

**PLANNING BOARD MEETING
June 5, 2017**

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

Members Present

EDWARD ZELMANOW, Chairman
SCOTT FIRMIN
GEORGE FOX
LEE PRATT
MICHAEL RICHMAN

Members Absent

JAMES ANDERSON
SCOTT HERRICK

Staff Present

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

Edward Zelmanow, Chairman, called the meeting to order at 7:00 p.m. The Clerk called the roll, noting that James Anderson and Scott Herrick were absent. Mr. Zelmanow noted that there is a quorum present and votes can be taken.

APPROVAL OF THE MAY 15, 2017 MINUTES

Scott Firmin MOVED and Lee Pratt SECONDED a motion to approve the minutes of May 15, 2017 as written and distributed. Motion CARRIED, 5 ayes (James Anderson and Scott Herrick absent). (7:05 p.m.)

COMMITTEE REPORTS – The Ordinance Review Committee did not meet this evening as originally scheduled and instead will meet in July.

CHAIRMAN'S REPORT – Mr. Zelmanow reported that there will be a vacancy on the Planning Board and encouraged anyone interested in applying contact the Town Clerk's office.

ADMINISTRATIVE REVIEW REPORT – Mr. Poirier reported that there is one new project under review at this time, KR Commercial, 346 South Street, who is looking to change two grandfathered non-conforming uses on that lot to permit office space and training rooms for waste mediation and to upgrade the septic system.

CONSENT AGENDA

Site Plan – **Douglas Carter, dba Carter's Development, LLC** – request for approval to construct a new two-story, 2,880 sf building with 2 commercial areas on the first floor and 2 residential areas on the second floor, on property located at 18 Elm Street, Map 102 Lot 165, Urban Commercial (UC) zoning district.

Site Plan Amendment – **Flagship Landscaping** – request for approval of a third amendment to 298 New Portland Road to relocate a landscaping business, Map 12 Lot 17.002, Industrial zoning district.

Subdivision and Site Plan Amendment – **PTG Investment Trust** – request for reapproval of 3 single family condominium units and 2 commercial units with 2nd floor apartments off Main Street and Garden Avenue, Map 109 Lot 11, Urban Residential and Office Residential zoning districts.

Private Way Review – Steven Rich – request for approval of Tiara Drive, a private way to serve two principal residences on a single lot, located on property at 57 Hurricane Road, Map 93 Lot 15.003, Rural and Manufactured Housing zoning districts.

Mr. Zelmanow explained the process involved with items on the Consent Agenda and said that they will not be discussed unless so requested by a member of the Board or of the public. There being no such request,

George Fox MOVED and Lee Pratt SECONDED a motion to approve the four items on Consent Agenda. Motion CARRIED, 5 ayes (James Anderson and Scott Herrick absent). [7/09 p.m.]

ITEM 1 LAND USE AND DEVELOPMENT CODE – Amendment to Chapter 1, Sections 1-5 and 1-8, and Chapter 2, Sections 2-2 and 2-16, to allow Agricultural Special Events Facilities.

Mr. Poirier explained that this item was referred by the Planning Board to its Ordinance Committee for review and comments. The Committee met with members of the public on April 3, 2017 and met again on May 1, 2017. The Planning Board held a workshop on May 15 to discuss the Committee's proposed changes to the language. Mr. Poirier summarized the changes made by the Committee as follows:

Section C – prior to each event, an applicant must get the approval of the Site Plan Review Committee.

Section D – clarifying that approval for each event management plan will be done by the Site Plan Review Committee

Operation Limitations – b. - the attendance level will be a maximum of 250 people per event

Operation Limitations – e. – the number of events permitted will be a maximum of 25 events per calendar year, and a single event cannot occur on multiple days without the additional days being counted against the total number of events allowed per year

Neighbor notifications – an operator/owner must provide notice to abutters that the Town's Planning Office has the plans to review and to make any comments within a two week period

Mr. Zelmanow noted that the alphabetizing is incorrect in that "D" and "E" are transposed.

Mr. Poirier said that the Ordinance Committee asked specifically for the language that states "The Committee may deny or approve with conditions any Event Management Plan that is not compliant with the relevant Chapters of the Land Use Code or Site Plan Review Approval. The Committee may also deny any event at any Agricultural Special Event Facility should the facility frequently violate its Event Management Plan approvals, the Land Use and Development Code, and/or the Site Plan Review Approval." The Town Attorney has confirmed that staff has the ability to deny approval. An application that has been denied could probably be appealed to the Zoning Board of Appeals.

Mr. Zelmanow explained that policy decisions such as this are made by the Town Council, the Board does not make those decisions. The Board drafts the ordinance language or ordinance amendment and sends its recommendations along with the proposed language to the Town Council, who will hold a public hearing on the matter and then make its decision.

PUBLIC COMMENT PERIOD OPENED: Norm Justice, 24 Wood Road, owner of Justice Farm along with his wife Tody, said this proposal is as a result of his interest and expressed his thanks to the Board and staff for their work on the proposal. Mr. Justice said his concern with the current proposed language is with a weekend event being considered as two events against the 25 events allowed per year.

Mr. Fox commented that allowing too many events could mean that they no longer are an accessory use to farming but become a primary use of the property, that it becomes an event center and not a farm with an event center. Mr. Pratt explained that the Subcommittee had reviewed the number of events and felt that 25

struck the proper balance, but commented that it could always be changed in the future. Mr. Zelmanow suggested that Mr. Justice express his concern at the Council's public hearing on the item.
PUBLIC COMMENT PERIOD ENDED.

George Fox MOVED and Lee Pratt SECONDED a motion to recommend adoption by the Town Council of the proposed amendment with Planning Board changes. Motion CARRIED, 5 ayes (James Anderson and Scott Herrick absent).

Mr. Zelmanow said that the applicant for Items 2 and 3 has not yet arrived due to attending another meeting and the items should be moved to the end of the meeting to be discussed at that time.

Edward Zelmanow MOVED and George Fox SECONDED a motion to move Items 2 and 3 to the end of the meeting. Motion CARRIED, 5 ayes (James Anderson and Scott Herrick absent).

Due to his position with the Portland Water District's industrial pre-treatment program, Mr. Firmin asked to be recused from participation in the review of the following item.

George Fox MOVED and Lee Pratt SECONDED a motion to recuse Mr. Firmin from participation in the discussion on the item. Motion CARRIED, 4 ayes (James Anderson and Scott Herrick absent; Scott Firmin recused).

ITEM 4 PUBLIC HEARING – Site Plan Amendment Review – Shucks Maine Lobster - request for approval to construct a 28,800 square foot lobster processing facility with associated site improvements at 65 Olde Canal Way, lot 3 of the Olde Canal Business Park, Map 34 Lot 3.003, Industrial zoning district.

Mr. Poirier explained that although no construction has occurred on site, this proposal is an amendment to a plan previously approved in 2012. At that time, Grondin received pre-approval for a 45,180 square foot building, parking lot and loading dock in an attempt to better market development in the Olde Canal Business Park. This applicant is seeking to revise that approval, shown in the plan currently before the Board for review this evening. The lot is located in the Town's MS4 Stormwater area so yearly inspections and reports back to the Town are required.

John Hathaway, president of Shucks Maine Lobster, described the company as a small 10-year old Maine company offering the most innovative, sustainable and highest quality wild-caught Maine lobster products in the world. Mr. Hathaway described the awards won by the company in the International Seafood Symposium, and said that Shucks was instrumental in helping achieve Marine Stewardship Council certification for Maine lobster. The company uses high pressure processing technology, and is the only Maine lobster company using this technique, an extremely important food safety step. The 16 foot high, 80,000 pound machine has been featured in many news articles and videos, and Shucks is the only company in the U.S. utilizing HPP technology for lobster. Once in Gorham, they will purchase a second machine, even larger than the first one.

Mr. Hathaway said they are excited to join the Gorham business community and will employ up to 80 people in the new Gorham plant. He said that the Town government office and staff have been extremely professional and welcoming to them, and commended the Town for being so business friendly.

Mr. Zelmanow praised the applicant and his engineer on the completeness of the application. He asked Mr. Hathaway what the hours of operation will be. Mr. Hathaway said they run one long shift, starting at about 4:00 a.m. and finishing around 2:00 p.m., with one or two people at night doing receiving.

Craig Burgess, Sebago Technics, said that he hopes Shucks will provide the Olde Canal Business Park an opportunity to revitalize and grow. He described the proposed building as 28,800 square feet, smaller than the building originally approved, and the parking footprint will also be smaller. The building will have two units, the larger portion will be occupied by Shucks, and the second unit will be industrial in nature. Thirty-seven parking spaces are proposed. The 80 employees mentioned by Mr. Hathaway are seasonal; Shucks is proposing to implement a bus program where workers will be bused in rather than relying on all workers parking, so the 37 parking spaces will be adequate and do meet the ordinance requirements. A common driveway will serve the 37 parking spaces as well as three loading bays in the back area. The driveway will accommodate a large tractor trailer, as shown in the turning template provided. Public water and sewer are available in Olde Canal Way, as well as a gas main and electric power. Three-phase power will be extended underground. Landscaping will be provided along the front edge of the building with some trees scattered along the front. There will be a sidewalk along the edge of the parking.

Mr. Fox asked for a description of the process. Mr. Hathaway replied that the process is very simple, town water is put in the machine, lobsters are put in the machine, and pressure is applied. Mr. Hathaway said that PETA (People for the Ethical Treatment of Animals) has said that Shucks is the only processor who humanely kills lobster. The pressure kills the animal quickly and humanely, and when the pressure releases, the raw meat can be extracted from the shell. He said that the bodies of the animals are not utilized, just the tail, claws and legs. This method provides a longer shelf life and also kills bacteria or pathogens in the product.

In response to Mr. Fox, Mr. Hathaway said that the shells are composted, it is the best compost in the world, and the chitin in the shells has valuable medical benefits as well. The shells are taken off site daily to a composting location. Mr. Fox asked about odor controls; Mr. Hathaway replied that in their current location they are right on a main street and there have been no issues.

Mr. Hathaway said that deliveries come pretty much between 4:00 and 10:00 p.m. He told Mr. Zelmanow that trucks will come out of the site and turn to the left, headed toward the turnpike.

It was the sense of the Board that no sitewalk is required.

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

Further discussion determined that the 37 parking spaces meet ordinance requirements based on the square footage of the building. Mr. Zelmanow said it is up to the applicant to figure out an alternative approach for transportation for the seasonal employees.

To deal with the Board's request about a possible issue about odor, Mr. Poirier recommended adding a sentence to Finding of Fact O, Waste Disposal, that "Lobster by-products will be hauled off site on a daily basis for composting."

Mr. Burgess asked about Condition of Approval 14, "That gas meters shall be protected by bollards." Mr. Poirier that this is a standard requirement of the Fire Chief; this was acceptable to Mr. Burgess.

George Fox MOVED and Lee Pratt SECONDED a motion to grant Shucks Maine Lobster's request for site plan amendment approval to construct a 28,800 square foot lobster processing facility with associated site improvements at 65 Olde Canal Way with Findings of Fact and

Conditions of Approval as written by the Town Planner and modified this evening by the Planning Board. Motion CARRIED, 4 ayes (James Anderson and Scott Herrick absent; Scott Firmin abstaining).

Mr. Firmin resumed his position on the dais.

ITEM 5 PUBLIC HEARING - SITE PLAN REVIEW – PH Industrial Development - 60 Hutcherson Drive, LLC/Peter Holmes – request for approval to construct two buildings with multiple units to lease for general commercial and industrial uses at 61 Hutcherson Drive, Gorham Industrial Park, Map 12 Lot 22.001, Industrial zoning district.

Mr. Poirier asked if the Board would want to schedule a site walk for the proposed project. He said that according to the Land Use and Development Code, if more than 50 parking spaces are proposed, a traffic analysis must be performed. While some of that information has been provided by the applicant, more is needed. Mr. Poirier asked if the Board would like that information when complete to be peer reviewed by the Town's traffic engineer. Mr. Poirier said comments have been received from the Gorham Conservation Commission expressing an interest in obtaining a trail easement along the western border of the lot.

Silas Canavan, Walsh Engineering, appeared on behalf of the applicant and introduced Bill Walsh of Walsh Engineering. Mr. Canavan said that the Town's Assessor has advised that the address is actually 61 Hutcherson Drive, not 60 as it appears in the application. The applicant is proposing to construct two industrial/commercial spec buildings with multi-units for leasing to multiple tenants. The site is currently undeveloped with the exception of a 100-foot strip along Hutcherson Drive and a 100-strip along the western property line, both of which are encumbered with CMP easements, with a Portland Water District easement as well on the westerly property line. There are wetlands around the perimeter so development will be contained to the top of the knoll of the hill, all upland area with little wetland impact area, but some cutting of the knoll may be required.

Mr. Canavan said that the proposal is for two industrial buildings, each one to be divided into up to 12 units, with 4 to 6 tenants utilizing more than one unit. The buildings will be similar in design, gray stone-faced on the bottom with blue trim around the doors and windows. Doors will be glass and bay doors will be white. Access to the site is off Hutcherson Drive with 57 parking spaces proposed, but the ordinance only requires 47. Mr. Canavan said they may request a waiver of the parking analysis requirement if the full 57 spaces can be maintained without doing the traffic study; otherwise they may consider reducing the parking spaces down to below 50 to eliminate the requirement. There will be 12 bay doors on the buildings, with 2 depressed loading docks. Two dumpster bays are proposed, each one in proximity to the end of a building. An existing vegetated buffer will remain at the front of the site and some trees will be planted along the front of the parking lot. Sewer, gas, water and electric are available in Hutcherson Drive, with sewer being tied into the existing manhole at the intersection of Hutcherson and Sanford Drives. Roof runoff from each building will flow to the back of the buildings into a drip line filters and will provide stormwater treatment through filtration and detention. Discharge from both buildings will be to the same location in the back. Stormwater from the parking lot will flow into two underdrained soil filters, one in the front and one in the back, providing filtration and detention of stormwater and discharging into level spreaders into the wetland at the back of the site. The stormwater management plan does meet the Town and Maine DEP stormwater treatment requirements.

Mr. Canavan said that an amendment to the DEP Site Location of Development Act permit for the entire industrial park has been submitted and is currently under review. A permit for access to the site from the Army Corps of Engineers has been approved.

Mr. Canavan replied to Mr. Fox that snow accumulation will be around the perimeter of the site, with adequate snow storage areas at the north end of the site on both sides, snow will not be stored on the stormwater filter areas. Vegetation can be added to protect those areas and signage will be included. Mr. Zelmanow advised Mr. Canavan to include the designated snow storage areas on the next set of plans. Mr. Pratt asked for confirmation of the location of the mechanical rooms for each building. Mr. Canavan replied to a query from Mr. Richman that the site has to be cut down in order to get access to the top of it from Hutcherson Drive, and raising the site for the buildings and parking lot some foot and a half to two feet would actually balance the cut and fill on site. A 2:1 slope would be maintained and mowed only periodically. Mr. Richman encouraged that the steepness of the slopes be minimized as much as possible.

Mr. Canavan said that they will sit down with staff to discuss signage. Mr. Canavan told Mr. Firmin that the applicant seems open to a trail easement but asked if work on a trail would affect him negatively from a DEP standpoint and wetland impact. Mr. Canavan will discuss the trail issue with the applicant. Mr. Fox asked about where the dumpsters will sit; Mr. Canavan replied that they will sit on bituminous concrete pavement and there will be chain link fences with privacy slats. Mr. Canavan said they will make sure that dumpster capacity is sufficient with a future location for more dumpsters to be located if required.

Mr. Zelmanow brought up the issue of the requirement for a traffic analysis with more than 50 parking spaces. Mr. Poirier said that the applicant has submitted a traffic assessment from William Bray, P.E., with 75 to 80% of what is needed having been done, missing only is the capacity issue in the road for Hutcherson Drive where it intersects with Bartlett Road. Mr. Canavan said that reducing the number of spaces may be the better option than having to provide the more expensive traffic study. Mr. Zelmanow said he does not see the need to have the Town's traffic engineer peer review the information, and suggested that the applicant's engineer talk to staff to see what can be worked out.

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

A majority of the Board concurred that no site walk is necessary. Mr. Canavan asked if the applicant is allowed to cut any trees before official site plan approval; Mr. Zelmanow replied that everything should be left as it is now without any cutting.

George Fox MOVED and Lee Pratt SECONDED a motion to postpone further review of 60 Hutcherson Drive, LLC's request for site plan approval pending responses to remaining issues and finalizing revisions to the plan. Motion CARRIED, 5 ayes (James Anderson and Scott Herrick absent). [8:17 p.m.]

ITEM 6 PRE-APPLICATION DISCUSSION – Subdivision Application – LBMP, LLC – Douglas Estates Subdivision – a five lot subdivision on 10.7 acres located along Spiller Road, Map 77 Lot 50, Suburban Residential zoning district.

Mr. Poirier explained that this application is on for pre-application discussion for a subdivision. Mr. Poirier noted that the applicant is asking for a waiver from the requirement to submit a high intensity soil survey; the Board should ask for any additional information needed as part of that request.

Owens McCullough, Sebago Technics, came to the podium and introduced the principal of LBMP, LLC, Michael Phinney. Mr. McCullough said this site is located off Spiller Road and is about 10.7 acres with five lots proposed. The land is two separate parcels owned by John D. Phinney and this 10.7 acre parcel is being sold to LBMP, LLC, applicant. The parcel is undeveloped and has been utilized for timber harvesting. The Town's Assessing records show lot boundaries that are different than what is proposed for the project because certain deed exchanges have been made to correct the boundaries. The property has been surveyed,

a wetlands mapping has been done of the site, and test pits have been done on each parcel of land. Individual driveways to the lots are being proposed, except for lots 4 and 5 which will have a shared driveway to minimize wetland impacts. The lots will be served by on-site wells and septic systems. No internal roads or infrastructure are proposed. Mr. McCullough said that due to the configuration of the parcel, general conditions of the surrounding area and presence of a large wetland, the applicant is asking the Board not to require a right-of-way to abutting property as there are no practical interconnections. The applicant intends to subdivide the lots and offer them for sale; the applicant does not propose to build the individual houses on the lots.

Mr. McCullough said they are requesting a waiver from the requirement to submit a high intensity soil survey because they do not see a benefit from that because field mapping of the on-site wetlands and test pitting have been done, the project is relatively small and includes no infrastructure construction. The project will impact less than 4,300 square feet of wetlands and no permitting through the Maine DEP under the NRPA permitting will be required. Application will need to be made to the Army Corps of Engineers under their Category 1 notification process. Mr. McCullough indicated that he has spoken with the Public Works Director who does not seem to have any issues with individual driveways.

Mr. McCullough said that in the future, this project will be known as the Douglas Estates Subdivision in honor of a previous owner some 50 years ago. Addresses will be on Spiller Road.

The Board and Mr. McCullough had an extensive discussion about what is shown by a high intensity soil survey and its usefulness to the Board in its reviews, Mr. McCullough noting that a USDA medium intensity soils mapping had been provided which shows the entire area as a uniform soils series. Mr. McCullough said that these days soils investigations are more specific to uses in structural measures that go into the ground. Mr. Poirier said that subdivisions in the Suburban residential district are not required to complete a net residential calculation unless a density bonus is being requested for public sewer and water. In reply to Mr. Zelmanow, Mr. Poirier said that the Board requires a nitrate plume analysis as part of the septic systems for lots served by private sewer and water. Mr. Zelmanow suggested that staff check into what has been done in past applications about waiving the high intensity soil survey and that the applicant should write up an official waiver request for future submission with the application.

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

ITEM 7 PRE-APPLICATION DISCUSSION – Site Plan Review – National Attachments – a commercial development at 29 Olde Canal Way, Lot 2 of the Olde Canal Business Park, Map 34 Lot 3.002, Industrial zoning district.

Mr. Poirier said this is a pre-application for a site plan development in Olde Canal Business Park. This lot abuts the Shucks Maine Lobster lot to the west. Olde Canal Business Park received DEP approval limiting each lot's building envelope, impervious area, lawn area and disturbed area. The proposed site plan shows additional wetland impacts beyond what was approved by DEP, so approval for these additional wetland alterations must be secured from the DEP and the Army Corps of Engineers. Mr. Poirier said that the proposed use in this application is equipment sales, which is not a permitted use in the Industrial district. However, the Board will remember that the Board's ordinance committee is currently reviewing a proposed new zoning district identified as Olde Canal Industrial Zone, which will revise the uses permitted in that new zone. The site plan and the proposed ordinance amendment may be reviewed at the same time. Should site plan approval precede the zoning amendment being adopted by the Town Council, the Board would need to condition the site plan approval on the Council's adoption of the amendment.

Owens McCullough, Sebago Technics, said that National Attachments' site would be the 3rd lot to be developed in the Olde Canal Business Park. The parcel is 6.38 acres in size and development is proposed to be within the allowable footprint of the Maine DEP site law permit, with each lot being allotted a certain amount of impervious and developed area so that each lot came forward it would not have to go back before the DEP individually as long as development occurred within the approved parameters. Lot 2 is allowed to have up to 1.58 acres of impervious surface, being proposed is about 1.1 or 1.2 acres; 1.82 acres of total disturbed area is allowed, being proposed is 1.75. Wetlands alterations permitted originally included a pre-designation for the driveway. A new alteration in the wetlands is proposed, so an NRPA permit application modification would be required. In order to deal with the amount of time involved in securing that permit, they may ask for site plan approval for phase 1 construction, all within the permit, and phase 2 then would only happen after securing the NRPA permit modification approval.

Mr. McCullough told the Board that National Attachments has been in business about 27 years and is located on Mechanic Street in the Village. Scott Guimond, president of the company, has been looking for another site for some time, and believes that this site would be ideal for the company, which provides high quality specialized attachments for excavators, wheel loaders, wood shears, concrete pulverizers, grapplers and other similar heavy duty equipment. Because they sell these items, they need to do retail sales on the proposed site, one of the main reasons why the Council has asked the Board to look at revising the zoning for all the lots in the Olde Canal Business Park to permit that use. The building that is proposed to be constructed is 6,700 square feet, office and interior display areas in the front and maintenance in the back with circulation areas around it. Mr. McCullough pointed out an outside display area being proposed, which is critical to the sale of the various equipment items, both new and used. Mr. McCullough said that access into the site will be internally and not from Route 237, and they will want the ability to do some selective tree removal from 237 into the site to allow for greater visibility from both Olde Canal Way as well as Route 237. There is public water and sewer within the development and there is 3-phase overhead power. The building will be sprinkled. There will be some parking up front for customers and parking for employees out back, and wide circulation areas for truck movement.

Mr. Fox referred to the proposed tree removal for visibility into the equipment area, saying that there needs to be some balance there so that it is not completely wide open to view. Mr. Zelmanow said that the Board can look at the trees proposed to be removed on a site walk. Mr. McCullough pointed out the storage area for the maintenance building, which will be 56 by 50 feet, and there could be some vehicle maintenance inside. Mr. Zelmanow asked about the disposal protocol of various materials involved in maintenance, such as hydraulic fluid, oil and diesel. In reply to Mr. Fox, Mr. McCullough said the paved area will be asphalt. Mr. Richman asked if night hours are proposed, illuminating the display lot; Mr. McCullough said he believes that only normal business hours during the day are proposed, but he will check that with Mr. Guimond. Mr. McCullough said that he will discuss proposed safety issues and fencing with Mr. Guimond.

It was agreed that a site walk will be scheduled once an application has been submitted. The trees proposed to be cut shall be flagged.

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

ITEM 8 PRE-APPLICATION DISCUSSION -- Subdivision – Robert Hamblen proposal for a 5-lot subdivision off Libby Avenue, Map 47 Lot 23, Suburban Residential-Manufactured Housing zoning districts.

Mr. Poirier told the Board that this project is located in the Suburban Residential district and the applicant has provided both a conventional and a clustered subdivision plan for the Board's review. There are five

questions that the applicant would like to have answered. The SR district does allow a density bonus because the site will be served by public water.

Robert Hamblen came to the podium and said that either form of development would be for 5 lots, the traditional plan calls for roughly twice the length of Town road that could be served with the clustered approach. Each would be a dead end concept as there is no plan to extend the road any further, the 5 lots will be the end of development on the parcel. Public water is proposed from the water main on Libby Avenue; utilities will be undergrounded. There would be about 3 acres of open space, with 1 acre upland.

Mr. Hamblen asked if the high intensity soils survey can be waived because there will be public water, and if there are any other waivers possible. He asked about landscaping requirements, such as screening from Libby Avenue. He asked about a requirement for outdoor recreational facilities and if a streetlight would be required.

Mr. Fox confirmed that of the open space available in the clustered plan, 2 acres would be wetland, and asked how severely wet that wetland is. Mr. Hamblen replied that there is a fairly high water table, and said that seasonally the usability of that open space will be questionable. Mr. Poirier said that there is no hard and fast requirement for open space in a clustered subdivision, and the open space can have multiple of uses both active or passive. He said that portions of a clustered subdivision can be set aside to protect wildlife and wet areas, so if they are setting aside wetlands that does meet the open space requirements.

Mr. Zelmanow commented that the Board would not make a decision as to which form of development is the better use for the parcel until the plans are submitted for each. Mr. Pratt said he generally prefers the traditional form because he likes large, open yards. Mr. Fox said he believes that the clustered form would avoid the wetlands better. Mr. Hamblen advised Mr. Zelmanow that the preference is for a public road, 22 feet wide, 11 foot travel lanes and 2 foot shoulders. In reply to Mr. Zelmanow, Mr. Hamblen said that the driveway for lot 3 would come off the upper leg of the hammerhead but they can work with Public Works to position the driveway more efficiently for snow plowing. Mr. Poirier commented that the hammerhead on a Town road has to turn to the right, and if it is to be a Town road, there needs to be a 50-foot right-of-way to abutting land unless wetlands or other topographical features exclude it. Mr. Poirier said that a Portland Water District transmission water main runs either on the property or immediately abutting it, so the Gorham Conservation Commission should take a look at it for trail access to Libby Avenue. Mr. Hamblen said that the Water District right-of-way is on the property and in the traditional concept plan it is essentially centered on the proposed road or it can be shifted and be a paved way in the clustered plan. Mr. Hamblen confirmed with Mr. Richman that it is only an access road and there is no infrastructure located in it.

Referring to Mr. Hamblen's list of questions, Mr. Zelmanow said there is no street light requirement, especially since this would be a small development. Mr. Poirier said there is no sidewalk coming close to this development to require a sidewalk extension. Mr. Poirier asked if this meets typical standard density requirements, because the conventional plan shows 40,000 square foot lots which is based on density bonus calculations of 40,000 square foot lots and 150 feet of road frontage, while the clustered plan should show 60,000 square foot lots with 200 feet of road frontage. Mr. Poirier said he can meet with Mr. Hamblen to discuss this. In reply to Mr. Hamblen, Mr. Zelmanow said it would be nice to have some vegetation between the homes and perhaps some street trees in the front yards. Mr. Pratt said that sometimes the Board will suggest that an applicant leave as many of the existing tree coverage on the road side as possible to screen it. Mr. Hamblen said they will retain as many trees where possible. Mr. Zelmanow said that staff can deal with the applicant about any other waivers that may be applicable. Mr. Hamblen asked what the Board would envision for outdoor recreation for a clustered subdivision – perhaps a tot lot or a trail system. Mr. Zelmanow said there is nothing that the Board would necessarily require, only that there should be some open space available, whereas the traditional plan, as noted by Mr. Pratt and concurred in by Mr. Zelmanow, provides larger yards for each lot.

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

ITEM 2 PUBLIC HEARING – Site Plan Amendment Review – Shaw Earthworks is requesting approval for Site Plan amendment to add storage, parking and additional drive areas to their existing shop location, on property located at 11 Cyr Drive, New Portland Parkway subdivision, Map 29 Lot 2.006, Industrial and Black Brook and Brackett Road Special Protection zoning districts. .

Mr. Poirier explained that this application was last before the Board on March 6, 2017, when the Board discussed the need to screen the proposed storage yard from the abutting lot owners as well as Cyr Drive.

Brian Shaw, Shaw Earthworks, advised the Board that their major concern all along has been buffering. They are proposing a wall 10 to 12 feet parallel to New Portland Road, and installing Holmstrup arborvitae, a tree species that will reach 12 feet. Mr. Shaw said that they would prefer not to show the utilities on the plans because they are not sure where the building will be located on the lot, and asked if there could be a condition of approval that before they obtain a building permit, they could show where the shop is in space and where the utilities would be proposed. He said they have no issues with the proposed Conditions of Approval.

Mr. Fox confirmed with Mr. Shaw that 60 Holmstrup will be planted, 8 feet on center. Mr. Shaw said they could add the Holmstrup between the two entrances as well. Mr. Shaw said that the Holmstrup grows 3 to 4 feet wide, 12 feet tall, stay green all year, and will be planted on top of an 8 to 16 foot high wall. There will also be a low timber guard rail as well.

Mr. Poirier asked if the Board were comfortable with conditioning approval on the utilities and the septic system for the new building, or does the Board want to see it. Mr. Poirier said that a public water line will have to be run either through the existing water line or a new line installed on Cyr Drive to serve the building meeting the approval of the Portland Water District. Mr. Shaw said they are not sure they will even have a bathroom because the new building is for cold storage. Mr. Poirier said they would have to come back before the Board if there will be a septic system required.

Concerning the missing items in staff's agenda memo, the applicant stated for the record that he and his brother have the technical capacity to complete the project. The missing site distance information for the proposed new driveway will be added to the plan. The Town's review engineer's comments will be addressed. Mr. Firmin asked about buffering relative to the proposed construction schedule of 3 to 3-1/2 years; Mr. Shaw pointed out what is contemplated for building the wall and buffering as they proceed with cutting and filling.

Mr. Poirier reviewed the changes in the Findings of Fact as follows:

H. Water Supply: The proposed new building will be served by public water from Cyr Drive meeting the approval of the Portland Water District.

I. Sewage Disposal: Strike "See comments under Staff Reviews."

J. Utilities: Strike "See comments under Staff Reviews."

P. Landscaping: The applicant is proposing to install a row of *Holstrup* arborvitae along the edge of the retaining wall and between the two driveways.

R. Technical and Financial Capacity: Strike “*See comments under Staff Reviews.*”

S. Buffering: The applicant is proposing to install a row of *Holmstrup* arborvitae along the edge of the retaining wall and between the two driveways. Strike “*See comments under Staff Reviews.*”

Mr. Poirier read the two new conditions of approval as follows:

Condition 17: That the applicant shall submit revised plans meeting staff approval prior to the Planning Board’s endorsement of the final plan;

Condition 18: That prior to a building permit being issued for the proposed building, the applicant shall submit a waterline installation meeting Portland Water District approval;

PUBLIC COMMENT PERIOD OPENED: None offered.

PUBLIC COMMENT PERIOD ENDED.

George Fox MOVED and Lee Pratt SECONDED a motion to grant Shaw Earthwork’s request for site pan approval for an 8,200 square foot building expansion on Map 29 Lots 2.005 and 2.006 in the Industrial and Black Brook and Brackett Road Special Protection zoning districts with Findings of Fact and Conditions of Approval as written by the Town Planner and modified by the Planning Board this evening. Motion CARRIED, 5 ayes (James Anderson and Scott Herrick absent). [9:45 p.m.]

ITEM 3 SUBDIVISION AMENDMENT – Shaw Earthworks request for a 6th subdivision amendment to the New Portland Parkway Subdivision to revise the impervious area and wetland impacts on property located at 11 Cyr Drive, Map 29, Lots 2.005 and 2.006, Industrial and Black Brook and Brackett Road Special Protection zoning districts.

Mr. Poirier explained that the applicant is asking for approval of a 6th subdivision amendment to the New Portland Parkway Subdivision to revise the impervious area and wetland impacts, based on his site plan application previously approved by the Board this evening. Mr. Poirier said that the revised DEP conditions of approval and permit number will need to be added to the plan notes prior to the Board’s endorsement of the final plan.

Mr. Shaw said they are satisfied with the Conditions of Approval as written.

George Fox MOVED and Lee Pratt SECONDED a motion to grant Shaw Earthworks, Inc.’s request for subdivision amendment approval to New Portland Parkway Subdivision to revise the impervious area and wetland impacts on Map 29 Lots 2.005 and 2.006 in the Industrial and Black Brook and Brackett Road Special Protection zoning districts with Findings of Fact and Conditions of Approval as written by the Town Planner. Motion CARRIED, 5 ayes (James Anderson and Scott Herrick absent). [9:55 p.m.]

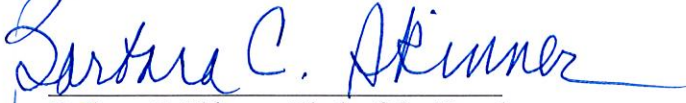
OTHER BUSINESS	Mr. Poirier suggested that the Board might have a workshop with a soils scientist on the different aspects of high intensity soils surveys.
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ANNOUNCEMENTS	The Board’s July meeting will be either on July 10 or July 17, 2017, depending on the availability of the Council Chambers.
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ADJOURNMENT

Scott Firmin MOVED and Michael Richman SECONDED a motion to adjourn. Motion CARRIED, 5 ayes (James Anderson and Scott Herrick absent). [9:55 p.m.]

Respectfully submitted,


Barbara C. Skinner, Clerk of the Board
June 5, 2017

CONSENT AGENDA

1. CARTER'S DEVELOPMENT, LLC – 18 ELM STREET

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

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

CHAPTER 4, Section 9 – Approval Criteria and Standards

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

The proposed use and size of the building conform to the requirements of the Land Use and Development Code.

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

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

Access to the site is via Elm Street, which is classified as an Urban Access road by the Town of Gorham. The proposal is to remove the existing driveway located along the northern edge of the parcel. The applicant is proposing to install a shared driveway with the abutting property along the southern edge of the parcel.

Finding: Elm 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.

Access into the site will be from a 24' wide shared driveway with a majority of the driveway being on the abutting property, Map 102, Lot 166, owned by the applicant.

Should the property be split in the future, the access, grading and utility easement shown on this plan will be included as part of the land transfer. The easement area shall be used only for those purposes shown on this plan. Any other changes to the easement or to the area within the easement shall require the prior approval of the Planning Board.

The plans also show a future interconnection with the abutting property, Map 102, Lot 164. Should the parking lot be interconnected with the abutting property owner in the area reserved for possible future interconnection, the property owner must allow unhindered vehicle and pedestrian access between the properties."

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 parking lot for the building is located to the rear of the building. The applicant is proposing to locate a driveway along the southern property line. The drive aisles that provide access into the site and in the parking lot are proposed to be 24' in width.

The Planning Board approved the reduction to the required on-site parking spaces by 3 spaces because publicly supplied on-street parking is located within two hundred (200) feet of a non-residential use. The Board finds the parking is safe, convenient, and available to meet some of the parking demand..

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

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

The proposal is to locate a sidewalk outside the front of the building with a handicapped accessible point on the northeast corner of the building. A raised sidewalk is also proposed along the back of 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.

Stormwater from the site is proposed to be collected in two catch basins located along the eastern edge of the parking lot. The drainage would connect into the closed drainage system located on the abutting property to the south.

The lot is located within the Town of Gorham's Urbanized Area as identified in the Town of Gorham's Post-Construction Stormwater Management Ordinance. The site disturbance is under the 43,560 square feet required for yearly inspections and reporting of the stormwater facilities to the Town.

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.

"Site Plan," sheet 1, illustrates the locations and types of erosion control devices to be installed during construction. "Erosion Control Details" plan, sheet 3, identifies 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 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 to be served by two new 1" water main stubs into the proposed building from a 6" water main located in Elm Street.

The Portland Water District provided an ability-to-serve letter on May 25, 2017.

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 applicant is proposing a gravity 6" sewer stub to serve the proposed building. The sewer stub would be connected into the 8" sewer main located in Elm Street.

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 will be served by underground power, utilities, and natural gas from utilities located in Elm Street. Overhead power will be brought across Elm Street to a new pole placed in front of the lot, and underground power will be run from that pole to the building.

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 parcel has been previously developed for residential use with a yard area. Some trees and lawn are existing on the site but no other natural features are located on the lot.

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 building will be connected to Portland Water District public water and sewer lines located in the Elm Street right-of-way. The stormwater from the site will be collected in a closed drainage system which connects into the Town's stormwater drainage system.

The stormwater will be treated in an infiltration trench located on the eastern side of the parking lot prior to flowing into the Town's stormwater system.

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 is proposing three lights located along the building to light the walkway and entrances. The applicant is also proposing a pole-mounted light located on the eastern edge of the parking lot.

All lighting is proposed to be full cut-off style.

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 applicant is proposing to share a dumpster with the abutting property. The applicant has shown the location of a dumpster with a 6' high solid fence for screening.

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.

Landscaping is proposed to be located along the southern edge of the building. The applicant is proposing to locate 2 street trees in front of the building. The applicant is also proposing to plant a row of arborvitae along the northern property boundary.

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.

No wetlands are located on the site and the site is not located in any of the Town's Shoreland Overlay Districts.

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 loan commitment from Frederick G. Proctor, Vice President, Gorham Savings Bank dated April 27, 2017.

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

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

The applicant is proposing to buffer the abutting use through a row of arborvitae. A stockade fence is located to the rear of the site on the abutting Hannaford lot.

Dumpsters are located to the rear of the abutting property and shared with the proposed site and will be screened from Elm Street by a 6' high solid fence.

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 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 all site construction shall be carried out in conformance with the Maine Erosion and Sediment Control Best Management Practices, Maine Department of Environmental Protection, latest edition and in accordance with the erosion and sedimentation control information contained in the application;
4. That any proposed use on the site shall meet the sound level requirements outlined under Chapter 4, Section 9, T. Noise;
5. That the building shall meet all applicable sections of the NFPA 101 Life Safety Code and the NFPA Fire Prevention Code 1;
6. That a set of building construction plans showing the proposed layout of the interior shall be submitted to the Gorham Fire Department and the State Fire Marshal's Office for review;
7. That a stamped set of plans from the Fire Marshal's Office with a copy of the State construction permit shall be submitted to the Fire Department before the construction starts;
8. That the building is required to be sprinkled and meet all applicable sections of the Town's sprinkler ordinance;
9. That an outside door shall be installed that will lead to the sprinkler control room and shall be labeled sprinkler control room, this room may also be used as a utilities room as long as the sprinkler controls have access from the outside and if an alarm system is required then the alarm panel shall also be placed in this room;
10. That a complete set of sprinkler plans shall be submitted to the Gorham Fire Department and the State Fire Marshal's Office for review and permitting and the plans must be submitted to the Fire Department at least two weeks prior to the start of installation of the system;

11. That the sprinkler test papers shall be submitted to the Department at the time of certificate of occupancy;
 12. That any gas meters shall be protected by bollards;
 13. That the applicant shall submit revised plans meeting the remaining outstanding comments prior to the Planning Board's endorsement of the final plan;
 14. 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;
 15. 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;
 16. That the Planning Board Chairman is authorized by the Planning Board to sign the Findings of Fact on behalf of the entire Board; and
 17. 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.
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CONSENT AGENDA

ITEM 2 FLAGSHIP LANDSCAPING - OFFICE AND OUTDOOR STORAGE AREA, 298 NEW PORTLAND ROAD

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

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

CHAPTER 4, Section 9 – Approval Criteria and Standards

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

The proposed use and size of the building conform to the requirements of the Land Use and Development Code.

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

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

Access to the site is via New Portland Road, which is classified as a major urban collector road by the Maine Department of Transportation. The applicant is proposing that 33 trips will be entering and leaving the site on a daily basis.

Finding: *New Portland Road 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 site is accessed by 2 driveways. Both driveways are located on lot 1. The eastern driveway is 21' wide at its entry point and will be utilized to provide primary access to the residential building, parking lot, and office space. The western driveway is 38' at its entry point and will provide access for commercial vehicles entering the site.

No improvements are proposed as part of phase 1. The applicant is proposing to repave the entire access drive as part of phase 2.

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 applicant is proposing to construct 5 new parking spaces in front of the existing residential building. These parking spaces will be utilized for residential use.

The applicant is proposing to construct 14 new spaces between the 2 driveways into the site and 8 new parking spaces located near the new 38' by 20' commercial building. These parking spaces will be utilized for commercial uses on the site.

The loading dock to the rear of the building will be changed to an at-grade loading dock.

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

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

The applicant is proposing to construct a 5' sidewalk from the 5 parking spaces to the residential building.

No off-site sidewalks are proposed.

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.

Stormwater from the site will be directed to the large wetland located on the eastern portion of lot 2. Stormwater from the wetland flows through a 36" culvert located under New Portland Road. The minor increase in stormwater off the site will not overload the existing capacity in the 36" culvert, as identified by Andrew Morrell, P.E., in BH2M's stormwater report.

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.

“Third Amended Site Plan,” sheet 1, illustrates the locations and types of erosion control devices to be installed during construction. “Details” plan, sheet 2, identifies 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 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 residential building is served by a 12” Portland Water District Watermain that crosses from New Portland Road. Public water supply currently serves both the residential building and the small office space on the lot.

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 proposal is to locate 2 new septic systems to the front of the site between the paved parking area and New Portland Road. One septic system will serve the existing residential unit and the other septic system will serve the 38’ by 24’ office building.

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 building located on the western portion of the lot is served by underground power, cable, and telephone utilities. The existing storage building and the new 38’ by 20’ commercial building will be served by existing utilities.

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 eastern corner of lot 2 is mostly scrub shrub and forested wetland. No additional wetland impacts are proposed with the development.

The north eastern edge of lot 1 is forested. Some limited trimming of vegetation is proposed along the eastern edge to install the pedestrian walkway.

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.

Mark Hampton, LSE # 263, provided an HHE-200 showing the location of 2 separate septic systems. One septic system will serve the residential house, with the other septic system serving the office building.

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.

No exterior lighting is located on the site and no exterior lighting is proposed as part of the development.

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 applicant proposes to relocate the dumpster behind the new 38' by 20' commercial building. The dumpster's location is required to be screened from New Portland Road.

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.

The applicant is proposing to locate a landscaped bed along the front of the 14 proposed parking spaces to buffer the impacts from New Portland Road and abutting properties. The applicant is also proposing a row of white pine along the front setback to buffer the view of the storage area from New Portland Road.

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.

No wetland impacts are proposed and the site is not located in any of the Town's Shoreland Overlay Districts.

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 April 13, 2017 from Sean Rankin, Vice President Commercial Loan Officer, Androscoffin Bank.

Nick Flagg has identified that he has over 20 years' experience managing projects from planning and design to completion of construction projects.

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

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

The applicant is proposing to utilize existing vegetation in the wetland to buffer the view of the storage area from the view of the abutting residential use and Rural District. The existing vegetation is proposed to be a no-cut buffer along the eastern and southern property lines.

The applicant is proposing to install a row of pine trees and a landscaped bed along the southeastern end of the front setback to break up the view of the development from New Portland Road.

The dumpster is required to be screened from view of New Portland Road.

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) for lot line along eastern property line.

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) for all other lot lines.

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 all site construction shall be carried out in conformance with the Maine Erosion and Sediment Control Best Management Practices, Maine Department of Environmental Protection, latest edition and in accordance with the erosion and sedimentation control information contained in the application;
4. That any proposed use on the site shall meet the sound level requirements outlined under Chapter 4, Section 9, T. Noise;
5. That the building shall meet all applicable sections of the NFPA 101 Life Safety Code and the NFPA Fire Prevention Code 1;
6. That any trailer or building that is storing any type of hazardous materials shall be marked with the proper placard and the MSDS sheets shall be readily available in the office;
7. That the propane tank shall be placed on a cement slab and protected by bollards;
8. 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;
9. 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;
10. That no clearing of vegetation is allowed along the front 30' buffer area except for dead, diseased, and dying trees, shrubs, and plants with the approval of the Town Planner;
11. That the Planning Board Chairman is authorized by the Planning Board to sign the Findings of Fact on behalf of the entire Board; and
12. 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.

CONSENT AGENDA

ITEM 3 PTG INVESTMENT TRUST – SUBDIVISION AND SITE PLAN AMENDMENT REAPPROVAL

CHAPTER 3 - SUBDIVISION, SECTION 3 - PRELIMINARY PLAN

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

C. PRELIMINARY PLAN REVIEW

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

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

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

The Comprehensive Plan identifies this area as Village Residential. The plans meet the requirements of the Urban Residential and Office Residential zoning districts for residential and commercial density.

Finding: Garden Place Condominiums conform 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.

Access to the three residential units will be via Garden Avenue, which is designated as an Urban Access road by the Town. Garden Avenue exits onto Libby Avenue and Lawn Avenue.

Access to the two mixed use buildings will be via Main Street, State Route 25, which is designated as an arterial road by the Town of Gorham.

The private driveway for the residential units has been named Keverin Way and the private driveway for the mixed use units has been named Commerce Way. Both have been approved under E911 naming requirements.

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

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

The residential condominium units will be served by underground power, telephone, cable lines, and natural gas from the Main Street right-of-way through the mixed use portion of the site.

The mixed use condominium units will be served by underground power, telephone, cable, and natural gas from the Main Street right-of-way.

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

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

The residential condominium units will be served by three 1" private water services extended from the Portland Water District's 8" water main located in the Garden Avenue right-of-way. The water main services and installation must meet the requirements of the Portland Water District.

The mixed use condominium units will be served by two 1" private water services extended from the Portland Water District's 8" water main located in the Main Street right-of-way. The water main services and installation must meet the requirements of the Portland Water District.

The applicant has submitted an ability-to-serve letter from the Portland Water District dated February 16, 2016 from Gordon Johnson, Engineering Services Manager.

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

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

The residential condominium units will be served by three 6" private sewer services extended from the Portland Water District's 8" sewer main or sewer manhole located in the Garden Avenue right-of-way. The sewer services and installation must meet the requirements of the Portland Water District.

The mixed use condominium units will be served by two 6" private sewer services extended from the Portland Water District's 8" sewer main located in the Main Street right-of-way. The sewer services and installation must meet the requirements of the Portland Water District.

The applicant has submitted an ability-to-serve letter from the Portland Water District dated February 16, 2016, from Gordon Johnson, Engineering Services Manager.

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

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

Stormwater from the site will be directed into stormwater infrastructure located on the site. The proposed development will disturb over an acre and is located within the Urbanized Area as defined in the Town's Storm Water Ordinance, Chapter 2, Post-Construction Storm Water Management. This requires that the site meet the provisions of the Post-Construction Storm Water Management Ordinance and will require the condominium association to conduct yearly stormwater inspections as outlined in the Ordinance.

The dwelling units' sewage disposal will be directed into the public sewer system and treated by the Portland Water District.

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

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

The proposed construction of the condominium units and private driveways will not impact any wetlands or waterbodies.

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

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

The lot is not located in any of the Town's Shoreland Overlay Districts.

Stormwater maintenance has been designed in accordance with state, Federal, and local requirements prior to discharge into existing stormwater management infrastructure.

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

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

The lot had been previously developed and the applicant is proposing to remove the existing trees located on the northern third of the site.

No historic site, rare or irreplaceable natural or manmade assets are located on the site.

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

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

The applicant has submitted a Letter of Intent to Fund dated April 28, 2016, from Jim Stone, President, with Casco Federal Credit Union. The applicant has also provided a cost estimate for the project from Woods Excavating, LLC.

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

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

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

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

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

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

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

The applicant is required to form a condominium association for the development. The condominium association will maintain the land located outside of the individual condominium units.

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

CHAPTER 3 - SUBDIVISION, SECTION 4 – FINAL PLAN REVIEW

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 applicant is requesting a waiver from the Planning Board's policy to grant preliminary and final subdivision approval in one meeting.

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 applicant is requesting a waiver from the Planning Board's policy to grant preliminary and final subdivision approval in one meeting.

Finding: Not applicable.

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

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

CHAPTER 4, Section 9 – Approval Criteria and Standards

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

The proposal is to construct three individual single-family residential condominium buildings located on the northern half of the lot. The southern half of the lot is proposed to have two mixed use buildings with commercial uses on the first floor and residential uses on the second floor.

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

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

Access to the three residential units will be via Garden Avenue, which is designated as an Urban Access road by the Town. Garden Avenue exits onto Libby Avenue and Lawn Avenue.

Access to the two mixed use buildings will be via Main Street, State Route 25, which is designated as an Arterial road by the Town of Gorham.

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 three residential houses will be accessed from a 20' wide driveway located off Garden Avenue. The two mixed use buildings will be accessed from a 20' wide driveway located off Main Street.

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

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

The three single-family residential units will be accessed from a single 18' driveway located off Garden Avenue.

The two mixed use buildings will be accessed from a single 20' driveway located off Main Street.

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

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

The proposal includes the following pedestrian circulation:

- A walkway along the mixed use entrance driveway will connect the development to the sidewalk located along Main Street.
- Walkways from the front of the buildings will direct pedestrians to the sidewalk along the driveway.
- Walkways along the southern edge of the parking lot will allow pedestrians to safely leave the parking area and enter into the proposed buildings.

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

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

Finding: *The site has adequate provisions for the disposal of all stormwater 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.

During construction a filter berm or silt fence will be installed along the edge of the disturbed area, as shown on the Site Grading Plan: Sheet 4. The applicant will also comply with the "Maine Erosion and Sediment Control Handbook for Construction: Best Management Practices," Maine Department of Environmental Practices and the Erosion Control Details shown on the Details plan: Sheet 5.

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

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

The condominium units will be served by public water from the Portland Water District. Each condominium unit will have a 1" water service extended into the site from the existing 8" water main located in a Town or State right-of-way. The water service installations are required to meet the requirements of the Portland Water District.

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

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

The condominium units will be served by public sewer from the Portland Water District. Each condominium unit will have a 6" sewer service extended into the site from the existing 8" sewer main located in a Town or State right-of-way. The water service installations are required to meet the requirements of the Portland Water District.

Finding: *The sanitary sewer system will be installed at the expense of the developer meeting the requirements of the sewer user ordinance.*

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

The units will be served by underground power, cable, telephone, and natural gas.

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

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

The majority of the site had been previously developed with a multi-family building and a large barn structure and associated impervious area. No wetlands or waterbodies are located on the site. The applicant is proposing to save a large existing tree located in the front of the parcel.

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

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

The condominium dwelling units will not utilize groundwater for use by the occupants of the units.

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

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

The three residential units will have typical single family residential lighting. The two mixed use units are proposed to have two lights per building. The applicant is proposing to have one light located on the north side of the parking lot. All proposed lighting is required to be full cut-off style lighting.

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

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

The three residential units located off Garden Avenue would be served by the Town's licensed waste disposal contractor. Each of the mixed uses buildings will have a dumpster located on the eastern edge of the parking lot. The waste disposal from the dumpster will be from a licensed private waste disposal contractor hired by each building owner.

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

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

The applicant has submitted landscaping details showing the locations of trees, shrubs, and plants throughout the site, recommended by Keystone Horticulturists. The applicant is also proposing to keep the large existing tree located on the southeastern portion of the site.

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

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

The lot is not located in a Shoreland Overlay District.

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

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

The applicant has identified that it has a 40-year entrepreneurial career in professional business and residential development and has completed several projects similar to the one proposed.

The applicant has submitted a letter of financial capacity from Casco Federal Credit Union dated February 16, 2016, from James R. Stone, President.

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

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

The proposal is to install a 35' landscaped and fenced buffer between the site's residential use and mixed-use area. The applicant has provided proposed buffering around the buildings, parking lots, and driveways of the lot to buffer the site from the abutting properties.

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

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

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

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

Conditions of Approval

1. That this approval is dependent upon, and limited to, the proposals and plans contained in this application and supporting documents submitted and affirmed by the applicants and that any variation from the plans, proposals and supporting documents is subject to review and approval by the Planning Board, except for minor changes which the Town Planner may approve;
2. That the applicant shall provide property line information and site information in auto-cad format to the Town Planner;
3. That the houses shall be properly numbered with the numbers being visible from the street year around;
4. That the driveway names shall be approved by the Police and Fire Chiefs;
5. That the underground electric lines shall be inspected by the Code Enforcement Office prior to backfill;
6. That the driveways shall be properly named and signed with Town approved signs and signs shall be in place as soon as the driveway is constructed;
8. That prior to the commencement of construction, the applicant, applicant's engineer and earthwork contractor shall have a pre-construction meeting with the Town's Engineer, Town Planner, Code Enforcement Officer, Public Works Director and Fire Chief;
9. That the private driveway shall be properly maintained for access of emergency vehicles year round;

10. That the applicant is responsible for recording the approved Condominium Association documents within 90 days of the date of approval of the subdivision by the Planning Board and a recorded copy of the Condominium Association documents shall be returned to the Planning Department prior to a preconstruction meeting behind held;
 11. That the Planning Board Chairman is authorized by the Planning Board to sign the Findings of Fact on behalf of the entire Board;
 12. That the subdivision/site plan 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
 13. That once the subdivision plan has been recorded at the Cumberland County Registry of Deeds, a dated mylar copy of the recorded subdivision plan shall be returned to the Town Planner prior to a pre-construction meeting being held.
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CONSENT AGENDA

ITEM 4 STEVEN RICH TIARA DRIVE PRIVATE WAY

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

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

- 1) Each lot having access from an approved private way may be improved with no more than two dwelling units and related accessory buildings and uses.

The lots served by the private way are required to meet the requirements of the Rural zoning district. The maximum number of lots/dwelling units allowed to be served by the private way is 6 lots or dwelling units.

The applicant has submitted the name Tiara Drive, which meets the required E911 standards.

Finding: *The private way is designed to the 2-6 lots/dwelling units private way standard and no more than six dwelling units can be served by the private way.*

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

The applicant has hired DM Roma Consulting Engineers to prepare the private way plans which have been prepared by a registered land surveyor, Wayne Wood, P.L.S., and sealed by a registered professional engineer, Dustin Roma, P.E., # 12131.

The Plan title block reads " Plan of a Private Way."

The Plan has an approval block that reads: "Private Way, Approved by the Town of Gorham Planning Board."

The approval block also has a line for the signatures of a legal majority of the Planning Board, and includes a line for the date of approval.

The Plan shows information sufficient to establish the exact location on the ground, direction, width and length of the revised private way right-of-way.

The street plan and profile, and street cross sections are in accordance with Chapter 2, Section 2-5., E., 3.

The Plan has a note that reads, "The Town of Gorham shall not be responsible for the maintenance, repair, plowing, or similar services for the private way shown on this plan, and if the private way has not been built to public way standards, the Town Council will not accept it as a public way."

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

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

The proposal is for a 2 lot private way, so a private way maintenance agreement is required as part of the private way review.

Finding: *The private way maintenance agreement identifies the rights and responsibility of each lot owner with respect to the maintenance, repair, and plowing of the private way as outlined in this section.*

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

The existing paved apron has been proposed to the following standards:

- a) 9" of MDOT Spec. 703.06 Type E;
- b) 12" of base gravel MDOT Spec. 703.06 Type D;
- c) 3" of 1 ½" crushed gravel, Type A or reclaimed;
- d) a minimum of 4" of paved surface, or greater as specified by the Town Engineer;
- e) a negative 2.0% grade from the existing edge of pavement to an appropriate drainage way, but in no case less than 5 feet from the travel surface of the public way it intersects;
- f) approach radius shall be specified by the Town Engineer.

The private way right-of-way is proposed to be 50' and the applicant is proposing to increase the existing 2" paved apron by 2".

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

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

The applicant is proposing to construct the 224' private way to the 2-6 lot/dwelling unit private way standard. The private way plan shows the required 2-6 lot/dwelling unit private way standard cross section. The private way will have the required turnaround located at station number 1+50.

Finding: *The private way meets all the criteria and design requirements presented in Tables 1 and 2 and the typical cross sections depicted in Figures 9 and 10 of the Gorham Land Use and Development Code.*

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

The applicant is proposing a 2-6 lot/dwelling unit private way to serve a single-family dwelling and a residential unit located above a garage.

Finding: *The private way is serving only one single-family dwelling unit.*

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

The total lot area of the lot with the private way right-of-way is 8.05 acres. The lots will retain enough area to meet the lot sizes in the Rural-Manufactured Housing zoning district.

The ownership of the right-of-way will remain with lot 1 shown on the private plan.

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

Conditions of Approval

1. That this approval is dependent upon, and limited to, the proposals and plans contained in this application and supporting documents submitted and affirmed by the applicants and that any variation from the plans, proposals and supporting documents is subject to review and approval by the Planning Board, except for minor changes which the Town Planner may approve;
2. That prior to the commencement of construction of the private way, the applicant is responsible for obtaining all required local, state and federal permits;
3. 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;
4. That any future extension of the private way shall be limited to less than 1,500' unless all the structures located on lots served by the private way have sprinkler systems meeting the requirements of the Town's Sprinkler System Ordinance.
5. That the underground electric lines shall be inspected by the Code Enforcement Office prior to burial;
6. That at least one week prior to the date of the pre-construction meeting, four complete sets of the final approved plan set will be delivered to the planning office to be distributed to: (1) Code Office, (2) Public Works Director, (3) Inspecting Engineer, and (4) Town Planner;
7. That prior to the pre-construction meeting, the applicant must provide estimated costs for the proposed improvements and must establish the performance guarantee per the Land Use and Development Code,
8. That the applicant shall provide an escrow for field inspection based on costs for improvements shown on the plan and meeting the requirements of Gorham's Land Use and Development Code;

9. That the private way shall be maintained to allow access for emergency vehicles year round;
 10. That the houses shall be property numbered with numbers being visible from the street;
 11. That the private way shall be properly signed and named with a Town approved street sign with the name of the road being approved by the Police and Fire Chiefs;
 12. That the applicant shall have a professional engineer provide an analysis that demonstrates the existing driveway cross sections' meets or exceeds the structural design number on the Town's 2-6 lot private way standards for review and approval prior to the Planning Board's endorsement of the final plan;
 13. That prior to commencement of construction, the applicant, applicant's engineer and earthwork contractor shall have a pre-construction meeting with the Town's Engineer, Town Planner, Code Enforcement Officer, Public Works Director and Fire Chief;
 14. That all construction and site alterations shall be done in accordance with the "Maine Erosion and Sediment Control: Best Management Practices," Department of Environmental Protection, latest edition;
 15. That the approved private way maintenance agreement shall be recorded in the Cumberland County Registry of Deeds within thirty (30) days of approval by the Planning Board and a recorded copy of the private way maintenance agreement shall be returned to the Planning Office;
 16. That the Planning Board Chairman is authorized by the Planning Board to sign the Findings of Fact on behalf of the entire Board; and
 17. That these conditions of approval must be added to the private way plan and the private way 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 mylar copy of the private way plan shall be returned to the Town Planner prior to the Pre-construction Meeting.
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ITEM 2 SHAW EARTHWORKS – SITE PLAN AMENDMENT – 11 CYR DRIVE

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.

CHAPTER 4, Section 9 – Approval Criteria and Standards

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

The 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 for additional parking space.

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 two New Portland Parkway subdivision roads: Jenna Drive and Cyr Drive. Jenna Drive can be accessed from Libby Avenue and Cyr Drive can be accessed from New Portland Road. No change to the existing road network is proposed.

Finding: *Jenna and Cyr Drives have the 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.

There are two access driveways which separate office staff and visitors from the construction employees and construction vehicle traffic. Both existing driveways will have adequate sight distance and will provide for safe and convenient access into the site.

The applicant is proposing to construct a new 40' wide driveway in the middle of the western property edge to serve the new gravel laydown yard. The driveway is proposed to be gravel with a paved apron off Cyr Drive.

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 two office parking spaces have an adequate turnaround so as not to require people to back out into the street. Both the existing and new construction vehicle access driveways will provide access to the gravel storage and parking areas and will allow vehicles to enter into the site, turn around and exit the site without requiring vehicles to back out into Cyr Drive.

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 pedestrian walkway is provided for people parking in the office parking spaces to have access to the front of the site. People parking in the construction employee parking area will be directed across the open parking/storage area and into the side entrance to the building. No off-site pedestrian improvements are proposed.

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

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

Stormwater from the new proposed impervious area will be directed into an engineered gravel wetland stormwater treatment area in the easterly third of the site. The filter will provide for both stormwater quality

and quantity control for the proposed impervious areas. The gravel wetland stormwater treatment area is required to be maintained by the owners of the lot.

The site plan is subject to the Maine Department of Environmental Protection Site Location of Development Permit Amendment L-20887-39-J-B/L-20887-TE-K-N – 03/28/17 and Army Corps of Engineers Permit # NAE-2016-00641.

A subdivision and a Site Location of Development Permit amendment will also be required to increase the total allowed impervious area on the site.

The lot is located within the Town of Gorham's Urbanized Area and the proposal will disturb over an acre so the site is subject to the Town of Gorham's Post-Construction Stormwater Management Ordinance.

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.

The Grading and Drainage Plan: Sheet 2 of 5 shows the location for erosion control best management practices to be installed on site, and the Erosion Control Details: Sheet 3 of 5 identifies details for the installation for the erosion control best management practices and identifies 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 Protection.

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 site is served by public water from Cyr Drive. No changes to the water supply are proposed.

The proposed new building will be served by public water from Cyr Drive meeting Public Water District approval.

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 building is served by a private septic system.

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 building is served by natural gas and underground power, cable and phone from Cyr Drive.

The proposed new building will be served by underground utilities.

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 proposed construction will disturb the northern half of the site starting at the western property line moving easterly. The remaining half of the site is wetland. The eastern portion of the wetland is proposed for buckthorn restoration, the remaining wetland area is to remain undisturbed. The proposal will impact 17,904 sq.ft. of wetland area.

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 new building and gravel area will not impact the groundwater table on the site. The applicant is proposing to treat the stormwater from the new impervious areas into an engineered gravel wetland stormwater treatment area. The stormwater treatment area will be maintained by the owner of the lot.

The lot and owner of the site must comply with Town of Gorham's Post-Construction Stormwater Management Ordinance.

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 is not proposing any exterior lighting to illuminate the gravel storage yard or proposing any changes to the previous site plan approvals.

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 site is currently served by an existing dumpster located on the eastern side of the building. No new additional dumpsters are proposed to be stored onsite.

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.

The applicant is proposing to install a row of 60 Holmstrup arborvitae along the edge of the retaining wall and between the two driveways.

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.

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 applicants have provided a letter dated January 5, 2017, from Kimberly Donnelly, Senior Vice President, with Gorham Savings Bank regarding the applicant's financial capacity.

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

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

The applicant is proposing to install a row of 60 Holmstrup arborvitae along the edge of the retaining wall and between the two driveways.

The 100' perimeter setback along New Portland Road is a buffer area and the removal of vegetation in the area is limited to dead, diseased, and dying vegetation with the approval of the Town Planner.

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 use of the site is required to meet the required noise regulations at the northern, eastern, and western property lines: Daytime Levels of 70 dBA and 60 dBA nighttime as outlined under this section.

The use of the site is required to meet the required noise regulations at the southern property line: Daytime Levels of 60 dBA and 50 dBA nighttime as outlined under this section.

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 all site construction shall be carried out in conformance with the Maine Erosion and Sediment Control Best Management Practices, Maine Department of Environmental Protection, latest edition and in accordance with the erosion and sedimentation control information contained in the application;
4. That any proposed use on the site shall meet the sound level requirements outlined under Chapter 4, Section 9, T. Noise;
5. That the building shall meet all applicable sections of the NFPA 101 Life Safety Code and the NFPA Fire Prevention Code 1;
6. That the building shall be sprinkled if the cubic footage exceeds that allowed under the sprinkler ordinance;
7. That should the building need to be sprinkled the applicant shall submit the sprinkler plans to the State Fire Marshal's Office and the Gorham Fire Department for review and permitting with the plans being submitted at least 2 weeks prior to the installation of the system;
8. That should the building need to be sprinkled then a sprinkler control room is required with an outside door marked Sprinkler Control Room where the sprinkler riser shall be placed;
9. That the buildings that store any type of hazardous materials shall be marked with the proper placard and the MSDS sheets shall be readily available in the office;
10. That the natural gas meter on the building shall be protected by bollards;
11. That the above ground storage tanks shall be have a current license from the State Fire Marshal's Office and be protected by bollards and placed on a fuel storage pad;
12. That the fuel storage pad shall be large enough to place the above ground storage tanks on as well as allowing vehicles being fueled to be parked on the cement surface;
13. 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;
14. 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;
15. That no clearing of vegetation is allowed along the 100' perimeter setback along New Portland Road except for dead, diseased, and dying trees, shrubs, and plants with the approval of the Town Planner;

16. That the owner of the site is responsible for compliance with the Town of Gorham Stormwater Ordinance, Chapter 2 - Post Construction Stormwater Management;
 17. That the applicant shall submit revised plans meeting staff approval prior to the Planning Board's endorsement of the final plan;
 18. That prior to a building permit being issued for the proposed building, the applicant shall submit a waterline installation meeting Portland Water District approval;
 19. Planning Board Chairman is authorized by the Planning Board to sign the Findings of Fact on behalf of the entire Board; and
 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.
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ITEM 3 SHAW EARTHWORKS – SUBDIVISION AMENDMENT – NEW PORTLAND PARKWAY SUBDIVISION

CHAPTER 3 - SUBDIVISION, SECTION 3 - PRELIMINARY PLAN

The Planning Board, following review of the Subdivision Amendment Application, makes these findings based on the Subdivision Amendment 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 II.

The required Maine Department of Environmental Protection amendment to the Site Location of Development Permit has been granted for Lots 5 and 6: Site Location of Development Permit Amendment (L-20887-39-J-B/L-20887-TE-K-N).

The required Army Corps of Engineers Permit #NAE-2016-00641 has been granted for Lots 5 and 6.

Finding: The amendment to New Portland Parkway 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.

No changes to the subdivision are proposed 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.

No changes are proposed to the subdivision lot utilities, waste removal, or fire protection requirements.

Finding: Not applicable.

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

No changes are proposed to the approved subdivision's water supply.

Finding: Not applicable.

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

No changes are 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.

The proposed improvements to stormwater treatment for lots 5 and 6 will meet the requirements of the Maine Department of Environmental Protection as well as the Town's Subdivision Plan Review requirements.

Finding: The proposed New Portland Parkway Subdivision amendment will not result in undue pollution of air, or surficial or ground waters, either on or off the site.

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

The proposed improvements to the stormwater treatment for lots 5 and 6 will meet the requirements of the Maine Department of Environmental Protection as well as the Town's Subdivision Review requirements.

Finding: The proposed New Portland Parkway Subdivision amendment 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 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 lot does not have any known historic sites or rare or irreplaceable natural or manmade assets located on them.

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.

The applicant has provided a letter from Kimberly Donnelly, Senior Vice President, Gorham Savings bank, dated January 5, 2017, detailing the applicant's financial capacity to complete the project.

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

- 3) Every subdivision shall be responsible for providing open space and recreational land and facilities to 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 VIII.

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 applicant 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 applicant or any person owning, operating, leasing or having control over the stormwater management facilities for lots 5 and 6 is responsible for compliance with the Town of Gorham Stormwater Ordinance, Chapter 2 Post-Construction Stormwater Management;
 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 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 mylar copy of the subdivision plan shall be returned to the Town Planner.
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ITEM 4 SHUCKS MAINE LOBSTER – 65 OLDE CANAL WAY

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

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

CHAPTER 4, Section 9 – Approval Criteria and Standards

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

The proposed use and size of the building conform to the requirements of the Land Use and Development Code.

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

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

Access to the site is via Olde Canal Way, which is classified as an Industrial/Commercial road by the Town of Gorham. Olde Canal Way directs all traffic to Mosher Road, State Route 237, which is classified as a minor arterial by the Maine Department of Transportation.

The proposal estimates the building and uses will generate 34 a.m. peak hour trips and 22 p.m. peak hour trips to the development.

Finding: Olde Canal Way and Mosher Road 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.

The site is accessed by a driveway located in the middle of the lot. The 24' wide driveway will provide access into the site for both commercial delivery trucks, employees, and visitors to the site.

The driveway is between 350-450' wide at the intersection with Olde Canal Way.

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 parking area for the building is located to the front of the 2-unit commercial building and across the proposed driveway from the front of the building. Commercial vehicles will be directed to the back of the building to 3 loading bays. The driveway will allow commercial vehicles enough room to back into the loading bays and drive out of the site without needing to back out onto Olde Canal Way.

A gravel driveway will be provided along the western side of the building to allow emergency vehicle access to the west side of the building.

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

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

The proposal is to locate a sidewalk between the front of the building and parking spaces with a handicapped accessible point in the center of the building.

No off-site sidewalks are proposed.

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.

Stormwater from the site improvements will be collected in a closed stormwater system and discharged into a wetland located on the eastern portion of the site. The stormwater will flow into and be treated in the stormwater infrastructure built as part of Olde Canal Business Park.

The lot is located within the Town of Gorham's Urbanized Area as identified in the Town of Gorham's Post-Construction Stormwater Management Ordinance. The site disturbance proposed is over 43,560 square feet, so the site is required to provide yearly inspections and reporting of the stormwater facilities to the Town.

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, Drainage & Utility Plan," sheet 4 of 10, illustrates the locations and type of erosion control devices to be installed during construction. "Details" plans, sheets 6 and 7 of 10, 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 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 proposed building will have 3 new water stubs from an 8" watermain located in the Olde Canal Way right-of-way. The 8" water service will be for fire protection with the two 2" services supplying the building with potable water.

The applicant received an ability-to-serve letter from 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 building will be served by the existing 8" Portland Water District gravity sewer main located in the Olde Canal Way right-of-way. The building will be connected into the 8' sewer main by a 6" sewer stub located on the northwestern corner of the building.

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 building will be served by underground power and utilities. The building will also be served by 2 natural gas lines from a 4' natural gas main located in the Olde Canal Way right-of-way.

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 proposed development of the site will occur on the western half of the site. The eastern half of the site will remain undeveloped. The proposal will impact 409 square feet of wetland area.

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 building will be connected to public water and sewer mains. The stormwater from the site will be collected and treated in the stormwater infrastructure approved under the Olde Canal Business Park subdivision.

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 is proposing nine lights located along the building to light the walkway and entrances. No other site lighting is proposed.

All lighting is proposed to be full cut-off style.

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 applicant proposes to locate a dumpster behind the building. The dumpster will be located on a concrete pad and screened from abutting properties with a wooded buffer area to the rear and side and the building will buffer the dumpster from the road. Lobster by-products will be hauled off site on a daily basis for composting.

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.

Landscaping is proposed to be located along the eastern edge of the building and along the northern edge of the proposed parking area. The applicant is proposing to keep the existing trees along the front, side, and rear of the lot. The applicant is also proposing to retain the trees on the eastern half of the site.

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.

Wetland impacts are limited to the greatest extent possible and the site is not located in any of the Town's Shoreland Overlay Districts.

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 from Andrea Marcaurelle, Commercial Loan Specialist with Northeast Financial Service National Marine Fisheries Services, dated April 28, 2017 identifying that it has the financial capacity to complete the project.

The applicant has provided a statement regarding its technical capacity to complete the project.

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

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

The applicant is proposing existing trees along the rear and side setbacks to buffer the proposed development from abutting properties. The rear property setback is considered a buffer area and no cutting of trees are permitted except dead, diseased, or dying trees with the permission of the Town Planner.

The parking lot is proposed to be screened from the Olde Canal Way right-of-way by 2 trees located to the north of the parking lot.

Dumpsters are located to the rear of the building and will be screened from Olde Canal Way by existing trees, and the building.

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) for lot line along New Portland Road.

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) for all other lot lines.

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 all site construction shall be carried out in conformance with the Maine Erosion and Sediment Control Best Management Practices, Maine Department of Environmental Protection, latest edition and in accordance with the erosion and sedimentation control information contained in the application;
4. That any proposed use on the site shall meet the sound level requirements outlined under Chapter 4, Section 9, T. Noise;
5. That the owner of the site is responsible for compliance with the Town of Gorham Stormwater Ordinance, Chapter 2 - Post Construction Stormwater Management;
6. That the building shall meet all applicable sections of the NFPA 101 Life Safety Code and the NFPA Fire Prevention Code 1;
7. That a complete set of building construction plans showing the proposed layout of the interior shall be submitted to the Gorham Fire Department and the State Fire Marshal's Office for review;
8. That a complete set of plans approved by the State Fire Marshal's Office shall be submitted with each page of the plan set being stamped by the State Fire Marshal's Office, and a copy of the State construction permit shall be submitted to the Fire Department before the construction starts;
9. That the building is required to be sprinkled and meet all applicable sections of the Town's sprinkler ordinance;
10. That an outside door shall be installed that will lead to the sprinkler control room and shall be labeled sprinkler control room and the fire alarm panel will be placed in the sprinkler control room;
11. That a complete set of sprinkler plans shall be submitted to the Gorham Fire Department and the State Fire Marshal's Office for review and permitting and the plans must be submitted to the Fire Department at least two weeks prior to the start of installation of the system;
12. 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 and a set of plans for the system shall be submitted to the Gorham Fire Department;
13. That the sprinkler test papers shall be submitted to the Department at the time of certificate of occupancy;

14. That gas meters shall be protected by bollards;
15. That complete lists of any hazardous material and their MSDS sheets shall be provide to the Gorham Fire Department for units 1 and 2;
16. That the build out of the tenant space will require plans to be submitted to the Gorham Fire Department showing the layout of the lease space as well as a certification from the sprinkler contractor that the system meets the needs of the proposed use of the leased space;
17. 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;
18. 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;
19. That no clearing of vegetation is allowed along the 30' rear buffer area except for dead, diseased, and dying trees, shrubs, and plants with the approval of the Town Planner;
20. That the Planning Board Chairman is authorized by the Planning Board to sign the Findings of Fact on behalf of the entire Board; and
21. 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.