exception approval. Motion GRANTED, 6 ayes (Scott Firmin absent).

Ms. Eyerman said that as this project is required to meet the Town's Stormwater Ordinance, Chapter 2, Post-Construction Stormwater Management, a new Condition of Approval will be required as follows:

"That the owner of the property is responsible for compliance with the Town of Gorham's Stormwater Ordinance, Chapter 2, Post-Construction Stormwater Management."

James Anderson MOVED and George Fox SECONDED a motion to grant the Town of Gorham's request for site plan amendment for the storage shed and pedestrian improvements at Narragansett School, 270 Main Street, Map 26, Lot 4, Urban Residential and Commercial Office zoning districts, with Findings of Fact and Conditions of Approval as written by the Town Planner and amended by the Planning Board this evening. Motion CARRIED, 6 ayes (Scott Firmin absent).

ITEM 2 Site Plan/Subdivision Amendment – Hans Hansen Inc. – Stargazer Subdivision – a request for preliminary approval to combine 6 existing residential lots into condominiums and mixed commercial and residential uses on property located on Map 3, Lots 22.502-507, zoned Contract Zone

Ms. Eyerman explained that the Contract Zone amendment for this project was approved by the Town in 2020 and this is the first time an application for site plan and subdivision has come before the Board. Proposed is to combine 6 existing residential lots into condominiums with mixed and commercial and residential uses. She advised the Board that traffic calculations need to be provided

and Blue Ledge Road improvements need to be completed according to the Contract Zone 2020 amendment.

Norman Chamberlain, Walsh Engineering, entered the zoom meeting on behalf of the applicant, Hans Hansen. Mr. Chamberlain told the Board that the project is to combine lots 2 through 7 of the site into basically lot 2 of the subdivision, with unit 1 being made up of 7 over-55 residences, unit 2 would be a commercial unit with up to two residential units on the second floor, unit 3 would be commercial with one residential unit on the second floor, and unit 4 would be 5 over-55 residential units. Stormwater management would have the units managing their own stormwater. Mr. Chamberlain described the sidewalk as approved in the Contract Zone amendment being modified through discussions with the Public Works Director. He said there is no tenant for unit 3 of lot 1, so that is not part of this application, and they are looking for approval only for the lots under discussion this evening.

PUBLIC COMMENT PERIOD OPENED: Johann Buisman, 23 Burnham Road, said he is a direct abutter to lot 2, and expressed concern about drainage on his lot as lot 2 is higher in elevation. Mr. Buisman spoke about concerns about landscaping and buffering.

Ellen Sanborn, 19 Burnham Road, spoke about the gully between her property and the site, and asked about screening, buffering, stormwater management, landscaping concerns, light pollution at night, and traffic issues.

PUBLIC COMMENT PERIOD ENDED

Mr. Chamberlain described the proposed stormwater management and said they are not increasing current rates of runoff with the 2, 10 and 25 year storms pre and post development. All vegetation will be preserved in the back, and no landscaping is proposed along the back side of the parking lot, although that could be an item for discussion. He said while there is no tenant as yet for the commercial development, they could put lighting in the parking lots that gets reduced at night.

Ms. Butler-Bailey asked about additional traffic information. Mr. Chamberlain said that basically the only uses that would require a traffic movement permit are the commercial uses, and the proposed residential development does not exceed the 100 car threshold that requires a traffic movement permit. He said they would like to request a waiver of the traffic study related to the commercial developments because they don't know what they will be yet.

Mr. Anderson said that he does not believe granting a waiver for the traffic study is feasible when the Board doesn't know what the commercial uses will be. Ms. Butler-Bailey agreed. Mr. Fox said he would concur, unless the commercial uses are limited.

Ms. Butler -Bailey said she believes additional buffering and traffic study information is needed. Mr. Anderson commented that even with a 100 foot buffer, additional landscaping, perhaps with some fencing, could be considered because of the gully between the site and the abutters and possible elevated parking. Mr. Fox agreed that some sort of landscaping, perhaps some fencing, would be appropriate to buffer the neighbors.

Mr. Anderson asked for photometrics plans for the commercial lots be provided.

Mr. Chamberlain said they would prepare the HHE200 forms for the waste disposal beds and test pit results have been submitted.

Hans Hansen, applicant, said he is willing to install fencing and said the project would be a benefit because the Town wants commercial.

George Fox MOVED and Susan Durst SECONDED a motion to grant Hans Hansen Inc.'s request for preliminary subdivision, private way and site plan approval for a mixed use condominium project located on 11.48 acres off Blue Ledge Road on Map 3, Lot 502, 503, 504, 506, and 507 in a Contract Zone with underlying zoning of the Suburban Residential and Rural zoning districts, based on the Findings of Fact as written by the Town Planner. Motion CARRIED, 4 ayes (2 nays, James Anderson and Molly Butler-Bailey; Scott Firmin absent). [8:45 p.m.]

Five Minute Break

ITEM 3 Susan Duchaine – Natalee Place Condominiums -Final Subdivision and Site Plan Approval – a request for approval of 22 condominium units and a commercial unit on an approximate 5.32 acre parcel on Main Street, zoned UR/OR, Map 100, Lots 3 and 3-1

Ms. Eyerman advised the Board that the applicant is shifting ownership post approval for the project to Robie Land Holdings. The Board should approve this change. She said that the condition of approval about stormwater needs to be added for this project. She noted the Fire Chief's request for an extension of another 20 feet to the turnaround on Karter Drive.

Ms. Eyerman called the Board's attention to correspondence received from abutter Joseph Kerwin.

Andrew Morrell, BH2M Engineers, appeared on behalf of the applicant and described the project to date. He said that once the project is approved, the applicant intends to sell it to Robie Land Holdings, who will develop the project. Financial capacity information has been submitted for both the applicant and Robie Land Holdings. The project will be served by a pressure sewer system that pumps up to Main Street. He said that one of the Board's concerns had been about the exit on to Main Street off Natalee Drive; this has been resolved through discussions with the Town and DOT with the installation of a raised island and "right in" "right out" signage. Fire truck turning movement information has been provided showing entering and exiting Natalee Drive. The applicant has worked with the Conservation Commission to grant a pedestrian access easement across the site at unit 8. A water stub has been provided to the house on the property owned by abutter Joseph Kerwin.

Mr. Morrell addressed comments received earlier as follows: grading at unit 17 has been revised; the grading at the transformer pads between units 11 and 12 has been revised; screening has been added for the commercial lot, with the fencing extended; building elevations have been provided; walkways have been added from the driveways to the front doors of each unit; snow storage has been added on the northeastern side of the commercial parking lot; the 3:1 slope between the units will be made with finished stone; street lights have been added at the intersection of Karter Drive

and Natalee Drive and one at the terminus of both Karter and Natalee; and the turnaround on Karter will be extended per the Fire Chief's request.

Mr. Morrell said that the applicant and he had met with abutter Joseph Kerwin about his concerns.

Applicant Susan Duchaine said there will be individual trash pickup.

PUBLIC COMMENT PERIOD OPENED: Joseph Kerwin, 164 Main Street, indicated that as a result of a meeting with the applicant and her engineer, his concerns have been addressed and he no longer has any issues about the project.

The Board concurred that the letter from Mr. Kerwin received today need not be read into the record as he has stated his issues have been resolved.

PUBLIC COMMENT PERIOD ENDED

Mr. Anderson said his previous concerns have been addressed and suggested that snow plow drivers be made aware of the fence. Mr. Fox said he appreciates all the work that has been done on this project.

Ms. Eyerman said the reference to a private way in the Conditions of Approval can be removed.

James Anderson MOVED and Vincent Grassi SECONDED a motion to approve the ownership change from Susan Duchaine/Design Dwellings to Robie Land Holdings. Motion CARRIED, 6 ayes (Scott Firmin absent).

George Fox MOVED and Thomas Hughes SECONDED a motion to grant Susan Duchaine's request for final subdivision and site plan approval for a 22-unit residential and a 1-unit commercial unit condominium project located on 5.534 acres off Main Street, Map 100, Lots 3 and 3-1 in the UR and OR zoning districts, based on Findings of Fact and Conditions of Approval as written by the Town Planner and amended this evening by the Planner Board. Motion CARRIED, 6 ayes (Scott Firmin absent).

ITEM 4 Final Subdivision and Private Way – Plowman Development Group, LLC – Black Gum Tree Subdivision – a request for approval of a 10-lot subdivision on Burnham Road, zoned SR, Map 3, Lot 17.

Ms. Eyerman told the Board that Middle School impact fees apply to this project, the DEP has approved the NRPA and Permit by Rule applications, and peer review is pending for the homeowners' covenants.

Steve Blake, BH2M Engineers, shared his screen with the Board and gave an overview of the project, detailing the proposed heavy landscaping. The road will be private, designed to the Town's 7 to 10 lot private way standards. He pointed out the wet pond for stormwater detention.

PUBLIC COMMENT PERIOD OPENED: None offered
PUBLIC COMMENT PERIOD ENDED

Ms. Durst asked for an explanation of the impact fees involved with this project. Ms. Eyerman said that each building permit will have an apportioned amount on it so essentially it is passed on to the residents. In reply to Ms. Durst's question why only the Middle School has an impact fee, Mr. Poirier explained that when the Middle School was built it was designed to be over and beyond capacity, and the impact fee was designed to recoup the extra costs

Mr. Fox said he believes that the outstanding items are fairly minor and primarily administrative, and he would be agreeable to them being handled by a condition of approval or having the item on a future consent agenda.

Vincent Grassi MOVED and Susan Durst SECONDED a motion to grant Plowman Development Group LLC's request for final subdivision and private way approval for a 10-lot single family residential project located on 16.3 acres off Burnham Road, Map 3, Lot 17, in the SR zoning district, based on Findings of Fact and Conditions of Approval as written by the Town Planner. Motion CARRIED, 6 ayes (Scott Firmin absent).

ITEM 5 Subdivision – Town of Gorham Industrial Park – West Campus – a review of proposed landscaping features and request for a waiver from a Class A Soils Survey. Zoned I, Map 30, Lot 1, Map 29, Lots 20 and Lot 1.

Ms. Eyerman said what is before the Board this evening is a partial submission for the proposed landscaping features and to consider a request for a waiver from the Class A Soils Survey.

Mr. Poirier, Director of Community Development, representing the Town, explained that this parcel was not zoned Industrial after 1998, so it does not have the requirement for a 100 foot buffer. What is required a 30 foot buffer minimum, and currently what is being proposed is a 50 foot setback. Additional buffering can be required as each lot is developed. A landscape architect has been retained to prepare some landscape plans. In addition, Mr. Poirier said that a Class B soils survey has been done and a waiver is being requested from the Class A requirement because the site will be served by public water and sewer. Mr. Poirier said that stormwater management plans will be submitted within the next month or so.

Mike Zarba, SLR Consulting, introduced Kevin Fuselier, landscape architect. Mr. Zarba said basically what has been discussed is the buffer between the residential zone and the lot, saying that the requirements are a bit less stringent because the lot is an older one. Initially the scope of the project is to develop the infrastructure and then eventually sell off the lots and have them individually built upon. The Town will not be building out the individual lots out, and buffering for neighborhood areas is better served when they are built out, rather than at the stage where the infrastructure is being built.

Mr. Zarba referred to the waiver request from a Class A Soils Survey to a Class B because the entire lot will be served by public water and sewer.

Kevin Fuselier of SLR discussed the proposed landscaping along Main Street, noting that it was not proposed to completely screen off the site from Main Street. Rather, being proposed is more of a

boulevard look with a series of large shade trees with clustered shrubs and evergreens between them along a 30-50 foot wide strip. Masonry features could also be incorporated in this area.

Mr. Fuselier presented three different views for the buffering of Shamrock Drive depicting the current existing conditions for the properties. The buffer line is proposed to be focused closer to the proposed development, not on the property line, and will be impacted by the existing conditions of the Shamrock Drive properties, such as the presence of wetlands along some of the properties.

PUBLIC COMMENT PERIOD OPENED: None offered
PUBLIC COMMENT PERIOD ENDED

Mr. Anderson said he likes the approach of the different views showing what people have in their back yards, so long as the Board can address how the rear of abutting buildings will be treated and buffered. Mr. Fox asked what setbacks will apply to the residences on Shamrock Drive. Mr. Zarba replied that a 30 foot buffer was felt to not be adequate, and the minimum appropriate buffer zone between residential and industrial zones is 50 or 100 feet. What has been shown this evening is the option of a 50 foot buffer or 100 foot buffer. Mr. Zarba said that from a landscape standpoint, they feel a 50 foot buffer along the property line is an appropriate buffering to screen the subdivision in the whole, but additional buffers in the future directly adjacent to the development would serve a better purpose. Mr. Zarba said they would like to know what the Board feels is appropriate for a buffer for the subdivision.

Mr. Poirier said if the Board is comfortable with the proposed buffering concept as presented this evening, they will move forward with finalizing the landscaping. In reply to Mr. Fox, Mr. Poirier said that the Board would review a proposed lot development under Chapter 4 of the Land Use Code, which has more stringent buffering requirements based on the proposed use. Ms. Molly Butler-Bailey said she is comfortable with the buffering concept depending on the use. Mr. Fox concurred. In reply to Ms. Butler-Bailey, Mr. Poirier said they have received the direction they need from the Board this evening. Mr. Zarba said they will move forward with preparing a landscape plan based on the buffering concept.

George Fox MOVED and Thomas Hughes SECONDED a motion to grant the applicant's request for a waiver from the submission requirement in Chapter 3, Section 3-3, B.11 Class A Soils Survey, because the entire subdivision will be served by public water and sewer. Motion GRANTED, 6 ayes (Scott Firmin absent).

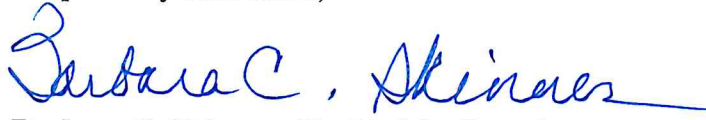
OTHER BUSINESS	NONE
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ANNOUNCEMENTS	NONE
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ADJOURNMENT

George Fox MOVED and Susan Durst SECONDED a motion to adjourn. Motion CARRIED, 6 ayes (Scott Firmin absent).

Respectfully submitted,



Barbara C. Skinner, Clerk of the Board

April 12, 2021

boulevard look with a series of large shade trees with clustered shrubs and evergreens between them along a 30-50 foot wide strip. Masonry features could also be incorporated in this area.

Mr. Fuselier presented three different views for the buffering of Shamrock Drive depicting the current existing conditions for the properties. The buffer line is proposed to be focused closer to the proposed development, not on the property line, and will be impacted by the existing conditions of the Shamrock Drive properties, such as the presence of wetlands along some of the properties.

PUBLIC COMMENT PERIOD OPENED: None offered
PUBLIC COMMENT PERIOD ENDED

Mr. Anderson said he likes the approach of the different views showing what people have in their back yards, so long as the Board can address how the rear of abutting buildings will be treated and buffered. Mr. Fox asked what setbacks will apply to the residences on Shamrock Drive. Mr. Zarba replied that a 30 foot buffer was felt to not be adequate, and the minimum appropriate buffer zone between residential and industrial zones is 50 or 100 feet. What has been shown this evening is the option of a 50 foot buffer or 100 foot buffer. Mr. Zarba said that from a landscape standpoint, they feel a 50 foot buffer along the property line is an appropriate buffering to screen the subdivision in the whole, but additional buffers in the future directly adjacent to the development would serve a better purpose. Mr. Zarba said they would like to know what the Board feels is appropriate for a buffer for the subdivision.

Mr. Poirier said if the Board is comfortable with the proposed buffering concept as presented this evening, they will move forward with finalizing the landscaping. In reply to Mr. Fox, Mr. Poirier said that the Board would review a proposed lot development under Chapter 4 of the Land Use Code, which has more stringent buffering requirements based on the proposed use. Ms. Molly Butler-Bailey said she is comfortable with the buffering concept depending on the use. Mr. Fox concurred. In reply to Ms. Butler-Bailey, Mr. Poirier said they have received the direction they need from the Board this evening. Mr. Zarba said they will move forward with preparing a landscape plan based on the buffering concept.

George Fox MOVED and Thomas Hughes SECONDED a motion to grant the applicant's request for a waiver from the submission requirement in Chapter 3, Section 3-3, B.11 Class A Soils Survey, because the entire subdivision will be served by public water and sewer. Motion GRANTED, 6 ayes (Scott Firmin absent).

OTHER BUSINESS	NONE
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ANNOUNCEMENTS	NONE
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ADJOURNMENT

George Fox MOVED and Susan Durst SECONDED a motion to adjourn. Motion CARRIED, 6 ayes (Scott Firmin absent).

Respectfully submitted,

Barbara C. Skinner, Clerk of the Board
, 2021

**CONSENT AGENDA Gorham ME 1, LLC – Ground-Mounted Solar Array at 17
Nonesuch Road**

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 35 acres of 4.875 megawatt ground-mounted photovoltaic solar array and associated infrastructure including a perimeter fence.

The construction will be on the portion of the property that is outside of the 100 year 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 Burnham 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 Burnham 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 western side of the parcel. Burnham 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 where needed 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.

A hydrologic model was developed to evaluate the existing and proposed drainage conditions on site. The results of the analysis indicate that there is an increase in peak discharge rates between the pre- and post-development conditions. A waiver was granted to allow this condition.

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 Burnham 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 interior of 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 no more than twice a year. The applicant has provided a Site Buffer Planting Plan, LA S #1 and 2, which shows a mixture of evergreen trees and shrubs along the northeastern and northwestern lot lines.

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 100 year floodplain. The arrays and equipment are located outside of the 100 year floodplain.

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 submitted a letter from Thomas P. Sweeney, III of Con Edison Clean Energy Businesses, Inc. dated August 8, 2020 stating that there is financial capacity. Technical capacity is demonstrated by the hiring of Boyle Associates; BH2M; Krebs & Lansing Consulting Engineers and TJD&A for landscaping and buffering.

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 western portion of the site, in the direction of residential abutting properties, 70 feet of uninterrupted vegetation will remain as a buffer. In addition, the applicant has provided a Site Buffer Planting Plan, LA S #1 and 2, which shows a mixture of evergreen trees and shrubs along the northeastern and northwestern lot lines.

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 any staff comments;
5. That a performance bond for the decommissioning of the array project shall be established prior to the pre-construction meeting;
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 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 site plan amendment 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 1 TOWN OF GORHAM SITE PLAN AMENDMENT/SPECIAL EXCEPTION
REVIEW – NARRAGANSETT SCHOOL**

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

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

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

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

The proposal is to construct a storage shed in an area that is already disturbed and developed with a playground. The sidewalk and drop-off improvements will be located in areas that have already been disturbed and developed.

Finding: The plan for the development reflects the natural capabilities of the site to support the development and the natural features and drainage ways are preserved to the greatest extent practical.

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

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

No changes are proposed.

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

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

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

No changes are proposed.

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

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

Internal vehicular access will not be altered or changed as part of this project.

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.

Existing pedestrian access to the Narragansett School is through off-site sidewalks located on both Chick Drive and Main Street. On-site sidewalks include a sidewalk along the bus loop drive, as well as a sidewalk located along the passenger vehicle access driveway located off Chick Drive. The drop-off locations and sidewalk will be widened to further improve pedestrian safety.

Sidewalk improvements along the eastern side of Chick Drive and between the parking lots were approved as part of a Master Plan review on March 2, 2015. The applicant is proposing to construct an additional sidewalk on the western side of Chick Drive from and connecting to Bouchard Drive to the entrance to the school on Chick Drive. The applicant also proposes to install a solar powered activated crosswalk flasher at the Chick Drive entrance to the school.

Improvements to the Main Street pedestrian access along the school entrance and all internal sidewalks include tip down replacement, 6 foot accessible ramps, as well as increasing the width of the sidewalk on the north and eastern side from 6 to 7 feet.

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

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

Stormwater is currently collected in a closed drainage system and directed into the stormwater wet pond located to the front of the Narragansett School. The stormwater treatment will meet Maine DEP 500 requirements.

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

G. Erosion Control: For all projects, building and site designs and roadway layouts will fit and utilize existing topography and desirable natural surroundings to the fullest extent possible.

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

location of the erosion control devices are shown on the Grading and Utility Plan 1: Sheet 9, Grading and Utility Plan 2: Sheet 10, Grading and Utility Plan 3: Sheet 11, Grading and Utility Plan 4: Sheet 12, Grading and Utility Plan 5: Sheet 13 with the details shown on Erosion Control Notes Plan: Sheet 14 and Details Plan: Sheets 15 and 16.

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 storage shed will be served by public water through an extension from the existing Narragansett School building. The water line is privately owned by the school.

The Narragansett School is served by public water from the Portland Water District.

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

I. Sewage Disposal: A sanitary sewer system will be installed at the expense of the developer if the project is located within a sewer service area as identified by the sewer user ordinance. The Site Plan Review Committee or Planning Board may allow individual subsurface waste disposal systems to be used where sewer service is not available.

The storage shed will be served with existing connections to the public sewer to accommodate an interior sink.

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

Finding: *The development will be provided with adequate sewage disposal for the use of the site.*

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

The storage shed will be served with underground utilities from the existing service from Narragansett School. The location of the 5 foot by 5 foot transformer pad, trenching and 2 runs of 2.5 inch conduit will be determined by the contractor.

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

Finding: *The development will have electrical and telephone service adequate to meet the anticipated use of the project.*

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

The proposed construction will disturb an existing playground area. No new natural features will be disturbed by the construction activity.

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

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

The storage shed and pedestrian improvements will not impact the groundwater table on the site.

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

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

The applicant is proposing to illuminate the storage shed with building mounted emergency lighting. No other lighting improvements are proposed. All fixtures are required to be full cut-off style lighting.

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

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

All solid waste is disposed of at a licensed waste facility. No waste will be stored inside the storage shed.

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

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

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

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

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

The lot is not located in the Shoreland Overlay District.

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

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

The Town of Gorham and School Department have had many experiences with the construction, operation, and maintenance of similar projects throughout the Town. Sebago Technics is providing technical assistance and the School Department has provided necessary funds through the Capital Improvement budget.

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

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

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

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

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

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

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

Chapter 1 Zoning Regulations Section 1-4 Board of Appeals

Special Exceptions Standards

The Planning Board shall have the power and duty to approve, deny, or approve with conditions special exceptions only as expressly provided in the applicable zoning districts. The applicant shall have the burden of proving that his/her application is in compliance with the following standards. After the submission of a complete application, the Planning Board shall approve a special

exception application or approve it with conditions only if it makes a positive finding based on the information presented that the proposed use, with any conditions attached, meets the following standards:

1. The proposed use will not create or aggravate hazards to vehicular or pedestrian traffic on the roads and sidewalks, both off-site and on-site, serving the proposed use as determined by the size and condition of such roads and sidewalks, lighting, drainage, and the visibility afforded to pedestrians and the operators of motor vehicles on such roads;

Existing pedestrian access to the Narragansett School is through off-site sidewalks located on both Chick Drive and Main Street. On-site sidewalks include a sidewalk along the bus loop drive, as well as a sidewalk located along the passenger vehicle access driveway located off Chick Drive. The drop-off locations and sidewalk will be widened to further improve pedestrian safety.

Sidewalk improvements along the eastern side of Chick Drive and between the parking lots were approved as part of a Master Plan review on March 2, 2015. The applicant is proposing to construct an additional sidewalk on the western side of Chick Drive from and connecting to Bouchard Drive to the entrance to the school on Chick Drive. The applicant also proposes to install a solar powered activated crosswalk flasher at the Chick Drive entrance to the school.

Improvements to the Main Street pedestrian access along the school entrance and all internal sidewalks include tip down replacement, 6 foot accessible ramps as well as increasing the width of the sidewalk on the north and eastern side from 6 to 7 feet.

Finding: The pedestrian improvements will not create or aggravate hazards to either vehicular or pedestrian traffic on the roads and sidewalks, both off-site and on-site

2. The proposed use will not cause water pollution, sedimentation, erosion, contaminate any water supply nor reduce the capacity of the land to hold water so that a dangerous or unhealthy condition results;

The storage shed and pedestrian improvements will not impact the groundwater table on the site.

The applicant will comply with the “Maine Erosion and Sediment Control Handbook for Construction: Best Management Practices,” Maine Department of Environmental Practices. The location of the erosion control devices are shown on the Grading and Utility Plan 1: Sheet 9, Grading and Utility Plan 2: Sheet 10, Grading and Utility Plan 3: Sheet 11, Grading and Utility Plan 4: Sheet 12, Grading and Utility Plan 5: Sheet 13 with the details shown on Erosion Control Notes Plan: Sheet 14 and Details Plan: Sheets 15 and 16.

Finding: The proposed storage shed and pedestrian improvements will not cause water pollution, sedimentation, erosion, contaminate any water supply nor reduce the capacity of the land to hold water.

3. The proposed use will not create unhealthful conditions because of smoke, dust, or other airborne contaminants;

The proposed storage shed and pedestrian improvements will not emit any airborne contaminants.

Finding: *The proposed use will not create unhealthful conditions because of smoke, dust, or other airborne contaminants.*

4. The proposed use will not create nuisances to neighboring properties because of odors, fumes, glare, hours of operation, noise, vibration or fire hazard or unreasonably restrict access of light and air to neighboring properties;

The storage shed and pedestrian improvements will not cause odors, fumes, or glare since nothing in terms of the use emits such things. The lighting will be dark sky compliant and downward facing.

Finding: *The proposed use will not create nuisances to neighboring properties because of odors, fumes, glare, hours of operation, noise, vibration or fire hazard or unreasonably restrict access of light and air to neighboring properties.*

5. The proposed waste disposal systems are adequate for all solid and liquid wastes generated by the use;

All solid waste is disposed of at a licensed waste facility. No waste will be stored inside the storage shed.

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

6. The proposed use will not result in damage to spawning grounds, fish, aquatic life, bird, or other wildlife habitat, and, if located in a shoreland zone, will conserve (a) shoreland vegetation; (b) visual points of access to waters as viewed from public facilities; (c) actual points of access to waters; and (d) natural beauty.

This site is not located within the Shoreland Zone.

Finding: *This site is not located within the Shoreland Zone. Therefore, the standards does not apply.*

Conditions of Approval

1. That this approval is dependent upon, and limited to, the proposals and plans contained in this application and supporting documents submitted and affirmed by the applicants and that any variation from the plans, proposals and supporting documents is subject to review and approval by the Planning Board or Site Plan Review Committee, except for minor changes which the Town Planner may approve;
2. That prior to the commencement of construction of the site plan, the applicant is responsible for obtaining all required local, state and federal permits;
3. That all site construction shall be carried out in conformance with the Maine Erosion and Sediment Control Best Management Practices, Maine Department of Environmental Protection, latest edition and in accordance with the erosion and sedimentation control information

contained in the application;

4. That the owner of the property is responsible for compliance with the Town of Gorham's Stormwater Ordinance, Chapter 2, Post-Construction Management;
 5. That these conditions of approval must be added to the site plan;
 6. That the Planning Board Chairman is authorized by the Planning Board to sign the Findings of Fact on behalf of the entire Board; and
 7. That these conditions of approval must be added to the site plan and the site plan shall be recorded at the Cumberland County Registry of Deeds within thirty (30) days of the date of written notice of approval by the Planning Board, and a dated copy of the recorded site plan shall be returned to the Town Planner.
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ITEM 3 SUSAN DUCHAINE – NATALEE PLACE CONDOMINIUMS

CHAPTER 3 - SUBDIVISION, SECTION 3 - PRELIMINARY PLAN

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

C. PRELIMINARY PLAN REVIEW

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

The applicant is required to obtain all local, state, and federal permits needed for the proposed development.

The Comprehensive Plan identifies this area as Village Commercial. The allowed uses in the Village Commercial area should include a wide range of residential and non-residential uses similar to the uses currently allowed in the Urban Commercial zone.

Finding: *Natalee Place Condominiums conform 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.

Access to Natalee Place Condominiums is via Main Street, which will be constructed to the Town's urban access road standard. Both Natalee Place and Karter Drive are dead end ways that exit onto Main Street.

The roads are proposed to be named Natalee Place and Karter Drive; the names shall be approved under E911 naming requirements prior to the pre-construction meeting.

William Bray, PE of Traffic Solutions, recommends a right turn only exit onto Main Street. The Public Works Director agrees to this design.

Finding: Natalee Place Condominiums will not cause congestion or unsafe conditions with respect to use of the highways or public roads, existing or proposed on or off the site.

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

The condominium units will be served by underground power, telephone, and cable lines, as shown on Roadway Plan and Profile: Sheets 4 and 5 of 10. The town has anticipated growth within the Comprehensive Plan and has the ability to provide additional services to Natalee Place.

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

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

The condominium units will be served by a 1" and a 4" private water main extended from the Portland Water District's water main located in the Main Street right-of-way. The water main design and installation must meet the requirements of the Portland Water District.

The applicant shall provide an ability-to-serve letter from the Portland Water District prior to final application approval.

Finding: Natalee Place Condominiums provide for adequate water supply for present and future needs.

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

The 23 condominium units will be served by an 8" sanitary sewer line, 3" pressure sewer, and a 1 1/2" pressure sewer service located in Natalee Place and Karter Drive.

The applicant shall provide an ability-to-serve letter from the Portland Water District prior to final application approval.

Finding: Natalee Place Condominiums provide for adequate solid and sewage waste disposal for present and future needs as reasonably foreseeable.

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

Stormwater from the site will be treated in stormwater infrastructure meeting the Maine Department of Environmental Protection's and the Town of Gorham's storm water requirements. The dwellings units' sewage disposal will be treated in the Portland Water District public sewer system.

Finding: Natalee Place Condominiums will not result in undue pollution of air, or surficial or ground waters, either on or off the site.

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

The proposed construction of the condominium units and road will impact 4,117 sq. ft. of wetlands or waterbodies.

Finding: Natalee Place Condominiums will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result.

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

A small stream is located on the northwestern edge of the parcel. The stream is not located in any of the Town's Shoreland Overlay districts. The stream will not be disturbed.

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

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

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

The proposed construction of the condominium units and road will impact 4,117 sq.ft. of wetlands or waterbodies. The layout of the buildings and road will not impact any other natural features on the site.

The applicant will provide the determination letter from Maine Historic Preservation Commission during final application confirming that no historic site, rare or irreplaceable natural or manmade assets are located on the site.

Finding: Natalee Place Condominiums will respectfully the scenic or natural beauty of the area, trees, vistas, topography, historic sites and rare or irreplaceable natural or manmade assets.

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

The applicant has submitted a letter from Gorham Savings Bank dated November 3, 2020 that indicates financial capacity. In addition, the applicant indicates that Jarod Robie of Robie Holdings LLC will be the new owner of the project after final approval. A letter from Gorham Savings Bank dated January 19, 2021 indicates that Robie Holdings LLC has the financial capacity to complete the project.

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

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

The applicant will be required to pay the Recreational Facilities and Open Space Impact Fee prior to issuance of a building permit.

Finding: Natalee Place Condominiums will be responsible for providing open space and recreational land and facilities to meet the additional demand created by residents of the subdivision.

- 4) If an applicant chooses to create open space and/or recreational land and facilities within the subdivision in addition to paying the impact fee, the following applies:
a) **Land Improvements:** The applicant shall improve the land according to the proposed use of the land and the requirements of the Planning Board.
b) **Owners Association:** A homeowners' association shall be formed to provide for the perpetual care of commonly owned recreation land.

The applicant worked with the Conservation Commission to provide access to the trail network surrounding Tannery Brook. The trail easement and connection is shown on the final plan, Sheet 1.

The applicant is required to form a condominium association for the development. The condominium association will maintain the land located outside of the individual condominium units, stormwater infrastructure, and utilities located on the lot.

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

CHAPTER 3 - SUBDIVISION, SECTION 4 –FINAL PLAN REVIEW

C. 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.

Finding: The applicant is requesting final plan approval. The applicant has provided a summary of the changes on pages 2 through 6 in the application letter dated March 2, 2021.

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

Finding: The final plan was submitted within the 12 month timeframe.

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 23 condominium units utilizing most of the parcels. The edges of the lot will remain undisturbed.

Finding: The plan for the development reflects the natural capabilities of the site to support the development and the natural features and drainage ways are preserved to the greatest extent practical.

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

Vehicular access to the site will be off Main Street, via Natalee Drive, which will be built to the Town's urban access standard. Natalee Drive and Karter Drive will be dead end roads that exit onto Main Street.

The condominium development is proposed to have 120 daily trips with 60 trips entering and 60 trips exiting the site. The busiest a.m. time produces 10 trips, 5 entering and 5 exiting trips the exact timing is unknown. The busiest p.m. time produces 12 trips, 6 entering and 6 exiting trips the exact timing is unknown.

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

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

Vehicular access to the site will be off Main Street, via Natalee Drive, which will be built to the Town's urban access standard. Natalee Drive and Karter Drive will be dead end roads that exit onto Main Street.

William Bray, PE of Traffic Solutions recommends a right turn only exit onto Main Street. The Public Works Director agrees to this design.

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.

Natalee Drive is proposed to have a turn-around on the northwestern side at the end. Karter Drive is proposed to be a dead end.

Kenny Fickett, Fire Chief, states that adequate turnarounds on Karter Drive are required prior to final plan approval.

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

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

A sidewalk will be located on the western side of Natalee Drive and on the southern side of Karter Drive. The sidewalk will connect to the existing sidewalk located along the northern side of Main Street.

Finding: *The layout of the site provides for a system of pedestrian circulation within and to the development.*

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

The applicant is proposing to construct two (2) stormwater infiltration ponds located toward the northwestern and western side of the parcels. Storm water along the private way will be collected in catch basins and directed to the stormwater infiltration ponds. Storm water from the site will be collected, treated, and discharged as required by ordinance.

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

G. Erosion Control: For all projects, building and site designs and roadway layouts will fit and utilize existing topography and desirable natural surroundings to the fullest extent possible.

During construction a silt fence will be installed along the edge of the disturbed area, as shown on the Site Grading Plan: Sheet 3 of 10. The erosion control measures will be installed and maintained as outlined on the Erosion Control Notes: Sheet 6 and 8 of 10.

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

Finding: The project, building, and site designs and roadway layouts will fit and utilize existing topography and desirable natural surroundings to the fullest extent possible.

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

The condominium units will be served by a 1” and a 4” private water main extended from the Portland Water District’s water main located in the Main Street right-of-way. The water main design and installation must meet the requirements of the Portland Water District.

The applicant shall provide an ability-to-serve letter from the Portland Water District prior to final plan approval.

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 23 condominium units will be served by an 8" sanitary sewer line, 3" pressure sewer, and a 1 1/2" pressure sewer service located in Natalee Place and Karter Drive.

The applicant shall provide an ability-to-serve letter from the Portland Water District prior to final application approval.

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 condominium units will be served by underground power, telephone, and cable lines, as shown on Plan and Profile: Sheet 4, 5 and 7 of 10.

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

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

The proposal requires clearing of trees to construct the condominium units, the proposed road, and stormwater infrastructure; 4,117 s.f. of wetland impacts are proposed.

The trees and wetlands located on the north and western portion 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 two (2) infiltration ponds located on the northwestern and western portion of the parcels. The condominium dwelling units will not utilize groundwater for use by the occupants of the units.

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

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

Lighting for the site will be from building mounted lights on each unit. The commercial building on unit 23 will provide a wall mounted light for the parking area that meets the ordinance

requirements. Lighting is shown on the site plan at street intersections; pedestrian crossings; and entrance roads.

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.

Method of trash removal will be determined prior to final plan approval.

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.

Sheet 1, Subdivision and Site Plan shows a combination of red oak and white oak street trees along both Natalee Drive and Karter Drive as well as the commercial unit on Main Street.

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 treating the stormwater in a stormwater infiltration pond before it is discharged.

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

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

The applicant has submitted a letter from a Gorham Savings Bank dated November 3, 2020 that indicates financial capacity. In addition, the applicant indicates that Jarod Robie of Robie Holdings LLC will be the new owner of the project after final approval. A letter from Gorham Savings Bank dated January 19, 2021 indicates that Robie Holdings LLC has the financial capacity to complete the project.

Finding: *The applicant has demonstrated that it has the financial and technical capacity to carry out the project in accordance with this Code and the approved plan.*

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

The applicant is proposing to leave some of the existing trees located around the perimeter of the lot to break up the development from the abutters. The applicant will provide buffering from the commercial use and the residential uses.

Street trees are shown on the site plan along the private ways.

Finding: The development will provide for buffering of adjacent uses where there is a transition from one type of use to another use and to screen service and storage areas.

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

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

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

Conditions of Approval

1. That this approval is dependent upon, and limited to, the proposals and plans contained in this application and supporting documents submitted and affirmed by the applicants and that any variation from the plans, proposals and supporting documents is subject to review and approval by the Planning Board, except for minor changes which the Town Planner may approve;
2. That the applicant shall provide property line information and site information in auto-cad format to the Town Planner;
3. That an ability-to-serve letter for water and sewer shall be submitted prior to a pre-construction meeting.
4. That the underground electric lines shall be inspected by the Code Enforcement Office prior to backfill;
5. That Lots 1 and 20 must have a letter from a professional surveyor stating the foundations meet the required setbacks before the foundation is back filled.
6. That the private way shall be properly named and signed with Town approved signs and signs shall be in place as soon as the private way is constructed;
7. That prior to the commencement of construction, the applicant, applicant's engineer and earthwork contractor shall have a pre-construction meeting with the Town's Engineer, Town Planner, Code Enforcement Officer, Public Works Director and Fire Chief;

8. That the private way shall be properly maintained by the condominium association for access of emergency vehicles year round;
9. That the condominium association is responsible for maintenance of the stormwater infrastructure per the Stormwater Management Report for Natalee Place by BH2M;
10. That the owner of the property is responsible for compliance with the Town of Gorham Stormwater Ordinance, Chapter 2, Post Construction Stormwater Management;
11. That all homes are to be sprinkled meeting all applicable section of the Town Fire Suppression Ordinance and a set of sprinkler plans shall be submitted to the Fire Department at least two weeks prior to the start of installation of the system for permitting and review;
12. That the buildings will meet all applicable sections of the NFPA 101 Life Safety Code and the NFPA Fire Prevention Code 1;
13. That the applicant is responsible for recording the approved Condominium Association documents within 90 days of the date of approval of the subdivision by the Planning Board and a recorded copy of the Condominium Association documents shall be returned to the Planning Department prior to a preconstruction meeting behind held;
14. That the Planning Board Chairman is authorized by the Planning Board to sign the Findings of Fact on behalf of the entire Board;
15. That the subdivision/site and private way plans shall not be released for recording at the Cumberland County Registry of Deeds until the required performance guarantee has been posted meeting the approval of Town Staff; and the subdivision plan and private way plans is required to be recorded within one year of original approval or the approval becomes null and void; and
16. That once the subdivision plans have been recorded at the Cumberland County Registry of Deeds, a dated copy of the recorded subdivision plan shall be returned to the Town Planner prior to a pre-construction meeting being held.

ITEM 4 Plowman Development Group, LLC – Black Gum Tree Subdivision and Private Way

CHAPTER 3 - SUBDIVISION, SECTION 3 - PRELIMINARY PLAN

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

C. PRELIMINARY PLAN REVIEW

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

The applicant is required to obtain all local, state, and federal permits needed for the proposed development.

The Comprehensive Plan Future Land Use Plan identifies this area as Suburban Residential. The plans meet the requirements of the Suburban Residential zoning district for density.

Finding: Black Gum Trees conform 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.

Access to Black Gum Tree is via Burnham Road and a private way which will be constructed to the Town's rural access road standards. The private way is a dead end private way that exits onto Burnham Road.

The proposed road name is Oliver Lane; the name has been approved under E911 naming requirements.

Finding: Black Gum Tree will not cause congestion or unsafe conditions with respect to use of the highways or public roads, existing or proposed on or off the site.

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

The single family units will be served by underground power, telephone, and cable lines, as shown on Sheet 3 of 7.

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

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

The lots will be served by onsite private wells.

Finding: Black Gum Tree provide for adequate water supply for present and future needs.

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

The lots will be served by onsite private septic.

Finding: Black Gum Tree provide for adequate solid and sewage waste disposal for present and future needs as reasonably foreseeable.

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

Storm water from the site will be treated in storm water infrastructure meeting the Maine Department of Environmental Protection's and the Town of Gorham's storm water requirements. The dwellings units' sewage disposal will be treated utilizing onsite septic systems.

Finding: Black Gum Tree will not result in undue pollution of air, or surficial or ground waters, either on or off the site.

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

The proposed construction of the single family homes and road will impact 20,897 sq. ft. of a vernal pool. The wetlands on the southeastern edge of the site will be located in common space and protected from development.

Finding: Black Gum Tree 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.

There are no bodies of water other than the wetlands and vernal pools on the property.

Storm water maintenance has been designed in accordance with state, Federal, and local requirements prior to discharging into groundwater or into abutting wetlands and the vernal pool.

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

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

The proposed construction of the single family homes and road will impact 20,897 sq. ft. of a vernal pool. The wetlands on the southeastern edge of the site will be located in common space

and protected from development. The layout of the buildings and road will not impact any other natural features on the site.

The Black Gum Tree that was located on the property fell over and is no longer alive.

Finding: Black Gum Tree 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 is has submitted a letter from Vicki L. Bessette Vice President of Katahdin Trust Company dated December 21, 2020, which identifies that the applicant is financially sound..

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

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

The applicant will be required to pay the Recreational Facilities and Open Space Impact Fee prior to issuance of the building permits.

Finding: Black Gum Tree will be responsible for providing open space and recreational land and facilities to meet the additional demand created by residents of the subdivision.

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

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

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

The applicant is required to form a Homeowner's Association for the development. The Homeowner's Association will maintain the land located in the open space, streets, storm water infrastructure, utilities and other private infrastructure related to the subdivision.

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

CHAPTER 3 - SUBDIVISION, SECTION 4 –FINAL PLAN REVIEW

C. 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.

Finding: The applicant is requesting final plan approval. The applicant has provided a summary of the changes and responses to the peer review engineer on pages 2 through 5 in the application letter dated March 2, 2021.

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

Finding: The final plan was submitted within the 12 month timeframe.

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

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

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

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

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

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

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

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

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

The private way plan was sealed by Robert C. Libby, Jr. PLS. The plan has been sealed by Steven Blake with BH2M.

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

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

The proposal is for a 7-10 dwelling unit/lot private way. There is a requirement in Section 2-5.E.5 that all subdivision streets be covered by a homeowners association that provides for the maintenance, repair and plowing of the street in the event that the street(s) are not accepted by the Town. Homeowners Covenants have been submitted for review.

Finding: The Homeowner's Association document identifies the rights and responsibility of each lot owner with respect to the maintenance, repair, and plowing of the private way as outlined in this section.

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

The private way right-of-way width is proposed to be 50 feet with a paved apron of 20 feet.

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

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

The applicant is proposing to construct the private way to the 7-10 lot/dwelling unit private way standard. The private way plan shows the required 7-10 lot/dwelling unit private way standard cross section.

Finding: The private way meets all the criteria and design requirements presented in Tables 1 and 2 and the typical cross sections depicted in Figure 6 of the Gorham Land Use and Development Code.

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

The applicant is proposing a 7-10 lot/dwelling unit rural access private way to serve 10 dwelling units.

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

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

The total area of the lot with the private way right-of-way is 16.424 acres. The land utilized for the private way is not utilized to satisfy the minimum lot area of any proposed lot.

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

Conditions of Approval

1. That this approval is dependent upon, and limited to, the proposals and plans contained in this application and supporting documents submitted and affirmed by the applicants and that any variation from the plans, proposals and supporting documents is subject to review and approval by the Planning Board, except for minor changes which the Town Planner may approve;
2. That the applicant shall provide property line information and site information in auto-cad format to the Town Planner;
3. That Homeowners Association documents need to be reviewed prior final approval;
4. That the School Impact Fee is required to be paid prior to building permit issuance for each home;
5. That the Recreation Impact fee is required is required to be paid prior to the pre-construction meeting;
6. All BMP's must be in place on lots before any type of construction begins;
7. That the underground electric lines shall be inspected by the Code Enforcement Office prior to backfill;
8. That the private way shall be properly named and signed with Town approved signs and signs shall be in place as soon as the private way is constructed;
9. 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;
10. That the private way shall be properly maintained by the Homeowners' Association for access of emergency vehicles year round;
11. That the Homeowners' Association is responsible for maintenance of the stormwater infrastructure including ditches per the Stormwater Management Report for Black Gum Tree prepared by BH2M;
12. That all homes are to be sprinkled meeting all applicable section of the Town Fire Suppression Ordinance and a set of sprinkler plans shall be submitted to the Fire Department at least two weeks prior to the start of installation of the system for permitting and review;

13. That the buildings will meet all applicable sections of the NFPA 101 Life Safety Code and the NFPA Fire Prevention Code 1;
14. That the applicant is responsible for recording the approved Homeowner's Association documents within 90 days of the date of approval of the subdivision by the Planning Board and a recorded copy of the Homeowner's Association documents shall be returned to the Planning Department prior to a preconstruction meeting behind held;
15. That the Planning Board Chairman is authorized by the Planning Board to sign the Findings of Fact on behalf of the entire Board;
16. That the subdivision/site and private way plans shall not be released for recording at the Cumberland County Registry of Deeds until the required performance guarantee has been posted meeting the approval of Town Staff; and the subdivision plan and private way plans is required to be recorded within one year of original approval or the approval becomes null and void; and
17. That once the subdivision and private way plans have been recorded at the Cumberland County Registry of Deeds, a dated copy of the recorded subdivision plan shall be returned to the Town Planner prior to a pre-construction meeting being held.