

**PLANNING BOARD MEETING
January 6, 2020**

Municipal Center, Burleigh H. Loveitt Council Chambers
75 South Street, Gorham, Maine

Members Present

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

Members Absent

VINCENT GRASSI

Staff Present

CAROLYN EYERMAN, Town Planner
BARBARA SKINNER, Clerk of the Board

George Fox, Chairman, called the meeting to order at 7:00 p.m. The Clerk of the Board called the roll, noting that Vincent Grassi was absent.

APPROVAL OF THE DECEMBER 2, 2019 MEETING MINUTES

James Anderson MOVED and Molly Butler-Bailey SECONDED a motion to approve the minutes of the December 2, 2019 meeting as written and distributed. Motion CARRIED, 5 ayes (James Hall abstaining as not having been present at the meeting; Vincent Grassi absent).

CHAIRMAN'S REPORT

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

COMMITTEE REPORTS

- A. Ordinance Review Committee** – Mr. Fox noted that this committee has not met since the last Board meeting.
 - B. Comprehensive Plan Implementation Review Committee** – Ms. Butler-Bailey reported that this committee last met before the December 2, 2019 meeting to discuss the proposed zone change in the Harding Bridge Road vicinity.
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ADMINISTRATIVE REVIEW REPORT

Ms. Eyerman reported that the Administrative Review for Supplement Edge has been completed and there are no new Administrative Review projects at this time.

CONSENT AGENDA

Subdivision/Site Plan Amendment – Avesta Housing Development Corp. – a request for approval to construct a 4-story, 22,500 square foot building to include 22 one-bedroom and 5 two-bedroom apartment units, to be located in the foot print of Building 3, which will be demolished, in the UR-CZ zone, Map 101, Lots 18 and 19.

Mr. Fox explained the Consent Agenda process, noting that items on the Agenda are administrative in nature and have been recommended for approval by staff. He said that while the applicant has submitted a partial set of plans showing changes that are administrative in nature with some clean up details, all of which had been requested previously by the Board, nothing new or substantive has been submitted. Mr. Fox said that the item will not be discussed unless a request is made by a Board member or by a member of the public to have the item taken off the Consent Agenda. If there is such a request, the item in question will be removed from the Agenda and take up immediately for discussion.

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

James Anderson MOVED and Michael Richman SECONDED a motion to approve the item on the Consent Agenda. Motion CARRIED, 6 ayes (Vincent Grassi absent).

ITEM 1 Discussion – Zoning Map Amendment – proposed amendment to the Zoning Map to expand the Development Transfer Overlay District to include the area in the vicinity of Mosher's Corner

Ms. Eyerman told the Board that this amendment was forwarded to the Board by the Town Council and is to expand the Development Transfer Overlay District to include the Mosher's Corner area. She said that the Council was not specific as to which parcels they wanted the Board to consider, so part of the Board's discussion will be where the boundaries of that expansion will lie. Ms. Eyerman said that the Board may want to forward the item to either its Ordinance Review committee or Comprehensive Plan Implementation committee for review and recommendations back to the Board.

In reply to Mr. Fox, Mr. Anderson said that the Comprehensive Plan Implementation Committee had met before the December 2, 2019 meeting and discussed the proposed Harding Bridge Road amendment from Rural to Suburban Residential. Mr. Fox said that at the time the Committee discussed that proposed amendment, there was discussion about a possible impact on the area, with the Committee asking staff for information about current lot sizes and identifying the roads surrounding the area. Mr. Fox asked if the Board feels that the approach to this proposed amendment would be similar, requiring similar information. Mr. Anderson said he believes it would be appropriate for the Comprehensive Plan Implementation Committee to review it. Mr. Richman said that seeing the area in a google image is very helpful in figuring out density. Ms. Butler-Bailey said she agrees that lot sizes for this amendment would also be helpful as well.

Mr. Firmin advised the Board that he works for the Portland Water District. He said that considering the DTO district expansion for this area could involve issues with public sewage, while he does not believe there would be any conflict of interest, he still wants to bring the possibility to the Board's attention. It was decided that Mr. Firmin could participate in a motion to forward the item to the Board's Comprehensive Plan Implementation Committee for its review and recommendations.

Molly Butler-Bailey MOVED and Scott Firmin SECONDED a motion to move the item to the Board's Comprehensive Plan Implementation Committee for review and recommendations back to the Board. Motion CARRIED, 6 ayes (Vincent Grassi absent).

ITEM 2 Amended Final Subdivision – Julie and Randall Adams – 245 Gray Road Lot Split – a request for approval to split the existing lot at 245 Gray Road into two lots, one being 72,431± square feet and the other being 65,384 ± square feet, located in the Suburban Residential zoning district.

Ms. Eyerman advised the Board that this is a basic lot split. The owner of one lot would like to split 1.5 acres to be sold to abutter Charles Hamblen. There is no infrastructure or construction involved, and each lot has enough acreage to comply with the Ordinance. There will be no impact on setbacks for either lot.

Josh Plowman, Bean Group, advised the Board this proposal is to sell 1-1/2 acres of back land by the Adams to Mr. Hamblen. Mr. Fox asked why this is proposed. Mr. Plowman replied that the Adams have enough acreage to break off the lot split and still be able to sell their house. Mr. Fox confirmed that neither the applicant or the abutter has any plans to develop the land that is being subdivided off. Mr. Plowman said that the abutter sees this as a potential buildable lot and he is looking to purchase it to control its development. Mr. Fox confirmed that the amount being split off is not a buildable lot without a road being built to it.

Mr. Anderson asked for confirmation that Mr. Hamblen will have more field area with the lot split.

Scott Firmin MOVED and Michael Richman SECONDED a motion to grant Randall and Julie Adams' request for amended final subdivision approval for a lot split located at 245 Gray Road, Map 48, Lot 19-2, Suburban Residential zoning district, based on Findings of Fact and Conditions of Approval as written by the Town Planner. Motion CARRIED, 6 ayes (Vincent Grassi absent.

OTHER BUSINESS

**Appointment to the Comprehensive Plan Amendment Committee:
Discussed and Undecided**

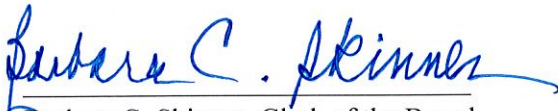
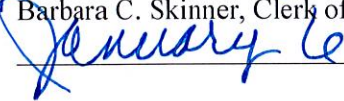
ANNOUNCEMENTS

None

ADJOURNMENT

Scott Firmin MOVED and Michael Richman SECONDED a motion to adjourn. Motion CARRIED, 6 ayes (Vincent Grassi absent). [7:22 p.m.]

Respectfully submitted,


Barbara C. Skinner, Clerk of the Board
 January 6, 2020

**CONSENT AGENDA AVESTA HOUSING – HILLSIDE VILLAGE SQUARE APARTMENTS –
MAP 101/LOT 18 AND 19**

CHAPTER 3 - SUBDIVISION, SECTION 3 - PRELIMINARY PLAN

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

C. PRELIMINARY PLAN REVIEW

- 2) The Planning Board shall include in its review the following general and specific requirements that the development has proposed for approval:

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

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

The lot has an approved contract zone on the parcel which has been amended and approved by the Town Council.

Finding: The Hillside at Village Square Apartment building conforms to the Comprehensive Plan of the Town, and with all pertinent State and local codes and ordinances.

- b) Will not cause congestion or unsafe conditions with respect to use of the highways or public roads, existing or proposed on or off the site.

The existing southern driveway is 24' to serve condominium units 1, 2, and 3. The existing northern emergency access driveway will be changed to a one-way exit for all traffic leaving the site.

All driveways are accessed via School Street, State Route 114, which is identified as a major/urban collector by the Maine Department of Transportation.

Finding: The Hillside at Village Square Apartment building will not cause congestion or unsafe conditions with respect to use of the highways or public roads, existing or proposed on or off the site.

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

The existing Ridgewood I and II apartment buildings are served by underground power, cable, telephone and natural gas. The proposed Hillside at Village Square apartment building is to be served by underground power, cable, telephone, and natural gas.

The waste disposal for the site will be through a private waste disposal company hired by the owners of the condominium units. The waste will be stored in a dumpster located on the southern end of the paved parking area until it can be properly removed from the site for disposal.

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

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

The existing Ridgewood I and II apartment buildings are served via a 6" water service into the site from a 12" watermain located in the School Street right-of-way.

The proposed Hillside at Village Square apartment building is proposed to be served via a 6" and 2" water service from a 12" watermain located in the School Street right-of-way.

The applicant has provided an ability-to-serve letter, dated June 28, 2019, from Robert A Bartels, P.E., Senior Project Engineer, with the Portland Water District.

Finding: The Hillside at Village Square Apartment building has sufficient water supply available for present and future needs as reasonably foreseeable.

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

The existing Ridgewood I apartment building is served via a sewer service into the site from an 8" sewer main located in the School Street right-of-way. The Ridgewood II apartment building will be served via a 6" gravity sewer service which flows into a 10" sewer main located in the School Street right-of-way. No changes are proposed to the Ridgewood I or II apartment buildings' sewer services.

The proposal is to locate a 6" sewer line which flows into an existing 10" sewer main located in the School Street right-of-way.

The applicant has provided an ability-to-serve letter, dated June 28, 2019, from Robert A. Bartels, P.E., Senior Project Engineer, with the Portland Water District.

Finding: The Hillside at Village Square Apartment building has provided for adequate solid and sewage waste disposal for present and future needs as reasonably foreseeable.

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

Storm water from the northern portion of the site near the proposed community space in Ridgewood I building and lawn areas will drain to an existing catch basin located on the Village Square property. The storm water from the Ridgewood I building, Ridgewood II building, and proposed Hillside building access drive will be captured in a closed drain system and sent to the natural drainage area on the south portion of the site. The storm water from the parking area on the north portion of the site will be allowed to sheet flow to the northwestern edge of the site.

Finding: The Hillside at Village Square apartment building will not result in undue pollution of air, or surficial or ground waters, either on or off the site.

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

The construction of the new parking areas, access driveway, and at Hillside Village Square apartment building is required to install erosion control devices meeting the requirements of the Maine Erosion and Sediment Control Best Management Practices, Bureau of Land and Water Quality, Maine Department of Environmental Protection.

The applicant has provided a Grading and Erosion Control Plan, Sheet C102, which shows the location and types of erosion control devices to be installed on the site. The applicant has provided an Erosion Control Notes and Details Plan, Sheet C300, which identifies how and when the erosion control devices need to be installed on the site.

Finding: The Hillside at Village Square apartment building will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result.

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

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

Finding: The Hillside at Village Square apartment building 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 majority of the development is to be located on area previously disturbed as part of construction of the Ridgewood I apartment building. Tree clearing will be limited to the southeastern portion of the lot. No wetland impacts are proposed.

Finding: The Hillside at Village Square apartment building 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 provided a letter from Bangor Savings Bank, dated June 16, 2019, from Shawn McKenna, Vice President Commercial Banking, identifying its financial capacity.

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

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

The applicant will be required to pay the Recreational Facilities and Open Space Impact Fee prior to issuance of the building permits for the 27-unit apartment building.

Finding: Avesta Housing is responsible for providing open space and recreational land and facilities to meet the additional demand created by residents of the subdivision.

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

The parcel is condominiumized into three units. Each of the three units is required to maintain the common elements shown on the condominium plat.

Finding: Avesta Housing is proposing to create open space and recreational land and facilities 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 elements of land.

CHAPTER 3 - SUBDIVISION, SECTION 4 –FINAL PLAN REVIEW

D. FINAL PLAN REVIEW

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

The proposal is for a subdivision amendment, so preliminary and final subdivision approvals are not required.

Finding: Not Applicable.

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

The proposal is for a subdivision amendment, so preliminary and final subdivision approvals are not required.

Finding: Not Applicable.

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 a 27-unit apartment building, accessory parking and access improvements to the western portion of the parcel. The applicant has provided the Planning Board with a plan set and accessory information showing that the lot can support the proposed improvements.

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.

The site is accessed from School Street, State Route 114.

The proposal estimates 94 additional daily trips generated from the 27 senior apartments with the a.m. peak hour having 2 and the p.m. peak hour having 3.

All driveways are accessed via School Street, State Route 114, which is identified as a major/urban collector by the Maine Department of Transportation.

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 Ridgewood property is accessed from one 24' driveway entrance off School Street, State Route 114. The lot is also provided egress through a one-way driveway onto the abutting Village Square Housing Corp. lot.

The driveway has a sight distance of 290' looking north and 600' looking south and will provide for safe and convenient access into the site.

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 existing Ridgewood buildings' passenger cars entering the driveway can either park in the parking spaces located between Ridgewood I and II apartment buildings, or parking spaces located to either the south or north of the Ridgewood I and II apartment buildings.

The proposal is to require some reconfiguration of the parking spaces to the southern end of the parking lot to add new spaces and move the dumpster location. Additional/ reconfigured spaces are also proposed to the western parking spaces located to the north and south of Ridgewood II.

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.

There are multiple sidewalks interior to the site that will allow pedestrians to park and safely make their way to the Ridgewood I or II apartment buildings.

The interior sidewalk system is also connected in two locations to the sidewalks along School Street, State Route 114.

The proposal is to install a network of sidewalks between Ridgewood I and the new Hillside building. A sidewalk 3' wide is also proposed to the rear of the proposed Hillside building.

The proposal is also to connect a multi-recreational path from the sidewalk into a recreational path located on the abutting lot.

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.

Storm water from the proposed site improvements will remain similar to existing conditions, with storm water from the northern portion of the site near proposed community space in the Ridgewood I building and lawn areas to drain to an existing catch basin located on the Village Square property. The storm water from the Ridgewood I building, proposed Ridgewood II building, and access drive will be captured in a closed drain system and sent to the natural drainage area on the south portion of the site. The storm water from the parking area on the north portion of the site will be allowed to sheet flow to the northwestern edge of the site.

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.

The construction of the new parking areas, access driveway, and the Ridgewood II apartment building is required to install erosion control devices meeting the requirements of the Maine Erosion and Sediment Control Best Management Practices, Bureau of Land and Water Quality, Maine Department of Environmental Protection.

The applicant has provided a Grading and Erosion Control Plan, Sheet C102, which shows the location and types of erosion control devices to be installed on the site. The applicant has provided an Erosion Control Notes and Details Plan, Sheet C300, which identifies how and when the erosion control devices need to be installed on the site.

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.

The existing Ridgewood I and II apartment buildings are served via a 6" water service into the site from a 12" watermain located in the School Street right-of-way.

The proposed Hillside at Village Square apartment building is proposed to be served via a 6" and 2" water service from a 12" watermain located in the School Street right-of-way.

The applicant has provided an ability-to-serve letter, dated June 28, 2019 from Robert A Bartels, P.E., Senior Project Engineer, with the Portland Water District.

Finding: *The development provides a system of water supply that provides for 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 existing Ridgewood I apartment building is served via a sewer service into the site from an 8" sewer main located in the School Street right-of-way. The Ridgewood II apartment building will be served via a 6" gravity sewer service which flows into a 10" sewer main located in the School Street right-of-way. No changes are proposed to the Ridgewood I or II apartment buildings' sewer services.

The proposal is to locate a 6" sewer line which flows into an existing 10" sewer main located in the School Street right-of-way.

The applicant has provided an ability-to-serve Letter, dated June 28, 2019 from Robert A Bartels, P.E., Senior Project Engineer, with the Portland Water District.

Finding: *The development provides for sewage disposal for the anticipated 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 existing Ridgewood I and II apartment buildings are served by underground power, cable, telephone and natural gas. The Hillside at Village Square apartment building is proposed to be served by underground power, cable, telephone, and natural gas.

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 proposal is to impact the southwestern portion of the lot, which was previously impacted by the construction of the Ridgewood I apartment building. The eastern portion half of the site has steep slopes and is wooded and no improvements other than a trail connection are proposed in this area. No wetland impacts are anticipated.

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 Hillside at Village Square apartment building is not proposed to impact the groundwater table on the site.

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.

The applicant has submitted a Lighting Plan: Sheet L102. The light poles are proposed to be full-cut off style lights.

The applicant has also provided a Light Pole detail in the Application sections and a Photometric Plan Sheet A.

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

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

The waste disposal for the site will be through a private waste disposal company hired by the owners of the condominium units. The waste will be stored in a dumpster located on the southern end of the site until it can be properly removed from the site for disposal. The dumpster will be screened with a fence.

No hazardous materials are proposed to be stored on site.

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 install a new landscaped court yard between Ridgewood I and the proposed Hillside at Village Square and around the front of the new Hillside at Village Square building. The applicant is also proposing to keep existing trees along the northeastern and southeastern edges of the parcel to break up parking areas from view of School Street and abutting properties.

The applicant has submitted a Planting Plan Sheet: Sheet L103, which shows planting locations, species, sizes, and details for installation of the proposed plantings.

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

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

The lot is not located in the Shoreland Overlay District and will not adversely affect the water quality or shoreline of any adjacent water bodies.

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

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

The applicant owns and manages more than 1,900 apartments and is one of the largest nonprofit developers of affordable housing in New England. The applicant has hired professional engineers, architects, and lawyers to assist it in completing the proposal for development.

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 not proposing any additional buffering to the parking area from School Street and the abutting property will be buffered by utilizing the existing trees. The dumpster shall be screened with a wooden fence around it.

The rear half of the parcel is to remain wooded.

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 (7am-7pm) and 50 dBA nighttime (7pm- 7am).

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

Conditions of Approval

1. That this approval is dependent upon, and limited to, the proposals and plans contained in this application and supporting documents submitted and affirmed by the applicants and that any variation from the plans, proposals and supporting documents is subject to review and approval by the Planning Board or Site Plan Review Committee, except for minor changes which the Town Planner may approve;
2. That prior to the commencement of construction of the site plan, the applicant is responsible for obtaining all required local, state and federal permits;
3. That all relevant conditions of approval from past Site Plan approvals shall remain in effect;
4. That any proposed use on the site shall meet the sound level requirements outlined under Chapter IV, Section IX, T. Noise;
5. That prior to the pre-construction meeting, the applicant will establish the following: an escrow for field inspection meeting the approvals of Town Staff;
6. 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;

7. 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;
8. That the building shall be completely sprinkled meeting all requirements of the Town's Sprinkler Ordinance;
9. That the sprinkler plans shall be submitted to the Fire Department and the State Fire Marshal's Office for review and permitting with the plans submitted to the Fire Department shall be submitted at least two weeks prior to the start of the installation of the system;
10. That the Sprinkler test papers will be required to be submitted to the Fire Department at the time a CO is issued;
11. That there shall be a separate sprinkler room for the main controls of the system and the main fire alarm panel with a remote panel at the front door and this room shall have an outside door that shall be marked Sprinkler control room;
12. That a lock box and master key shall be installed at the front entrance as well as at the sprinkler control room;
13. That the applicant shall install standpipes in the stairwells that can be taken off the sprinkler system or a standalone drive system meeting the requirements of the Gorham Fire Chief;
14. That the building will meet all applicable sections of the NFPA 101 Life Safety Code and the NFPA Fire Prevention Code 1;
15. That the building construction plans shall be submitted to the Gorham Fire Department for permitting and review of the State Construction Permit;
16. That a copy of the State construction permit as well as a stamped set of plans from the State Fire Marshal's Office shall be supplied to the Fire Department;
17. That the plans for the Fire Alarm System shall be submitted to the Fire Department and the selected vendor for the system shall meet with the Fire Department before installation;
18. That the gas meters shall be protected by bollards;
19. That the demolition of unit/ building 3 shall follow the safety requirements of Chapter 16 of NFPA 1 2018;
20. That the ownership of Tax Map 101, lots 18 and 19, cannot be divided as long as there is a building that crosses the line between lots, unless future zoning allows such a split, any allowed splits is subject to the requirements of condition of approval 1;
21. That the existing building/ unit 1 shall be sprinkled meeting all applicable section of the Town's Fire Suppression Ordinance with the sprinkler plans being submitted to the Gorham Fire Department and the State Fire Marshal's Office for review and permitting at least 2 weeks before the installation of the system;
22. That the subdivision/site amendment plan shall not be released for recording at the Registry of Deeds until the required performance guarantee for that phase has been posted meeting the approval of Town Staff, and the subdivision/site plan is required to be recorded within one year of original approval or the approval becomes null and void;

23. That the Planning Board Chairman is authorized by the Planning Board to sign the Findings of Fact on behalf of the entire Board;
 24. That once the subdivision/site amendment plan has been recorded at the Cumberland County Registry of Deeds, a dated mylar copy of the recorded subdivision/site amendment plan shall be returned to the Town Planner prior to the pre-construction meeting; and
 25. That the ownership of Tax Map 101, Lots 18 and 19 cannot be split as long as there is a building that crosses the lot line, unless future zoning allows such a split.
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**ITEM 2 JULIE AND RANDALL ADAMS – SUBDIVISION AMENDMENT – 245 GRAY ROAD
LOT SPLIT – MAP 48/LOT 19.002**

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.

Because no physical changes are proposed with this amendment, most of the Standards are not applicable, as indicated below.

C. PRELIMINARY PLAN REVIEW

- 2) The Planning Board shall include in its review the following general and specific requirements that the development has proposed for approval:
 - 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 any future proposed development. There are no changes to the subdivision that would impact existing conditions.

Finding: The amendment to the subdivision conforms to the Comprehensive Plan of the Town, and with all pertinent State and local codes and ordinances.

- b) Will not cause congestion or unsafe conditions with respect to use of the highways or public roads, existing or proposed on or off the site.

There are no changes to the subdivision that would impact the conditions of public roads on or off the site.

Finding: Not applicable.

- 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.

There are no changes to the subdivision that would impact any municipal services.

Finding: Not applicable.

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

No changes are proposed to the approved subdivisions' water supply.

Finding: Not applicable.

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

There are no changes proposed to the approved subdivision's sewage waste disposal.

Finding: Not applicable.

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

There are no changes to the existing subdivision that will create pollution of air and waters on or off the site.

Finding: Not applicable.

- 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.

There are no changes to the existing subdivision that will cause soil erosion or reduction in the capacity of the land to hold water.

Finding: Not applicable.

- 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.

The subdivision is not located in the Town's Shoreland Overlay District.

Finding: Not applicable.

- 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 subdivision does not have any known historic sites, or any rare or irreplaceable natural or manmade assets.

Finding: Not applicable.

- k) 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.

There is not construction proposed with this subdivision amendment.

Finding: Not applicable.

- 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.

This proposed subdivision amendment will not create additional residents within the existing subdivision.

Finding: Not applicable.

- 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.

Finding: Not applicable.

CHAPTER 3 SUBDIVISION, SECTION 4 – FINAL PLAN REVIEW

D. FINAL PLAN REVIEW

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

Finding: This is an amendment to an approved plan and requires only a subdivision amendment approval.

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

Finding: This is an amendment to an approved plan and requires only a subdivision amendment approval.

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 applicants shall provide property line information and site information in auto-cad format to the Town Planner;
3. That all relevant conditions of approval from all subsequent approvals shall remain in effect;
4. That the Planning Board Chairman is authorized by the Planning Board to sign the Findings of Fact on behalf of the entire Board; and

5. That these conditions of approval must be added to the subdivision plan and the subdivision plan shall be recorded in the Cumberland County Registry of Deeds within thirty (30) days of endorsement of the plan by the Planning Board, and that a recorded paper copy of the subdivision plan shall be returned to the Town Planner.