

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

**MEMBERS PRESENT**

**SCOTT FIRMIN, VICE CHAIRMAN  
GEORGE FOX  
VINCENT GRASSI  
THOMAS HUGHES**

**MEMBERS ABSENT**

**MOLLY BUTLER-BAILEY, CHAIRWOMAN  
SUSAN DURST**

**STAFF PRESENT**

**CAROL EYERMAN, TOWN  
PLANNER**

In the absence of Molly Butler-Bailey, Chairwoman, Scott Firmin, Vice Chairman, opened the meeting at 7:00 p.m. Molly Butler-Bailey and Susan Durst were absent.

**APPROVAL OF THE JUNE 7, 2021 MEETING MINUTES**

**Vincent Grassi MOVED and George Fox SECONDED a motion to approve the June 7, 2021 meeting minutes. Motion CARRIED, 4 ayes (James Anderson abstaining as not having been present at the meeting; Molly Butler-Bailey and Susan Durst absent).**

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**COMMITTEE REPORTS**

- A. ORDINANCE REVIEW COMMITTEE** – Mr. Grassi said this committee has not met since the Board’s last meeting and there is no report.
  - B. Comprehensive Plan Implementation Committee** – Mr. Fox reported that the CPIC met and reviewed the Mosher’s Corner Mixed-Use Development zone. An additional workshop meetings is proposed, to which abutters and other members of the public will be invited.
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**ADMINISTRATIVE REVIEW REPORT**

Ms. Eyerman reported that an application has been received from Moody’s Collision Center for a small addition to square up the building, to connect to the sewer recently run to the area, to remove the leach field associated with their current septic system, and to add 6 new parking spaces. The application will be reviewed at committee level this week.

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**CONSENT AGENDA – Subdivision/Site Plan – Earle Enterprises, LLC** – a request for preliminary and final subdivision and site plan approval for 8 College Avenue, to convert an existing single family residence into an 8-unit apartment building, zoned UR, Map 102, Lot 5.

Ms. Eyerman said the Board granted a waiver from stormwater runoff to allow a small amount of runoff into College Avenue, and there will be no additional runoff to the neighbor to the south of

the property.

Charlie Burnham, Atlantic Resource Consultants, LLC, advised the Board that the Town's review engineer has approved the proposed revised stormwater submission, and five hydrologic plants are proposed to be planted at the back of the site to help in the runoff.

There being no one from the Board or the public wishing to remove the item off the Consent Agenda,

**George Fox MOVED and Thomas Hughes SECONDED a motion to approve the item on the Consent Agenda. Motion CARRIED, 5 ayes (Molly Butler-Bailey and Susan Durst absent).**

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Mr. Firmin reminded the public that the "chat" feature of the zoom meeting will not be utilized, and anyone wishing to speak should raise his hand.

**ITEM 1      Public Hearing – Subdivision and Site Plan Amendment – Chase Custom Homes and Finance** – Bramblewood Estates – a request for approval to amend the existing Bramblewood Estates subdivision and site plan to allow 8 single-family units to replace 4 previously approved duplex buildings located at Baxter Lane, zoned UR, Map 25, Lot 7.001.

Ms. Eyerman explained that this residential subdivision was approved by the Planning Board in 2016, and this application is to amend the subdivision and site plan to allow 8 single-family units to replace 4 previously approved duplex buildings, with adjustments to utility locations and a slight stormwater change. The stormwater change review is pending from the Town's review engineer.

Tim Michaud, Terradyn Consultants, appeared on behalf of the applicant John Chase. Mr. Michaud said that one of the original duplexes has been constructed in accordance with the 2016 plan, and this proposal is to convert the remaining 4 duplex buildings into 8 single family residences. Traffic will not be affected. He said the impervious area has been reduced from the 2016 plans, stormwater remains unchanged except for foundation drains which will discharge into the same stormwater management ponds originally approved for the site. Mr. Michaud said that the Fire Chief's recommendations will be added to the final plan.

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

A discussion ensued among Board members and Mr. Michaud about the pending stormwater review from the Town's review engineer. Mr. Michaud advised the Board that their submission did not include any stormwater management, so any report from the Town's review engineer would not be significant. Ms. Eyerman said she would like to see confirmation from the review engineer that there are no stormwater changes, and the Board generally does not leave a stormwater item pending. Therefore, in order to maintain consistency with the Board's practice in the past of waiting until a stormwater review report is provided by the Town's engineer before granting final approval, the Board concurred that the item should be moved to a future consent agenda pending that report.

Mr. Firmin explained the Consent Agenda process to Mr. Michaud, saying that if the Town's review engineer's report concurs with Mr. Michaud's analysis, the item is then placed on the Consent Agenda. The Consent Agenda process does not allow deliberation, debate or input from either the Board or the public unless the item is removed from the Consent Agenda, and the Board votes on the item as having satisfied all requirements. Ms. Eyerman commented that if comments are timely received from the review engineer, the item can be placed on the Board's August meeting Consent Agenda.

**George Fox MOVED and Vincent Grassi SECONDED a motion to place final subdivision and site plan approval on the August 2, 2021 meeting Consent Agenda. Motion CARRIED, 5 ayes (Molly Butler-Bailey and Susan Durst absent).**

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**ITEM 2      Public Hearing – Site Plan – Dillan Hasseltine – Summit Community Church –**  
a request for approval of a new 28,000 square foot community church, day care and function center on property owned by Moody's Co-Workers, located at Narragansett Street and Cressey Road, zoned SR, Map 39, Lot 2.

Ms. Eyerman said the application is for a 22,752 square foot church, including associated infrastructure and landscaping, a day care, a stage within the facility, educational classrooms, and a gymnasium. Ms. Eyerman noted that this application will need special exception approval as well. She said that a DEP SLODA permit will be required. She also suggested that the applicant have a conversation with DOT about the requirement for a traffic movement permit regarding the possible connector location routing. Ms. Eyerman said the Board may want to have peer review of the traffic impact assessment, the lighting plan and the landscaping plan. She said the applicant needs to submit additional information about on-site sidewalks along Cressey Road and Narragansett Street.

Mr. Anderson told the Board that he needs to recuse himself from discussion on the following item because he works for Great Falls Construction, who is involved with this project.

**George Fox MOVED and Thomas Hughes SECONDED a motion to allow Mr. Anderson to recuse himself from participation in the discussion on this item. Motion CARRIED, 4 ayes (James Anderson abstaining; Molly Butler-Bailey and Susan Durst absent).**

Craig Burgess, Sebago Technics, appeared on behalf of the applicant and introduced Karen James of Great Falls Construction. Mr. Burgess said the building will be served by two curb cuts, with a total of 125 parking spaces on three sides of the building. Seating capacity in the building is 150 so 125 parking spaces should be more than adequate. Mr. Burgess discussed the front drive entry and said that utilities will be extended in from Narragansett Street, along with sanitary sewer and water. Electrical service be extended in from Cressey Road. Stormwater infrastructure for this project has been designed to handle flows from a 25-year storm and will direct flow into two under drained soil filters on the south side of the building, as well as a buffer located on the southeast side of the building.

Mr. Burgess said that the site will not require a Maine DEP Site Location of Development Permit

because it is not generating more than 3 acres of new impervious area. Because it only generates 2 acres of impervious area, it qualifies for a Maine DEP Stormwater Law application, which is currently under review.

Mr. Burgess said the applicant is agreeable to paying \$34,000 fee to cover offsite improvements, including walkways along Narragansett, but walkways are also proposed along all four sides of the building so that pedestrians can move from the parking lot to the different entries of the building. Those walkways are being extended to Cressey Road.

Mr. Burgess said they are not seeking approval from the Planning Board this evening because the applicant is revisiting the building size to come up with a more appropriate cost. The intention this evening to receive general feedback from the Planning Board.

PUBLIC COMMENT PERIOD OPENED: None offered  
PUBLIC COMMENT PERIOD ENDED

At Mr. Fox's request, Ms. Eyerman said the special exceptions apply in this instance because the application is for a church over 2,000 square feet. She listed the six criteria, noting that some of them are redundant and appear elsewhere in the review standards. Mr. Hughes confirmed with Ms. Eyerman that 2,000 square feet is the cutoff size for a church.

**George Fox MOVED and Vincent Grassi SECONDED a motion to grant Summit Community Church's special exception request to allow construction of a 22,752 square foot church with associated infrastructure and uses at the corner of Narragansett Street, Cressey Road, and Route 112 Bypass on Map 39, Lot 2, Suburban Residential zoning district.**

Discussion: Mr. Firmin noted that the applicant has indicated that the building size may be changed, and asked if the specific size should be included in the motion. Ms. Eyerman replied that the motion could be changed to "... less than" the number. George Fox suggested rewording the motion to "less than 22,752 square foot church"

**George Fox MOVED and Thomas Hughes SECONDED an amended motion to grant Summit Community Church's special exception request to allow construction of a church sized at 22,752 square feet or less with associated infrastructure and uses at the corner of Narragansett Street, Cressey Road, and Route 112 Bypass on Map 39, Lot 2, Suburban Residential zoning district. Motion CARRIED, 4 ayes (James Anderson recused; Molly Butler-Bailey and Susan Durst absent).**

Mr. Firmin asked if the sidewalk under discussion is to allow people to access this location. Ms. Eyerman replied that the intent is for a sidewalk to go around the location and enter the location. She indicated that staff conversations have been held to discuss what the off-site, down the road contribution would look like. The on-site connection and in front of the site connection still need to be a subject of conversation with staff. Mr. Firmin summarized that staff is working with the applicant to discuss the sidewalk issue. Mr. Burgess said that what is needed moving forward is to get sign-offs from the Director of Community Development and the Public Works Director that the plans submitted either do or do not meet the intention of the meetings that have occurred. He said he will initiate meetings with Mr. Poirier and Mr. Burns to see if some resolution can be reached.

Ms. Eyerman suggested that future plans could show phasing of both the building and the parking and drive aisles. Mr. Burgess said they will evaluate that option.

**George Fox MOVED and Vincent Grassi SECONDED a motion to table further review of Summit Community Church's request for site plan approval pending responses to remaining issues and finalizing revisions to the plan. Motion CARRIED, 4 ayes (James Anderson recused; Molly Butler-Bailey and Susan Durst absent).**

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**ITEM 3      Pre-Application – Subdivision – Megan and Gary Jordan** – a request for approval of a 3-lot subdivision and private way off Old Orchard Road, zoned R, Map 57, Lot 19.

Ms. Eyerman described the application as a 3-lot subdivision off Old Orchard Road and is zoned Rural, with a private road and private wells and individual subsurface septic systems. Megan and Gary Jordan are the property owners and are self represented. An abutter comment brings up right, title and interest questions about the road. Ms. Eyerman suggested that the applicants get a legal opinion on that issue for the Town's attorney to review.

It was agreed that abutter comments should not be addressed until the applicants are present and have had a chance to present the application to the Board.

There being no one to present at the zoom meeting the application at the zoom meeting on behalf of the applicant,

**James Anderson MOVED and George Fox SECONDED a motion to table the item to the August 2, 2021 Planning Board meeting. Motion CARRIED, 5 ayes (Molly Butler-Bailey and Susan Durst absent)**

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**ITEM 4      Discussion – Home Occupations** – proposed amendments to the Land Use and Occupation Code's Home Occupation ordinance, regarding allowed uses and standards.

Ms. Eyerman explained that the Town Council is seeking to amend the Home Occupation ordinance to allow greater flexibility for allowed uses, amount of space available, and to simplify standards. She recommended that the item be forwarded to the Board's Ordinance Subcommittee for review and recommendations back to the Board.

**George Fox MOVED and James Anderson SECONDED a motion to send the item to the Board's Ordinance Committee for review and recommendation. Motion CARRIED, 5 ayes (Molly Butler-Bailey and Susan Durst absent).**

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## **ADJOURNMENT**

**George Fox MOVED and Vincent Grassi SECONDED a motion to adjourn. Motion**

**CARRIED, 5 ayes (Molly Butler-Bailey and Susan Durst absent). [8:30 p.m.]**

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**ANNOUNCEMENTS:** In accordance with State legislation requirements, future Board meetings will be held in person, starting with the August 2, 2021 meeting.

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**OTHER BUSINESS:** None

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Respectfully submitted,



Barbara C. Skinner, Clerk of the Board

*July 12*  
\_\_\_\_\_, 2021

## **CONSENT AGENDA – Subdivision/Site Plan – Earle Enterprises, LLC**

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

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

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

- 2) The Planning Board shall include in its review the following general and specific requirements



that the development has proposed for approval:

- a) Shall be in conformance with the Comprehensive Plan of the Town, and with all pertinent State and local codes and ordinances, including the Performance Standards related to specific types of development which are stipulated in Chapter 2.

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

The Comprehensive Plan identifies this area as Village Expansion.

*Finding: 8 College Avenue apartments 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 8 College Avenue apartments is off College Avenue, which is a public road and has the capacity for the additional 7 dwelling units.

*Finding: 8 College Avenue apartments 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 additional dwelling units will be served by existing overhead and electrical power, telephone, and cable lines.

*Finding: 8 College Avenue apartments 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 dwelling units will be served by a water main located in the College Avenue right-of-way. Any updates to water and sewer lines must meet the requirements of the Portland Water District.

The applicant has requested an ability-to-serve letter from Portland Water District

*Finding: 8 College Avenue apartments 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 8 apartment units will be served by a public sewer located in College Avenue. The applicant has requested an ability-to-serve letter from Portland Water District. The applicant shall hire a private disposal company for solid waste.

*Finding: 8 College Avenue apartments 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 in the Portland Water District public sewer system.

*Finding: 8 College Avenue apartments 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 conversion with associated parking will be developed in such a way as to control erosion and sedimentation. The method of controls are discussed on Sheet C-300 and shown on Sheet C-301.

*Finding: 8 College Avenue apartments 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 waterbodies located on this property.

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

*Finding: 8 College Avenue apartments 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 existing house is known as the Alexander McLellan House and is located within the



National Register Historic District. According to the National Register Registration Form, Alexander McLellan was a member of one of Gorham's most prominent and earliest families. The house is circa 1803. It is a 2-story, five bay Federal period style. It is sheathed in weatherboards and supported by a dressed granite block foundation. The building is covered by a low hip roof punctuated by 2 brick chimneys. Two over two windows flank the entry and similar units are located on the 2<sup>nd</sup> floor. Each side elevation has 3 bays. A 2-story shed roofed ell extends across most of the rear elevation.

The Historic Preservation Commission reviewed and approved the proposed addition of a 3<sup>rd</sup> story on March 1, 2021 and reconstruction and additional height on the ell on April 6, 2021.

*Finding: 8 College Avenue apartments will respect fully the scenic or natural beauty of the area, trees, vistas, topography, historic sites and rare or irreplaceable natural or manmade assets.*

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

The applicant has submitted a letter from John Chamberlain, Vice President of The Whitman Group dated January 22, 2021, which identifies a \$700,000 line of credit.

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

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

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

*Finding: 8 College Avenue apartments 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 not creating open space.

Finding: *8 College Avenue apartments is not creating additional open space or recreational land, so this section does not apply.*

#### **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 convert an existing single family residential dwelling unit into an 8 unit apartment building with associated infrastructure including parking.

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

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

Vehicular access to the site will be on College Avenue, which is a public road. The apartment is proposed to have 32 daily trips with 16 trips entering and 16 trips exiting the site. The busiest a.m. time will be from 6:00 to 9:00 am and produce 16 trips, 8 entering and 8 exiting trips. The busiest p.m. time will be from 3:00 to 6:00 p.m. and produce 16 trips, 8 entering and 8 exiting trips.

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

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

The entrance into the site is proposed to be expanded to 24 feet. The site distance is at least 200 feet in both directions.

The grade of the driveway will be -2.0% for a minimum of 5 feet from the existing edge of pavement

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

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

The driveway and parking lot will have sufficient width to provide enough space to turn around

without the need to back into the road.

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

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

A sidewalk is located on the northern side of College Avenue. A walkway will be provided from the driveway to the doors.

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

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

The applicant is proposing to construct a 2 foot by 2 foot stone trench, which will capture and infiltrate the runoff.

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.

The applicant will also comply with the "Maine Erosion and Sediment Control Handbook for Construction: Best Management Practices," Maine Department of Environmental Practices. The method of controls is discussed on Sheet C-300 and shown on Sheet C-301.

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 apartment building will be served by public water from the Portland Water District. The ability-to-serve letter is pending.

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 apartment building will be served by public sewer from the Portland Water District. The ability-to-serve letter is pending.

*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 apartments will be served by existing overhead power, cable, and telephone from the College Avenue right-of-way.

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

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

The proposal requires no clearing of trees or understory to construct the apartment building, driveway expansion or parking area.

*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 construct a 2 foot by 2 foot stone trench, which will capture and infiltrate the runoff.

*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.

Exterior lighting is shown on the plan. The lighting shall be dark sky rated.

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

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

Trash removal will be through a private waste hauler. Waste will be stored in a dumpster which will be on a pad that is screened for the abutting neighbors.

*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.

Landscaping is shown that buffers the project from the abutting neighbor. Canopy trees are provided to soften the appearance in the front of the house.

*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, nor near navigable waters.

*Finding: The lot is not located in a Shoreland Overlay District, nor near navigable waters. Therefore, this section does not apply.*

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 John Chamberlain, Vice President of The Whitman Group, dated January 22, 2021, which identifies a \$700,000 line of credit.

The applicant is utilizing Charlie Burnham, P.E. with Atlantic Resource Consultants; MacLeod, Structural Engineers, PA; and Eugene Schleh, Land Surveyor #2063.

*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 the existing trees located around the perimeter of the lot to break up the development from the abutters. In addition, the applicant is adding plantings along the eastern side

of the property to screen the project from the neighbor. Canopy trees to soften the appearance of the front of the building shall be added.

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. The property is located within the ME DEP regulated urbanized area.
4. That the building will meet all applicable sections of NFPA 1 Fire Code and NFPA 101 Life Safety Code. Building plans shall be submitted to the Fire Inspector for review.
5. The Middle School Impact Fee and the Recreation Impact Fee will be paid prior to the issuance of a building permit.
6. That the development transfer fee shall be paid to the Town and will be paid prior to the issuance of the building permit.
7. That the building shall be compliant with the Fire Suppression Systems Ordinance including an acceptable Fire Alarm system and Fire Department Lock Box. To the extent possible, there shall be an exterior access to the sprinkler room and the door shall be marked "Sprinkler Room Access". Sprinkler and Fire Alarm plans must be submitted 2 weeks prior to start of work for review and approval.
8. That the building shall be properly numbered in accordance with E911 standards including height, color and location. Individual units shall also be properly labeled;



9. That any Gas Meters will require protection. Proposed protection must be submitted to the Fire Department for approval prior to installing.
10. 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;
11. That the Planning Board Chairman is authorized by the Planning Board to sign the Findings of Fact on behalf of the entire Board;
12. That the subdivision/site 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;
13. That the subdivision plan is required to be recorded within one year of original approval or the approval becomes null and void; and
14. 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.