

**PLANNING BOARD MEETING**

**March 2, 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**  
**VINCENT GRASSI**  
**JAMES HALL**  
**MICHAEL RICHMAN**

**Staff Present**

**THOMAS POIRIER, DIRECTOR OF COMMUNITY  
DEVELOPMENT**  
**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 all members were present.

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**APPROVAL OF THE FEBRUARY 3, 2020 MEETING MINUTES**

**Scott Firmin MOVED and Michael Richman SECONDED a motion to approve the minutes of the February 3, 2020 meeting as written and distributed. Motion CARRIED, 4 ayes (Molly Butler-Bailey, James Hall and Vincent Grassi abstaining as not having been present at the meeting).**

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**CHAIRMAN'S REPORT**

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

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**COMMITTEE REPORTS**

- A. Ordinance Review Committee** – Mr. Grassi reported that this committee has not met since the Board's last meeting.
  - B. Comprehensive Plan Implementation Review Committee** – Ms. Butler-Bailey reported that this Committee last met before the February meeting.
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**ADMINISTRATIVE REVIEW REPORT**

Ms. Eyerman said that there are two Administrative Review projects under consideration: the first is for 108 State Street, a 4-unit residential development and new parking area, which will replace an existing building and garage, and a change of address to Narragansett Street. The second application is from the Plowman Development Group, seeking after-the-fact approval for a proposed 9,500 cubic yard fill on a residential lot to reclaim an area that was formerly a gravel pit.

- ITEM 1 Public Hearing – Site Plan Review – Northeast Contracting Services** – a request for approval for the construction of a warehouse and storage building, parking, gravel laydown area and loading docks at 84 Olde Canal Way, zoned Industrial, Map 34, Lot 3.004.

Ms. Eyerman advised the Board that this application is for a 12,000 square foot pre-engineered metal building to be done in two phases. The first phase will include a 6,000 square foot building, drive aisles, parking, vehicular turnaround, loading and unloading areas and a gravel laydown area. Phase 2 will include a 6,000 square foot building expansion and additional laydown area.

Craig Burgess, Sebago Technics, appeared on behalf of the applicant, Northeast Contracting Services, also known as 84 Olde Canal Way, LLC, and introduced the applicant Jim Frederickson. Mr. Burgess said that the proposal is for a 12,000 square foot building developed in two phases of 6,000 square feet each. He said phase 1 will include the majority of the main site features, including the drive aisle, the parking areas, utility extensions and stormwater infrastructure. He said that this parcel, like others in this subdivision, is subject to a DEP Site Location of Development permit, which set limits of development on each of the lots. In this case, 2.15 acres of impervious surface is approved under that DEP permit, and the project will result in approximately 1.45 acres of impervious surface, well below the approved amount. The Site Location permit also restricts the total developed footprint, and that limit is 2.42 acres, with the proposed project resulting in 2.2 acres. A notice of intent to file was submitted today.

Mr. Burgess referred to the Maine DOT traffic movement permit for the overall Olde Canal subdivision, which requires a left hand turn analysis at 50% buildout of the subdivision of the subdivision. This means that the left hand turn analysis must be done when 5 lots are fully built out. Mr. Burgess said he believes that 3 lots are fully constructed, and there is one other which has been permitted within the subdivision, so this application would be the 5<sup>th</sup> lot to be permitted.

Mr. Fox asked for clarification of the left hand turn analysis requirement. Mr. Burgess replied that 50% buildout of the entire subdivision, which consists of 9 lots, will trigger review of the left hand turn analysis. That would occur when 5 lots are fully built out. Mr. Fox confirmed that this lot is number 4, with 3 lots constructed and one recently approved, so this would be the 5<sup>th</sup> site to be approved. Once this site is fully constructed, Grondin Properties or another lot owner in the future will have to conduct the analysis.

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

Mr. Fox confirmed with Mr. Burgess that the expanded footprint will be the same footprint initially. Mr. Burgess told Mr. Fox that the applicant's use for this building involves concrete demolition, and this site will be for storage of all of his equipment, with the concrete demolition material being brought to the site and stored on site in roll-off bins. Mr. Fox asked whether there are limitations for exterior storage. Mr. Burgess said he does not believe there are any limitations. In reply to Mr. Fox, Mr. Burgess said that expected hours of operation will be 8 to 5, and depending on the type of work, it may need to go on longer.

Mr. Anderson asked if the concrete demolition material will be processed on site or being brought there to be taken to a pit to be crushed. Mr. Burgess replied that the demolition material will not be processed on site. Mr. Anderson asked what the purpose is for the laydown area shown on the plans. Mr. Burgess said it is to utilize the site to its maximum potential of the permitted 2.15 acres of impervious, and the laydown area is designed to aid in directing drainage back to the pond. Mr. Anderson asked if dumpsters and concrete rubble could be expected in the laydown area. Mr. Burgess replied that the current plan does not set restrictions on that area.

Applicant James Frederickson, Northeast Contracting, came to the podium and told the Board that his goal is to ultimately rent this space out, that he does not need 6,000 square feet at this point and hopes to rent 3,000 square feet of that out. That rental would be the front half of the building, and he wants his business to be in the back for his excavators, skid steers, trailers, roll-off trucks, in the laydown area. He said when he brings material back, it is to break the concrete, get the metal out and dispose of the concrete at a lower cost, and that

is the only processing he will do. In reply to Mr. Anderson, Mr. Frederickson said the laydown area in the front will be for future parking.

Mr. Frederickson told Mr. Fox that he has a jack hammer on his excavator to break the concrete down. Mr. Frederickson said that one or two employees come to the shop, are gone for the day, may have to come back for a trip, and this is a typical one shift operation. Mr. Anderson and Mr. Burgess discussed the dock leveler and the site elevation.

Mr. Fox referred to the proposed landscape plan and asked about vegetation in the area around the wet pond area. Mr. Burgess said that area is mostly cleared, which was done when the wet pond was constructed. Ms. Eyerman said that the buffering requirement in the Code is between a residential use and any industrial uses, so in this case it would not apply unless the Board wants something additional. Ms. Eyerman said that an abutter notification was sent to the Town of Windham which owns property across the river; she said she received a review from the Windham planners stating that in general terms this meets their ordinances as well.

Mr. Anderson asked if the dumpster will be enclosed. Mr. Burgess replied it will be on a concrete pad. Ms. Eyerman said that Olde Canal Way has no standards for that. Mr. Burgess said the building will be a dark charcoal gray color and told Mr. Richman that it will not be a reflective surface.

Ms. Eyerman said that there are a few details required by the Town's review engineer that could be dealt with as Conditions of Approval with the item then coming back as a Consent Agenda item. In reply to Mr. Fox, Ms. Eyerman referred to the section in the staff notes detailing the engineer's comments, particularly those dealing with the phase 1 and phase 2 grading plans. Mr. Burgess advised the Board that they have received the ability-to-serve letters from the Portland Water District and he believes they have addressed all the comments from the Town's engineer, and that he believes in keeping the grading plan as is, as phase 2 will not significantly impact the existing grades very much. Ms. Eyerman said that the review engineer needs to review Mr. Burgess' comment letter and make sure they agree with it.

Mr. Firmin commented that the stormwater management plan does not specifically deal with dust management post construction to protect stormwater from having processing debris or dust or other materials. Ms. Eyerman suggested that this be added as conditions of approval, Condition #21, "That the applicant will use Best Management Practices to control post-construction dust," and Condition #22, "That there will be no impact to stormwater from any processing activity." Ms. Eyerman suggested that the control of post-construction dust also be added to the inspection maintenance document. Mr. Burgess said they are in agreement with the Conditions and he is comfortable that he can address the Woodard & Curran comments.

**Molly Butler-Bailey MOVED and James Anderson SECONDED a motion to grant site plan approval for Northeast Contracting Services warehouse and storage, located on Map 34, Lot 3.004 in the Olde Canal Industrial zoning district, based on amended Findings of Fact and Conditions of Approval as written by the Town Planner and amended by the Planning Board. Motion CARRIED, 7 ayes. [7:40 p.m.]**

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**ITEM 2 Private Way – Thomas Dore and Catherine Perez – Dore Drive** – a request for approval to construct a 970 foot private way to the 2-6 lot private way standard, located off Longfellow Road, zoned R-MH, Map 10, Lot 10.

Ms. Eyerman said that the applicant is proposing a 970 foot long private way built to the 2-6 lot private standard to serve 4 dwelling units. She said that the Code Officer has suggested that this application may result in the inadvertent creation of a subdivision, or an "accidental subdivision."

Bill Thompson, BH2M Engineers, came to the podium on behalf of the applicant and introduced Tom Dore, the applicant. Mr. Thompson said that the proposed private way, Dore Drive, is approximately 970 feet off

Longfellow Road in the Rural zoning district and involves an 8 acre parcel. He said there is a 50 foot access strip of frontage along Longfellow Road which will be utilized to bring in the private way, which will be built to the 2-6 private way standard. The site is open field. Underground electric will be extended from Longfellow Road to serve what is initially shown as two lots. He said the applicant would like to build on one lot and also build on the second lot for his daughter. Mr. Thompson said the private way will be a little under 5% grade at its steepest point, and will be 18 feet wide with 2-foot gravel shoulders along its entire length. Stormwater will be brought through ditches on both sides of the road into a level spreader. There will be a 20 foot paved entrance with street signs and a stop sign. Mr. Thompson noted that there is an isolated piece of wetland that is proposed to be filled, but no other wetland impacts are necessary.

Mr. Thompson said that the comments received from Town staff and the review engineer are minor in nature and can be accommodated. Insofar as an inadvertent or “accidental” subdivision being created is concerned, Mr. Thompson said that their survey research has not shown anything that would trigger subdivision and noted that the Town Attorney had no comments in that regard.

**PUBLIC COMMENT PERIOD OPENED:** Susan Sato, 14 Dragonfly Lane, abutting this project, said she appreciates the Town engineer’s comment about a silt fence being required to the west of the proposed construction. Ms. Sato noted that what appears as Dragonfly Lane on the plan is actually her dirt driveway. She asked that her fence not be compromised if there is excavation near her property line. She said her biggest concern is that water will come down Dore Drive and flow onto her land and asked if the drainage ditches will be large enough to contain the water coming down Dore Drive.

Jeremiah Ross, representing Ms. Sato, said he built her house 8 years ago. He asked if there are copies for the HH200s for the test pits on the lots. He said that when Ms. Sato’s house was built, the septic system had to be constructed 400 feet away from her existing dwelling because it was the only part of her 7 acres that would perk. Mr. Ross said that her property and the one in this application are almost exactly the same. Mr. Ross spoke about the creation of a subdivision, with two lots being proposed now with the applicant perhaps coming back and dividing lots on this plan to create a subdivision. Mr. Ross said there should be some record of an easement from a neighbor.

**PUBLIC COMMENT PERIOD ENDED.**

In reply to the abutters’ comments, Mr. Thompson said there is an existing fence along the boundary and it will be protected during construction of the private way. He said the drainage ditches are designed to manage the volume of water coming from the road, with the discharge point being a tributary coming off the Stroudwater, and there will be no impact on the westerly side of the proposed right-of-way and any of the land in the back. Mr. Thompson said he will review the deeds to make sure they didn’t miss anything about an easement.

Mr. Fox asked about the question of subdivision that has arisen, noting that it appears that the applicant intends to serve two lots off the private way. Mr. Thompson said that is the case at this time, and the lots are designed to potentially allow the applicant to come back another time as the private way is being constructed to meet the 2-6 design. At the moment, Mr. Thompson said the applicant wants to build on one lot and on a second one for his daughter, but he could divide each of those two lots in the future. If it were done after 5 years, there would be no subdivision requirement, but it was before then, they would be before the Board to meet subdivision requirements for three or more lots within 5 years. Mr. Thompson said the design is set up so that there is a potential for future subdivision, but nothing is proposed at this time.

In reply to Mr. Fox, Mr. Thompson said the land was purchased in two names, two separate deeds, from the Lillian Boivin estate. Mr. Thomson confirmed that the applicant does not own the front lot.

Regarding Mr. Ross’s comment about HH200s, Mr. Fox said that the matter the Board is dealing with tonight is the private way and not a subdivision or building permit, and test pits are not part of the Board’s scope this evening. Mr. Thompson said that would be part of the building process.

In reply to Ms. Butler-Bailey, Ms. Eyerman said she believes staff would benefit from a written discussion of what went on with this property, including what is to the south of the Stroudwater River, because there is an indication that there is property across the River that is not included in the Perez lot shown. She said that staff's understanding is that the entire property ran from Longfellow Road to the south and across the River, and includes land across the River, which is why there is a question that this could be an "accidental" subdivision. Mr. Thompson said they can do a narrative of the division with sequences, timing, dates.

Mr. Thompson told Mr. Grassi that the "3<sup>rd</sup> lot" is the estate lot. Mr. Dore said that lot does not touch this property. Mr. Fox confirmed that the Board needs to have a narrative outlining the time line involving the lots and how they have been conveyed. In reply to a query from Ms. Butler-Bailey, Ms. Eyerman said that all of staff would review the narrative. Mr. Thompson said if they could be on the next agenda, he believes they could provide a narrative for staff to review and have everything taken care of.

**Scott Firmin MOVED and Michael Richman SECONDED a motion to table further review of Tom Dore's and Catherine Perez's request for private way approval pending responses to remaining issues. Motion CARRIED, 7 ayes. [8:15 p.m.]**

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**ITEM 3 Discussion – Stargazer Subdivision – Hans C. Hansen, Inc. – Contract Zone Amendment** – a proposed amendment to the contract zone for Stargazer Subdivision, owned by Hans C. Hansen, Inc., Map 3, Lots 22.502-22.507 and 22.403.

Ms. Eyerman advised the Board that Mr. Hansen would like to amend the approved Contract Zone on his property to include a mixture of residential and commercial uses. She said that the Board should determine which of its committees should review the proposed amendment for further discussion.

Bill Walsh, Walsh Engineering, came to the podium and introduced the applicant, Hans Hansen. Mr. Walsh said the original Stargazer Subdivision was permitted in 2006, and three parcels have been developed: Mercy Hospital Quick Care, Cumberland Farms and Seedlings to Sunflowers day care. Mr. Walsh said that there has not been a lot of commercial interest beyond those developments, and Mr. Hansen is anxious to continue developing the site. Mr. Walsh pointed out the remaining lots on the parcel, which he describes as back lots, which together in size total some 11.48 acres. Mr. Walsh said they have been before the Town Council to begin the process and are now before the Board to get its recommendations.

Mr. Walsh said the proposal is to develop a 55 and older community, which they feel would fit into what is already on the site, such as the Mercy Quick Care and Cumberland Farm. Seven homes are proposed on lots 2 and 3, two units in each building on the second floor, commercial uses on the first floor and apartments above, and some cottage style residential homes in the back. The units would be limited to at least one person who is aged 55 or older, according to the HUD definition, and no children under 18 to be present for more than 60 days in a calendar year.

Referring to staff's comments, Mr. Walsh said that perhaps more than 250 vehicle trips would occur; however, that would not be the case on the back side of the site. He believes there may be a width problem with the road. Mr. Walsh pointed out on the plans where a bank is proposed on the front of the parcel, and said they would want a drive-through feature for that bank, which is not currently allowed. He said they would continue the landscaping across from Cumberland Farms. Mr. Walsh said he does not have a final density calculation but preliminary calculations show that 19 lots are allowed and they are proposing 16.

Mr. Fox commented that the Board in the past has dealt with a number of contract zone applications. He said his first reaction is that there was a good deal of thought put into what were appropriate uses for this property, and he believes the Board needs to think carefully about making changes. While he is sympathetic to the applicant's needs to have a property that makes financial sense for him, decisions were made for that area with

other contract zones in order to apply some consistency, even though the contract zone applications were lot by lot by lot. Mr. Fox advised the Board to consider that more than this individual property is involved and to think about what is taking place with some of the other contract zones.

Ms. Butler-Bailey said she agrees with staff's recommendation to move this item to one of the Board's committees for a more thorough conversation. Mr. Fox commented that this could be complicated enough for the Board to take it up for discussion in a full Board workshop. Ms. Butler-Bailey said it would be helpful for the Board to have some history about how this contract zone came about, the thinking at the time and what happened with adjacent properties that also received contract zone designation. Mr. Fox asked that because this predated Ms. Eyerman's tenure as Town planner, perhaps Mr. Poirier provide some input. Ms. Eyerman said that the Board needs to consider as well how this relates to the future land use map and the Comprehensive Plan in place at this time, as well as the amendments being discussed to this area in the Comprehensive Plan.

**PUBLIC COMMENT PERIOD OPENED:** Johann Buisman, 23 Burnham Road, said that anything that occurs with this proposal will directly impact himself as an abutter. He said his biggest concern is stormwater in general with a drainage pattern from some of the lots under discussion coming directly toward his house.

Hans Hansen, abutter, came to the podium and discussed stormwater flooding problems with the culvert on Burnham Road over the years.

**PUBLIC COMMENT PERIOD ENDED.**

Mr. Fox said that notification will be made for a full Board workshop probably prior to a regular Board meeting.

**Scott Firmin MOVED and Vincent Grassi SECONDED a motion to move the item to the next available Planning Board workshop for review and recommendation back for public hearing. Motion CARRIED, 7 ayes.**

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<b>OTHER BUSINESS</b>	<b>None</b>
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<b>ANNOUNCEMENTS</b>	<b>None</b>
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## **ADJOURNMENT**

**Scott Firmin MOVED and Michael Richman SECONDED a motion to adjourn. Motion CARRIED, 7 ayes. [8:25 p.m.]**

Respectfully submitted,

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Barbara C. Skinner, Clerk of the Board  
\_\_\_\_\_, 2020

## ITEM 1      NORTHEAST CONTRACTING SERVICES

### **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.

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 new 12,000 square foot pre-engineered metal building in two (2) phases. The first phase will include a 6,000 square foot building, drive aisles, parking, vehicular turnaround, loading and unloading areas and a gravel laydown area. Phase 2 will include a 6,000 square foot building expansion and additional laydown area. The applicant has provided the Planning Board with a site plan sheet set, site plan application, and accessory information showing that the lot can support the proposed lot 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.

Lot 4 is located on Olde Canal Way, which is accessed from Mosher Road/Route 237. Derek Caldwell, P.E., PTOE, states in his memo dated January 17, 2020 that the proposed development will be below the level of approved trips in the issued Traffic Movement Permit (TMP). All roads have adequate capacity to accommodate the additional traffic generated by the development.

*Finding: Both Mosher Road /Route 237 and Olde Canal Way have adequate capacity to accommodate the traffic generated by the development.*

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

Vehicles will enter and exit from Olde Canal Way on a 24 foot wide paved driveway. The driveway will have adequate sight distance 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.

Twelve (12) parking spaces are required. A total of fourteen (14) spaces are proposed along the south and east sides of the building, including one handicapped parking space. Access to the proposed will be via a twenty-four (24) foot wide access driveway.

*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 walkway is proposed to be constructed along the parking area for access to the main building entrance. People parking in the southern and eastern parking areas will walk across the open paved areas to access the building.

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

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

The Stormwater Management Plan dated January 2020 states that the SLODA Permit approval Order #L-23520-39-A-N and the Army Corps of Engineer General Permit #NAE -2007-1291 do not need to be revised since the proposed project is within the limits of the original permits. The site is located in Gorham's MS4 Urbanized area and as such an Inspection, Maintenance, and Housekeeping Plan has been submitted.

Finding: *The stormwater run-off will not have adverse impacts on abutting or downstream properties and the biological and chemical properties of the receiving waters downstream will not be degraded.*

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.

Grading Sheet 4 and Utility Plan Sheet 5 shows the location and installation details for erosion control best management practices to be installed on site, and Details: Sheets 7 and 8 identify parameters for erosion control and winter erosion control measures to be utilized on site. 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 plan will fit and 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 site is served by public water from Olde Canal Way and an ability-to-serve letter from the Portland Water District has been requested. No changes to the water supply are proposed.

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 site is served by public sewer from Olde Canal Way and an ability-to-serve letter from the Portland Water District has been requested. No changes to the water supply are proposed

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 lot is served by natural gas and underground power, and telephone service from Olde Canal Way.

Finding: *The development will provide for adequate gas, 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 proposed construction will disturb portions on the western half of the lot. Trees and other vegetation will need to be cleared, but the applicant is restricting disturbance to the greatest extent practical. No new wetland impacts are proposed.

Finding: *The development of the site will preserve the 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 storage area will not impact the groundwater table on the site. The applicant is proposing to treat the stormwater from the new impervious areas as required by DEP permit.

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.

Photometric Plan Sheet 2025607R1 dated January 21, 2020 and Lighting Cut Sheets descriptions dated January 24, 2020 have been provided. The proposed building has ten (10) full cut-off LED wall pack lights located on the outside of the building. The proposed exterior lighting is three (3) cut off pole mounted LEDs. The Photometric Plan shows no light encroachment on abutting properties.

Finding: *The proposed development provides for adequate exterior lighting to provide for the safe use of the development during nighttime hours with no adverse impact on neighboring properties.*

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

The dumpster pad is located on the eastern side of the building and across from the entry to the building. The pad is not screened. A private waste hauler of Northeast Contracting Services will empty the dumpster on a regular basis. No hazardous waste will be brought to the site.

Finding: *The proposed development provides 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.

Landscape Plan, Sheet 6: A combination of evergreen, multi-clump, and understory trees, shrubs and grasses are proposed at the entrance and along the frontage of Olde Canal Way. Similar plantings are proposed for the northern edge of the parking lot and the western side of the building.

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.

While a portion of the lot is located with the Shoreland Overlay District, the proposed location for development is not located within it.

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 provided a letter dated January 7, 2020 from Naomme S. Paris, Vice President/Commercial Loan Officer II, with Biddeford Savings stating that she is aware of the plans and believes the applicant has the financial means and backing to satisfactorily undertake and complete construction.

The applicant has hired an engineering firm, Sebago Technics, to represent it during the design and construction of the proposed improvements.

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 lot abuts the Rural Zoning District and the CMP corridor to the southeast and the Presumpscot River to the north. There are no adjacent uses that would require buffering from this use.

Finding: *The development does not require 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 70 dBA daytime (7am-7pm) and 60 dBA nighttime (7pm- 7am).

Finding: *The development will comply with the A-weighted hourly equivalent sound level limits of 70 dBA daytime (7am-7pm) and 60 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 the applicant shall submit the ability-to-serve letter for both public water and sewer to the Town Planner prior to the pre-construction meeting;
4. That the applicant will revise the site plan based on the Woodard & Curran comments;
5. That the building shall meet all applicable sections of the NFPA 101 Life Safety Code and the NFPA Fire Prevention Code One;
6. That the building will be required to be completely sprinkled with the sprinkler system meeting the Town of Gorham's Sprinkler Ordinance when Phase 2 is added on. The sprinkler plans shall be submitted to the State Fire Marshal's Office and the Gorham Fire Department for review and permitting. The plans shall be submitted to the Fire Department at least two weeks prior to the start of the installation of the system;
7. That there shall be a separate room for the sprinkler controls with a separate outside door. The door shall be labeled sprinkler control room. The main fire alarm panel shall be placed in this room as well;
8. That the fire alarm contractor shall meet with the Fire Department regarding the layout and fire alarm system before the start of construction of the system. A set of plans for the system shall be submitted to the Department;
9. That Sprinkler test papers shall be submitted to the Fire Department at the time the certificate of occupancy is issued for Phase 2;
10. That a complete set of building construction plans shall be submitted to the Gorham Fire Department for review before a building permit is issued;
11. That gas meters shall be protected by bollards;
12. That additional requirements may be made after review of the building construction plans;
13. That a complete list of any Hazardous materials and their MSDS sheets shall be provided to the Fire Department;
14. That the applicant shall provide property line information and site information in auto-CAD format to the Town Planner prior to the pre-construction meeting;
15. That any proposed use on the site shall meet the sound level requirements outlined under Chapter 4, Section 9, T. Noise;
16. That prior to the pre-construction meeting the applicant will establish the following: a performance guarantee totaling 125% of the costs to complete the construction and an escrow for field inspection meeting the approvals of Town Staff and the Town's Attorney;
17. 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;
18. 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;
  19. That the Planning Board Chairman is authorized by the Planning Board to sign the Findings of Fact on behalf of the entire Board;
  20. 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 mylar copy of the recorded site plan shall be returned to the Town Planner prior to the pre-construction meeting;
  21. That the applicant will use Best Management Practices to control post-construction dust; and
  22. That there will be no impact to stormwater from any processing activity.