

**PLANNING BOARD MEETING  
January 8, 2018**

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

**Members Present**

**MOLLY BUTLER BAILEY  
GEORGE FOX  
LEE PRATT  
MICHAEL RICHMAN**

**Members Absent**

**EDWARD ZELMANOW  
SCOTT HERRICK  
SCOTT FIRMIN**

**Staff Present**

**THOMAS M. POIRIER, Town Planner  
BARBARA C. SKINNER, Clerk of the Board**

George Fox assumed the chair and called the meeting to order at 7:00 p.m. The Clerk called the roll, noting that Edward Zelmanow, Scott Herrick and Scott Firm were absent..

**APPROVAL OF THE DECEMBER 4, 2017 MINUTES**

**Molly Butler Bailey MOVED and Lee Pratt SECONDED a motion to approve the minutes of the December 4, 2017 meeting as written and distributed. Motion CARRIED, 4 ayes (Edward Zelmanow, Scott Herrick and Scott Firmin absent).**

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**COMMITTEE REPORTS** – Mr. Pratt reported that the Ordinance Subcommittee had met on December 19, 2017 to discuss retail sales of marijuana and mobile vending units. The mobile vending unit language is on the Board's agenda this evening for discussion.

Molly Butler Bailey reported that the Board's Comprehensive Plan Implementation Committee met on December 18, 2018 and then again this evening to discuss permitted uses in the proposed new mixed-use Narragansett Development District.

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**CHAIRMAN'S REPORT** – Mr. Fox noted that there is no Chairman's Report this evening.

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**ADMINISTRATIVE REVIEW REPORT** – Mr. Poirier reported that there is one Administrative Review project, that of Greg Isherwood, 19 Bartlett Road, regarding a turn-around for trucks that staff is still working on with the applicant to resolve.

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**CONSENT AGENDA – Subdivision Review – W.A. One** request for approval for a 9-lot subdivision on property located off Madison Way private way, Map 47 Lot 2, Rural Zoning District.

Mr. Fox explained the consent agenda procedure, noting that items on the consent agenda are applications that have been before the Board which have minor outstanding issues that staff feels have been satisfactorily addressed, and the item is ready for Board approval. Such items are approved without

discussion, unless a member of either the Board or the public wishes to take the item off the Consent Agenda.

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

**Lee Pratt MOVED and Michael Richman SECONDED a motion to approve the item on the Consent Agenda. Motion CARRIED, 4 ayes (Edward Zelmanow, Scott Herrick and Scott Firmin absent).**

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**ITEM 1 Public Hearing – Site Plan Amendment – Goodwill Industries of NE** request for approval to add 27 parking spaces in the existing parking lot adjacent to Hutcherson Drive, Map 12 Lot 17.005, Industrial Zoning District.

Mr. Poirier explained that the applicant, Goodwill Industries of Northern New England, received site plan approval in 2011. Since that time, due to unexpected visitor demand, the applicant applied for and received a site plan amendment in 2013 for additional parking spaces on the opposite side of the access road. The applicant now would like to add 27 new parking spaces to the front parking areas; these are needed for the times when Goodwill Industries conducts training events.

Curtis Neufeld, Sitelines P.A., came to the podium and described the proposed additional parking spaces. He said that with the parking spaces in the setback removed, the number of spaces has been established at 27, which will be for staff usage and for training events. He said that 7,734 additional square feet of impervious surface will be added, but pointed out that what is being proposed is less than was originally allowed by DEP. Based on comments from the Town's engineers, Woodard & Curran, Mr. Neufeld said he will add a narrative tabulating the numbers the numbers to show that no modifications to the DEP approval will be required as a result of the increased impervious area.

In response to Mr. Richman, Mr. Neufeld said that the pavement in front of the sheds where additional parking is proposed will remain, with the addition of a small corner of land to better accommodate the proposed 4 parking spaces in that area.

The Board and Mr. Neufeld discussed landscaping, which the Board felt should be augmented to better break up the view shed of the parking. Mr. Neufeld showed the Board proposed landscaped areas on either side of the sign; however, the Board suggested adding additional groupings of plantings. Mr. Fox said the plantings should not cover the entire exposed area, but should be placed at random to break up the view shed.

Mr. Fox confirmed with Mr. Poirier that the options available to the Board this evening are approval, table or consent agenda. After discussion, the Board agreed that the item could be placed on a future Consent Agenda if an adequate landscape plan is provided and all of staff's comments are addressed.

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

**Lee Pratt MOVED and Molly Butler Bailey SECONDED a motion to move the item to the next available Consent Agenda. Motion CARRIED, 4 ayes (Edward Zelmanow, Scott Herrick and Scott Firmin absent).**

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**ITEM 2 Public Hearing – Gravel Pit Amendment/Special Exception – Pike Industries** request for approval for the removal of 5.279 acres from Pike Industries' Buck Street gravel pit and to convey it to Central Maine Power, on property located between Shaws Mill Road and Buck Street on Map 80 Lots 24, 40 and 41 and Map 81 Lot 37, Suburban Residential Zoning District.

Mr. Poirier advised the Board that a discussion had been held with the applicant in 2015 and a gravel pit amendment review was held on August 1, 2016, as well a site walk on August 16, 2016, and those minutes have been provided to the Board. He said that the members of the Board who were not on the Board at those times would need to state for the record that they have reviewed the past minutes and information presented and feel that they can participate in the review of the project.

Mr. Poirier explained that Pike Industries is requesting approval to split its existing lot in order for CMP to utilize the area to expand its electrical substation located on Shaws Mill Road. The gravel pit amendment will need to be granted before the CMP substation can be approved.

Molly Butler said that she had reviewed the pertinent information and felt she can participate in the discussion on this item.

**Lee Pratt MOVED and Michael Richman SECONDED a motion to allow Ms. Butler Bailey to participate in the discussion on the item. Motion CARRIED, 3 ayes (Molly Butler Bailey abstaining; Edward Zelmanow, Scott Herrick and Scott Firmin absent).**

Michael Richman said that he had reviewed the pertinent information and felt he can participate in the discussion on this item.

**Molly Butler Bailey MOVED and Lee Pratt SECONDED a motion to allow Mr. Richman to participate in the discussion on the item. Motion CARRIED, 3 ayes (Michael Richman abstaining; Edward Zelmanow, Scott Herrick and Scott Firmin absent).**

Darrel Speed, LaBella Associates, came to the podium and advised the Board that the 3:1 slope design is now on the plan. He said that the buffering has not changed from the original plan, which is 200' from Shaws Mill Road and will be continued around the CMP parcel. Mr. Speed confirmed to Mr. Fox that the site is all wooded beyond the limits of excavation.

PUBLIC COMMENT PERIOD OPENED: None offered.

PUBLIC COMMENT PERIOD ENDED

**Molly Butler Bailey MOVED and Lee Pratt SECONDED a motion to grant Pike Industries' request for quarry/gravel pit amendment approval to remove 5.279 acres from its Buck Street gravel pit and to convey it to Central Maine Power, on property located between Shaws Mill Road and Buck Street, Map 80, Lots 24, 40 and 41 and Map 81, Lot 37, in the Suburban Residential zoning district, with Findings of Fact and Conditions of Approval as written by the Town Planner. Motion CARRIED, 4 ayes (Edward Zelmanow, Scott Herrick and Scott Firmin absent). [7:46 p.m.]**

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**ITEM 3 Discussion – Land Use and Development Code** – an amendment to allow mobile vending units in the Roadside Commercial, Industrial, Narragansett, Agricultural/Industrial, Urban Commercial and Gorham Village Center zoning districts subject to Performance Standards.

Mr. Poirier said this item was last before the Planning Board on December 4, 2017, at which time the Board forwarded the item to its Ordinance Subcommittee for review and recommendations. That Subcommittee met on December 19 and made the changes which are shown in red in the text before the Board. After that meeting, staff forwarded the item to the Town's attorney; her changes are shown in blue in the document.

Mr. Pratt said that one of the major concerns in the Subcommittee's discussion was not to interfere with the businesses that pay property tax in the center of town, such as a restaurant, because parking a mobile vending unit in front of such a business would steal some of their business. Mr. Fox confirmed with Mr. Poirier that the restrictions protecting businesses in town are zone specific. Mr. Poirier said that the Subcommittee took out the "Gorham Village Center" and "Urban Commercial" districts from the proposed amendment. He reminded the Board that the Gorham Economic Development Corporation and the Board's Ordinance Subcommittee are both against allowing mobile vending units in either of those districts.

A discussion ensued about whether mobile vending units would be permitted in the proposed mixed-use Narragansett Development District. Mr. Poirier said this use can be discussed when the Narragansett mixed-use district is under discussion by the Board's Ordinance Subcommittee.

**Lee Pratt MOVED and Molly Butler Bailey SECONDED a motion to move the item to the next available Planning Board meeting for a public hearing. Motion CARRIED, 4 ayes (Edward Zelmanow, Scott Herrick and Scott Firmin absent). [7:58 p.m.]**

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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**

**Molly Butler Bailey MOVED and Lee Pratt SECONDED a motion to adjourn. Motion CARRIED, 4 ayes (Edward Zelmanow, Scott Herrick and Scott Firmin absent). [8:01 p.m.]**

Respectfully submitted,

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**Barbara C. Skinner, Clerk of the Board**  
\_\_\_\_\_, 2018

## CONSENT AGENDA

## W. A. ONE Madison Way Subdivision

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

The Planning Board, following review of the Preliminary Subdivision Application, makes these findings based on the Subdivision Review criteria found in Chapter 3, Subdivision, Section 3-3 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 single-family lots range in size from 30,908 square feet to 80,194 square feet with street frontage for the lots ranging in size from 75 ft. to 402 ft.

The Comprehensive Plan identifies the future land use designation of this lot as Suburban Residential.

The applicant has provided a Net Acreage Calculation, which shows that the lot can support 9 single-family house lots.

*Finding: Madison Way Subdivision conforms with 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 subdivision lots will have legal road frontage on Madison Way, which has been designed to the Town's Rural Access Road standards.

*Finding: Madison Way Subdivision will not cause congestion or unsafe conditions with respect to use of the highways or public roads, existing or proposed on or off the site.*

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

The single-family homes located in the subdivision will be served by underground power, electric and telephone lines, and the Town's contracted waste disposal contractor.

*Finding: Madison Way Subdivision 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 single-family homes will be served by an 8" private water main extended from the Portland Water District's 8" water main located in the Gordon Farms Road right-of-way. The water main design and installation must meet the requirements of the Portland Water District.

The Portland Water District approved the design of the proposed watermain extension on October 20, 2017.

*Finding: Madison Way Subdivision provides for adequate water supply for present and future needs.*

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

The lots will have on-site subsurface disposal systems designed by a Maine Licensed Site Evaluator. All private septic systems are required to meet the requirements of the State of Maine Subsurface Wastewater Disposal Rules.

*Finding: Madison Way Subdivision provides 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 a portion of the road will be treated through a grassed underdrained soil filter and a wet pond. Sewage disposal from the site will be treated in subsurface disposal systems designed by a Maine Licensed Site Evaluator.

The project received Maine Department of Environmental Protection's Stormwater and Natural Resources Protection Act Permits L-27354-NJ-A-N and L-27354-TB-B-N on October 2, 2017.

*Finding: Madison Way Subdivision 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.

All the residential house lots and the open space will be loamed and seeded to prevent soil erosion. The majority of the storm water from the subdivision will be directed and treated in a grassed underdrained soil filter and a wetpond.

The Madison Way Subdivision homeowners' association shall be required to maintain the storm water drainage infrastructure.

*Finding: Madison Way Subdivision 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.

The applicant is proposing clustered residential subdivision open space areas on both the northern and southern third of the parcel. The streams, rivers, significant vernal pool, and wetlands will be protected in the open space.

The plan sets include sheets showing the locations for erosion control devices as well as providing erosion control details and requirements. The information can be located on Sheets C203, C204, C405, and C406. The project does not impact any streams and wetland impacts are limited to the greatest extent practical.

The project received Maine Department of Environmental Protection's Stormwater and Natural Resources Protection Act Permits L-27354-NJ-A-N and L-27354-TB-B-N on October 2, 2017.

*Finding: Madison Way Subdivision 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 residential subdivision is proposing to protect 28.8 acres of open space and a conservation parcel that will be deeded to the Town of Gorham's Conservation Commission which will keep the open space in its natural state. A system of multi-use trails will be established in the open space to provide access to natural assets and scenic views.

No scenic vistas, historic sites or irreplaceable natural or manmade assets have been identified on the site.

*Finding: Madison Way Subdivision 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 statement from Kimberly A. Donnelly, Senior Vice President, Gorham Savings Bank, dated August 2, 2017, identifying that the applicant has sufficient funds to complete the project.

The applicant's technical capacity has been outlined in a letter dated August 2, 2017.

*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 the issuance of building permits for the nine (9) lots within the subdivision.

*Finding: Madison Way Subdivision 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 applicant is proposing to create 28.8 acres of open space with multi-use trails. The remaining open space will be utilized as a buffer for visual impacts, storm water quality, and protection of natural resources.

The open space is proposed to be deeded to the Town of Gorham for maintenance in the common open space and multi-use trails.

*Finding: Madison Way Subdivision is proposing to create open space and recreational land and facilities within the subdivision in accordance with the Planning Board requirements and the Madison Way Subdivision homeowners' association shall be required to provide for the perpetual care of commonly owned recreation land.*

### **CHAPTER III - SUBDIVISION, SECTION IV –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 Planning Board granted preliminary subdivision approval on September 18, 2017. The applicant has submitted a revised submission to address the preliminary review comments.

*Finding: The applicant has submitted the required subdivision plan and accessory documentation showing that the required changes requested by the Planning Board at Preliminary Subdivision approval have been completed.*

- 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 Planning Board granted preliminary subdivision approval on September 18, 2017.

*Finding: The plan is approved by the Planning Board within 12 months of Preliminary subdivision 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 applicant shall provide property line information and site information in auto-cad format to the Town Planner;
3. That the houses shall be properly numbered with the numbers being visible from the street year around;
4. That the water main and hydrants shall be installed and in service before building permits are issued per NFPA 1;
5. That the underground electric lines shall be inspected by the Code Enforcement Office prior to backfill;
6. That the easement deeds and homeowners' association documents shall be reviewed and approved by the Town Attorney and Town Staff prior to the Planning Board signing the final plan;
7. That the hydrant locations shall be approved by the Fire Chief at the time the hydrants are installed;
8. That the applicant shall establish an inspection escrow meeting the approval of Town Staff and the applicant shall have a pre-construction meeting with Town staff, the Town's inspecting engineer, design engineer, and earthwork contractor prior to the start of construction for each phase of the development;
9. That the applicant is responsible for recording the approved Madison Way Homeowners' Association documents within 90 days of the date of approval of the subdivision by the Planning Board and a recorded copy of the Homeowners' Association documents shall be returned to the Planning Department prior to a preconstruction meeting being held;
10. That the applicant shall post maintenance bonds for Gordon Farms Road and Mercier Drive meeting the amounts approved by the Public Works Director;
11. That the applicant shall video Gordon Farms Road and Mercier Way prior to the start of construction in a format approved by the Public Works Director;
12. That the Planning Board Chairman is authorized by the Planning Board to sign the Findings of Fact on behalf of the entire Board;
13. That the subdivision plans shall not be released for recording at the Cumberland County Registry of Deeds until the required performance guarantee has been posted meeting the approval of Town Staff, and the subdivision plan is required to be recorded within one year of original approval or the approval becomes null and void; and
14. That once the subdivision has been recorded at the Cumberland County Registry of Deeds, a dated mylar copy of the recorded subdivision plans shall be returned to the Town Planner prior to a pre-construction meeting being held.

**ITEM 2            PIKE INDUSTRIES GRAVEL PIT AMENDMENT/SPECIAL EXCEPTION**

**CHAPTER 1, SECTION 4, E. SPECIAL EXCEPTION STANDARDS**

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

No new changes or additional trips to vehicular or pedestrian traffic are proposed with the amendment.

*Finding: The proposed use will not create or aggravate hazards to vehicular or pedestrian traffic on the road and sidewalks, both off-site and on-site.*

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

The removal of the 5.279 acres will not impact the handling of storm water, sedimentation, or erosion control associated with any phase of the quarry operation.

*Finding: The proposal will not cause water pollution, sedimentation, erosion, contaminate any water supply nor reduce the capacity of the land to hold water so that a dangerous or unhealthy condition results.*

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

The proposed lot split will not change the operation of the gravel pit regarding dust, smoke, or other airborne contaminants controls on the site. The existing operations manual for the gravel pit will remain in effect.

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

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

The revised lot boundary will have a 200' wooded buffer between the new CMP lot line and the proposed active gravel pit mining area.

No changes are proposed to any of the other gravel pit lots, property lines or operations near them.

No changes are proposed to hours of operation.

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

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

No waste disposal systems are located in the area of the lot to be split and will not affect the waste disposal systems utilized within the gravel pit operation.

Finding: *The proposed waste disposal systems are adequate for all solid and liquid wastes generated by the use.*

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

The proposal is to split the lot and merge it with the abutting parcel. No habitat is proposed to be impacted with the lot split.

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

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

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

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 proposal will reduce the amount of traffic going into or out of the gravel pit because the proposal is to reduce the size of the active gravel pit area.

Finding: *Buck Street has 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.

The proposed lot split will not impact any driveways into the gravel pit operation.

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 proposed lot split is not proposed to impact any internal access roads in the gravel pit.

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

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 proposed lot split does not affect any storm water infrastructure associated with the gravel pit parcel. The applicant has received Maine DEP approval for a minor revision to the Site Location of Development Act Permit for the gravel pit.

The revised reclamation slopes adjacent to the new CMP boundary will be graded to a slope of 3:1 or shallower and shall be loamed and seeded with at least 4" of topsoil.

*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.*

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

No utilities are located on the parcel and no utilities are proposed to be brought into the site as part of the lot split.

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

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

No lighting is currently located on the lot to be split from the quarry and none is proposed to be installed as part of the lot split.

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

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.

No changes are proposed to the landscaping located along Buck Street. The applicant is proposing a 200' buffer area adjacent to the new CMP parcel boundary.

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.*

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) for the abutting industrial zone lots.

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 any proposed use on the site shall meet the sound level requirements outlined under Chapter IV, Section IX, T. Noise; ;
4. That all conditions of approval from the past quarry approval shall remain in effect;
5. That the Planning Board Chairman is authorized by the Planning Board to sign the Findings of Fact on behalf of the entire Board; and
6. That these conditions of approval must be added to the gravel pit plan and 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.