

**PLANNING BOARD MEETING
November 5, 2018**

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

Members Present

**EDWARD L. ZELMANOW, CHAIRMAN
MOLLY BUTLER-BAILEY
GEORGE FOX
SCOTT FIRMIN
BRIAN PLOWMAN
LEE PRATT
MICHAEL RICHMAN**

Staff Present

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

Edward Zelmanow called the meeting to order at 7:00 p.m. and welcomed the Board's newest member, Brian Plowman. The Clerk called the roll, noting that all members were present, including new member Brian Plowman.

APPROVAL OF THE OCTOBER 1, 2018 MEETING MINUTES.

Scott Firmin MOVED and Lee Pratt SECONDED a motion to approve the October 1, 2018 meeting minutes as written and distributed. Motion CARRIED, 5 ayes (George Fox abstaining as not having been present at the meeting; Brian Plowman abstaining as not having been a member of the Board at the time of the meeting).

COMMITTEE REPORTS – Mr. Pratt reported that the Ordinance Subcommittee has not met since the last Planning Board meeting.

Mr. Fox reported that the Comprehensive Plan Implementation Committee has not met since the last Board meeting.

CHAIRMAN'S REPORT – Mr. Zelmanow welcomed Mr. Plowman to the Planning Board.

ADMINISTRATIVE REVIEW REPORT – Mr. Poirier advised the Board that an administrative assistant has been hired for the Planning Department, and a tracking sheet will be provided to the Board for its next meeting. In the meantime, Mr. Poirier said there is nothing new to report.

Mr. Plowman asked to be recused from participating in Items 1 and 2 on the Board's agenda this evening: Item 1 because it has already received substantive review by the Board and Item 2 because he is part owner.

George Fox MOVED and Lee Pratt SECONDED a motion to recuse Brian Plowman from participating in the discussions on Items 1 and 2 of the Board's agenda. Motion CARRIED, 6 ayes (Brian Plowman abstaining).

ITEM 1 MN8 Properties, LLC – Continuation of Public Hearing – a request for approval for a proposed expansion at 502 Main Street, with a 1,748 square foot building addition, 1,850 square feet of new parking area and associated landscaping, located on Map 31, Lot 1, Commercial Office zoning district.

Mr. Poirier reminded the Board that the application was last before the Board at its October meeting, at which time the Board discussed with the applicant grading, lighting, pre- and post-drainage plans, and determined that a side walk was not required. Mr. Poirier said the applicant has submitted revised plans for the Board's review, and noted that the applicant has supplied lighting plans which indicate that full-cut off lighting is proposed for all the lighting on site. Level spreaders will be added to satisfy concerns of the Town's engineer about pre- and post-development drainage.

Mr. Fox said that while he was not present for the October meeting, but he has reviewed the minutes and staff notes and feels that he can participate fully in the discussion on the item.

Lee Pratt MOVED and Scott Firmin SECONDED a motion to allow Mr. Fox to participate in the discussion on the item. Motion CARRIED, 6 ayes (Brian Plowman recused).

Daniel Grant, Village Builders, said that since the October meeting Peter Dalfonso, Dalfonso Engineering, was hired to calculate the stormwater runoff and related civil engineering work, with additional plan sheets added to show that work. An ability-to-serve letter from the Portland Water District has been provided. In reply to Mr. Zelmanow, Mr. Grant said that dumpster enclosure details will be added to the plans.

Mr. Zelmanow commented that the original approval from 1996 showed 2 handicapped parking spots in front of the building, but the current plan sheets C3 and C4 show 1 handicapped spot, which sheets C1 and C2 show no handicapped spots. Mr. Grant said that the final parking plan is on sheet C4, with one handicapped spot in front of the building. Mr. Zelmanow said that sheets C1 and C2 should also show the one handicapped spot. Mr. Zelmanow confirmed with Mr. Grant that the gas tanks will be located behind the building in an alcove which is protected on two sides.

Mr. Richman confirmed that the architectural drawings were with the first package submitted by the applicant, but there were no changes. Mr. Grant replied to a question from Mr. Richman that the dumpster will sit on a prepared gravel pad, prepped when the rest of the parking lot is being done.

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

Mr. Poirier said that an additional Condition of Approval 9 should be added as follows: "That the applicant shall make the final changes to the plan meeting Staff approvals prior to the Planning Board's final endorsement of the plan." Mr. Grant said he is satisfied with the Conditions of Approval.

George Fox MOVED and Lee Pratt SECONDED a motion to grant MN8 Properties, LLC's request for site plan amendment approval to expand the office space by 1,748 square feet at 502 Main Street, Map 31, Lot 1, Commercial Office zoning district, based on Findings of Fact and Conditions of Approval as written by the Town Planner and amended by the Planning Board. Motion CARRIED, 6 ayes (Brian Plowman recused).

ITEM 2 Plowman Development Group, LLC – request for preliminary approval of a 16-unit condominium development (Grady Farm Subdivision) on property located at 136 South Street, Map 103, Lot 78, Urban Residential zoning district.

Mr. Poirier said that the item was last before the Board as a pre-application discussion on August 6, 2018. At that time, the Board heard from abutters regarding traffic, buffering and density of the development. The minutes from that meeting have been provided for the Board's review. The item will be reviewed under both site plan and subdivision review and will require a Maine DEP permit. The Board should discuss whether a site walk is warranted for the project. Some traffic information has been provided, as well as landscaping; the Board should discuss whether peer review for those items is warranted.

Andrew Morrell, BH2M Engineers, gave the Board an overview of the project, noting that the parcel is 3.82 acres at 136 South Street. There is an existing house and barn on the parcel. The applicant is looking to develop the parcel into 16 units, with one of those units being the existing farmhouse which will be relocated as unit 1. The units will be two stories, 3 bedrooms, approximately 1754 sf in size, with units 14 through 16 being slightly smaller than the others, around 1600 sf. The project will be served by a private driveway designed to the urban access standards, 22 feet wide with concrete curbing and a 5-foot bituminous sidewalk. Each unit will have a two car garage, and the units have been positioned so that at least two additional cars can fit on each driveway. Utilities to the project will include public sewer and water, both extensions from South Street along the proposed Fay Lane; the stubs have been connected to South Street before the repaving of South Street, so the moratorium will not affect this project. A gas main will also come from South Street along the proposed road, and there will be underground electric service. Stormwater for the site is collected through a closed drainage system curbing along the road, collected with catch basins, and some ditching behind all of the units, collecting roof runoff. Everything will be directed to a proposed wet pond on the eastern back portion of the site. A DEP permit application has been filed.

Mr. Morrell said that Kevin Downing, landscape architect, has been hired to do a landscaping plan, trying to limit work on areas of the site where existing buffers can remain. A six foot vinyl fence is proposed along the southern boundary with the Marianacci abutter, approximately 220 feet along that common boundary. There is also another fence proposed on either side of the other abutting resident to the north of unit 1, on land owned by Bowers. Many of the large existing trees on site are also called out on the plan to be saved. A lighting plan has also been provided.

Mr. Morrell said that the applicant is working with Albert Frick Associates to do a high intensity soils survey. Minor storm water changes requested by the Town's engineer will be done and granite curbing will be added along the entrance on to South Street per the Town's ordinance.

Mr. Zelmanow asked if there is any landscaping proposed for between the units. Mr. Morrell said nothing has been proposed between the units, but there will be landscaping at the walkways of the buildings. Mr. Zelmanow commented about the distance to property lines of some of the units, particularly the southern property line. Mr. Morrell said that some of the back decks could be 25 feet to the property line. Mr. Firmin asked about some of the plantings; Mr. Morrell pointed out existing vegetation.

Mr. Zelmanow said that a site walk should be scheduled showing the center line of the road, corners of the units 6, and 13 to 16. Mr. Pratt said the proposed location of the existing structure should be staked out as well.

Mr. Zelmanow asked what will happen to the stormwater that is directed to the wet pond. Mr. Morrell replied that it will have to be discharged after being held anywhere from 24 to 48 hours, discharging it to the wetland in the northeasterly corner of the property. Mr. Fox asked about the depth of the wet pond and if fencing will be installed. Mr. Morrell replied that he believes there was a discussion on chain link fencing, which is shown around the perimeter of the wet pond. Mr. Zelmanow called Mr. Morrell's attention to the Fire Chief's comment about increasing the water lines from ¾ inch to 1 inch lines to accommodate sprinkling the units.

Mr. Richman asked if this would be considered as phase 1 to any future extension. Mr. Morrell said he does not believe the applicant has an interest in extending this road and he does not know of any other interest to do that, and the stormwater facility would be in the way of any extension in the future.

Ms. Butler-Bailey commented that Mr. Pratt had asked that snow removal areas be shown on the plan, and it does not appear that has been done. Mr. Morrell said he will be sure they will be added to the plans.

PUBLIC COMMENT PERIOD OPENED: Gina Marianacci, 144 South Street, abutter on the entire length of the project, expressed about how trash will be handled, snow storage in the back adding to the concern about standing water, are the existing trees to be taken down, and while 200 feet of fencing seems generous, her property line is 600 feet long. She expressed concern about the number of units proposed. Mr. Zelmanow advised Ms. Marianacci that a site walk will be advertised with notice provided to the abutters. Mr. Zelmanow told Ms. Marianacci that the applicant needs to secure DEP approval in order to get final approval.

Caroline Dahms, 17 Spruce Lane, said her property is near one of the closer units being proposed, there is an inadequate buffer of scrub trees and asked what the buffer is going to be on her property. She said that a change in grade will increase the flooding in her yard, which is already significant. Mr. Zelmanow said that the applicant cannot exacerbate existing conditions by putting more water on to abutting properties and make a bad situation worse. He said that sometimes by doing these projects the drainage issue is improved, but the applicant needs to show that an existing condition would not be made worse. Ms. Dahms asked if the developer will be responsible for worsened conditions after the project is built. Ms. Dahms said that just because 16 units could be approved, that doesn't mean 16 units should be approved. Mr. Zelmanow said that the Board will look during the site walk at the distances between the proposed units and the abutters, would more screening be necessary, and other issues. Mr. Zelmanow said that if it looks like 16 units won't work on the site, the Board can talk to the applicant about reducing the number of units. Ms. Dahms also expressed about the effect of the proposed lighting on the abutters.

Charlotte Hallsworth, 13 Spruce Street, indicated that some of the units would be too close to her property and asked what sort of buffer is proposed. She expressed concern about impact on the wetlands, and said that 16 units is too large for the parcel and the Board should reduce the number of units.

PUBLIC COMMENT PERIOD ENDED.

Mr. Zelmanow confirmed with Mr. Morrell that the units would be "house-o-miniums," with the largest being 1,724 square feet. Mr. Morrell agreed with Mr. Zelmanow that the units that will be staked for the site walk are those that the abutters are concerned about. Mr. Morrell said from a stormwater point of view they need to determine what the runoff from the site does today; currently on the site, there are two drainage areas, with 85 to 95% flowing to a wetland in the back, and a small section that flows to South Street. Mr. Morrell described their design will be to collect everything from the high point of the roofs to the road in a drainage system and dropped back to the wet ponds, with a ditch system proposed that will run along the back of the units into the wet pond. Everything is going to be collected either in a closed drainage system in the street or collected in the drainage ditches on the back of the units and directed into the wet ponds. There will be no more water directed to South Street. Mr. Morrell said their analysis is based on a 2 year storm, a 10 year storm and a 25 year storm and there will be no increase in the peak rate of runoff either at South Street and at the wetland in the back for the 2 year, 10 year and 25 year storm. An analysis for a 100 year storm has been run and shows that the wet ponds would function, as well as the ditching behind the units.

Mr. Fox asked that the stormwater impact would be running north and south, where most of the abutters are now. Mr. Morrell said today there is not much running north and south, and by creating a ditch on

either side of what is proposed to be developed, the parcel is technically being isolated, collecting everything inside of it, getting it to the stormwater facility and dumping below the abutters north and south of the project. Mr. Zelmanow confirmed that the state is reviewing the proposed stormwater management plan as part of the DEP permit.

Ms. Butler-Bailey asked Mr. Morrell about the proposed tree buffering and asked how much of the existing vegetation will remain. Mr. Morrell showed the Board the existing trees that are proposed to remain. Mr. Zelmanow said that once the Board has seen what is proposed to remain, he believes that the applicant's landscaping plan should be sent out for peer review from a landscape architect to determine what species are being proposed and if additional landscaping would be required to provide adequate screening.

Mr. Morrell said there will be a homeowners' association be created as part of the development and they will be responsible for hiring a private trash hauler. Mr. Poirier said that condominium developments are eligible for household pickup provided they submit a liability waiver to the Public Works Department; however, if the road hasn't been plowed or parked cars obstruct the passage of the PWD truck, that becomes an issue and the Town can require that trash will be picked up instead at the beginning of the road. Based on a comment from Mr. Firmin, Mr. Poirier said that Finding of Fact O can be re-written to reflect that the condominium association will submit a liability waiver for any damage to the roadway.

Mr. Morrell provided Mr. Richman with a copy of the architectural renderings associated with the their October 2018 submission.

Mr. Morrell said that snow storage areas will be added to the plans. Street lighting will be residential-based cutoff fixtures, on the northern side of the access drive barely going past the front of the buildings.

Mr. Poirier confirmed that the Board wants peer review for the landscaping and asked about a traffic peer review. Mr. Zelmanow said he does not believe the traffic numbers will trigger peer reviewing.

Mr. Poirier said that staff will coordinate a site walk with the applicant's engineer. Mr. Zelmanow asked that the proposed fencing be staked off for the site walk. Mr. Pratt asked if there is any way to stake the elevation change on the site. Mr. Morrell said there will be stakes at the corners of units 6 and 13 through 16 with the elevations and existing grades. Mr. Zelmanow noted that some of the abutters' issues involved cutting back on the number of units and the distance between the units and the property lines.

George Fox MOVED and Lee Pratt SECONDED a motion to postpone further preliminary subdivision and site plan review of Plowman Development Group LLC's request for approval pending responses to remaining issues. Motion CARRIED, 6 ayes (Brian Plowman recused).
[8:11]

Ten Minute Break

Mr. Plowman returned to the dais.

ITEM 3 Dearborn Brothers, LLC – Gravel Pit Amendment – a request for approval to amend the Lewry/Walker/Grant gravel pit to transfer owner/operator, to reduce gravel pit operations, and to remove two homes with associated land from existing site plans for the property, located at 629 Fort Hill Road, Map 83, Lots 4, 7 and 13, Rural zoning district.

Mr. Poirier explained that the original gravel pit was approved in 2003, with three lot owners leasing out the gravel pit to an operator, R.J. Grondin. It is proposed now to split a few lots out of the gravel pit amendment, and then sell the gravel pit to Dearborn Brothers.

Shawn Frank, Sebago Technics, came to the podium and introduced Lindsay Dearborn and Peter Mason. Mr. Frank said that the lot owners at this time would like to separate their residences from the operation of the pit, with the Grant piece breaking off Mighty Street and the Lewrys breaking off their piece on Route 114. The footprint of the pit is now smaller than what was originally proposed. Mr. Frank asked that a crusher be allowed to operate on site as was permitted in the original gravel pit approval. Operation of the pit will be exactly as it was under Grondin, except that now the operator will be Dearborn. The applicant is asking for a sign at the access drive with Route 114. As far as the Notice to Intent to Comply is concerned, this is simply a form submitted to the DEP.

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

Mr. Fox said he was somewhat surprised that no abutters were present and asked if the item should be scheduled as a Consent Agenda item to allow abutters to speak. Peter Mason came to the podium and said that 4 abutters had spoken to staff. Mr. Poirier confirmed that those abutters, having learned that the pit is not being expanded, had no further comments. A poll of the Board indicated that Mr. Plowman, Molly Butler-Bailey, Mike Richman and Lee Pratt were all comfortable with addressing the required changes through Conditions of Approval.

In order to deal with the crushing request, Mr. Poirier noted that the Board will have to revise the Findings as follows: in 5 (d), remove the reference to blasting. In 5 (f), change the Finding to read "The applicant shall meet the requirements of the previous gravel pit approval."

A new Condition of Approval #15 will be added: "That the applicant shall address staff's comments prior to the Planning Board's final endorsement of the plan."

Brian Plowman MOVED and Molly Butler-Bailey SECONDED a motion to grant Dearborn Brothers, LLC's request for gravel pit amendment approval to reduce the size of the gravel pit operation and revised lot boundaries, on Map 83, Lots 4, 7, and 13, in the Rural zoning district, based on Findings of Fact and Conditions of Approval as written by the Town Planner and amended by the Planning Board. Motion CARRIED, 7 ayes. [8:45 p.m.]

ITEM 4 Land Use and Development Code – Amendment to Chapter 2, Section 2-11, to remove certain fire protection water supply requirements.

Mr. Poirier advised the Board that this item was last before it at the meeting of October 1, 2018, at which time the Board decided that it did not need to be sent for review to the Board's ordinance review subcommittee so staff was recommended to place the item on the Board's next meeting agenda for public hearing. Planning staff has recommends some changes to the proposed language which have been approved by the Fire Chief.

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

There being no further comments from the Board,

George Fox MOVED and Lee Pratt SECONDED a motion to recommend adoption by the Town Council of the proposed zoning amendment to the Land Use and Development Code regarding the Fire Protection Water Supply section as revised by the Planning Board. Motion CARRIED, 7 ayes.

ITEM 5 Land Use and Development Code – Amendment to allow a new Small Dwellings Overlay District

Mr. Poirier told the Board that this item as well was on the Board's October 1, 2018, and the Board decided that it did not need to be sent for review to the Board's ordinance review subcommittee, but should be set for public hearing at the Board's next scheduled meeting. The Board did make one change to the proposed language, that an additional reference be added to Chapter 2, Section 2-4, Residential, B. Performance Standards for Multi-Family Housing, identifying that property developed under the Small Dwellings Overlay District are exempt from those standards. Staff has also attached a draft zoning map to be recommended to the Town Council as part of the zoning amendment, with both Gorham Village and the Little Falls Village area where the proposed Overlay District is to be located.

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

There being no further comments from the Board,

George Fox MOVED and Brian Plowman SECONDED a motion to recommend adoption by the Town Council of the proposed zoning amendment to the Land Use and Development Code regarding a Small Dwelling Overlay District with performance standards as amended by the Planning Board and with zoning boundaries as shown on the proposed zoning map. Motion CARRIED, 7 ayes. [8:50 p.m.]

ITEM 6 Pre-Application Discussion – Subdivision – Chris Duchaine – Presumpscot Ridge Road – a request for sketch plan discussion of a 5-lot cluster subdivision located at 207 North Gorham Road, Map 96, Lots 11 and 11.001, Suburban Residential-Manufactured Housing district.

Mr. Poirier reminded the Board that a pre-application is just among the applicant and the Board, and this plan has not been submitted for any review. Mr. Poirier said that the Comprehensive Plan identifies this area as in the Suburban Residential area, with lots sizes required to be 60,000 square feet unless a water or sewer bonus is being proposed. He said that Presumpscot Ridge Road is a private way approved in 1994 as a 212 foot private way to a private way standard that is no longer in effect, so any improvements to the private way will have to meet current standards. The applicant has provided both a clustered and a conventional residential proposed, and it is the Board's discretion as to which proposal is the better form of development. Mr. Poirier said that under the Code, lot access is from a road of lesser standards in an attempt to control traffic by not having multiple driveways on arterial roadways.

Mr. Zelmanow noted that the Board's threshold question will involve which form of development is best for the property.

Andrew Morrell, BH2M Engineers, appeared on behalf of the applicant and introduced Chris Duchaine. Mr. Morrell gave the Board an overview of the proposal and gave the Board plans containing GIS contours to provide more perspective on whether the clustered or the conventional is the better plan of development. Mr. Morrell said the applicant is proposing to create a clustered subdivision, their preferred plan of development. He said there is an existing wetland and the use of the clustered subdivision results in about 6-1/2 acres of open space. Lots will be served by subsurface wastewater disposals, drilled wells, and overhead utilities. Mr. Morrell said that the applicant is currently working with the abutter to the rear to include part of that parcel to this site, so the number of lots and layout could potentially change going forward. Mr. Morrell encouraged the Board to schedule a sitewalk before making its decision about which form of development is better for the site.

Chris Duchaine, applicant, came to the podium and said there is a driveway going out to the property out back which he would like to pave and make a Town road. He said he would like to proceed with plans for a clustered subdivision using the existing driveway.

Mr. Fox concurred with Mr. Morrell's recommendation to hold the site walk sooner rather than later, he would be more inclined to go with a conventional subdivision but would like to see the property before deciding. Mr. Pratt agreed, saying that if the open space for the cluster ends up being a swamp, he would like to see the lot beforehand. Mr. Plowman noted that there appears to be substantial wetlands in the back of the site, and he would like to minimize any impact on the wetlands a possible, so he would support a cluster form if that means a minimal impact on those wetlands.

Mr. Zelmanow confirmed that the abutter to the rear will continue to have access from Presumpscot Ridge Road, which is on the abutter's lot, and will the new lots access a private way or a public road. Mr. Morrell said it will be either a private way or a public road, either a 2-6 lot private way or a public road. Mr. Zelmanow noted that if it is a private way, the abutter and the new owners will need a maintenance agreement. The hammerhead will be flipped to the right if it is a public road. Mr. Duchaine told Mr. Zelmanow that the two small ponds are to the back of the property. Mr. Poirier said he would defer to DEP as to what their determination of what a wetland or a pond is, and there are ponds that are considered wetlands. Mr. Morrell said they will locate the ponds and put them on the plans.

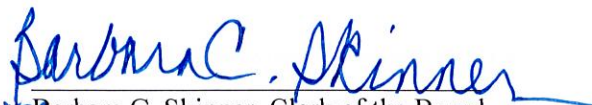
In reply to Mr. Morrell, Mr. Poirier said he believes that the Council is currently having a discussion about short dead-end roads, and whether the Town wants to continue to accept them.

The Board agreed that a site walk should be scheduled, and asked that the corners of the conventional lots along the road be staked.

ADJOURNMENT

George Fox MOVED and Lee Pratt SECONDED a motion to adjourn. Motion CARRIED, 7 ayes. [9:15 p.m.]

Respectfully submitted,


Barbara C. Skinner, Clerk of the Board
November 5, 2018

ITEM 1

MN8 PROPERTIES, LLC

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 Main Street, State Route 25, which is classified as an Other Principal Arterial road by the Maine Department of Transportation. No changes are proposed to Main Street.

The proposed use of the site will generate 40 daily trips.

Finding: Main Street, State Route 25 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 17' to 33' wide driveway located in the eastern corner of the lot. The driveway is wide enough for 2-way traffic to access the front and rear parking lots.

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.

Parking areas are located to the front, side and rear of the building. The applicant is proposing to extend the driveway along the rear parking lot northerly to serve the four new parking spaces. The drive aisles that provide access into the site and the parking lot are proposed to be 27' in width.

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 install 2 paver pedestrian walkways to the new addition. The paver walkways will provide for access from the existing and new parking lots. An existing walkway is located along the front of the existing building is to be relocated to the side of the building.

Sidewalks are currently not located along Main Street in front of the parcel.

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.

The stormwater treatment proposed for the site shall be directed to the alder thicket behind the parking lot and building addition.

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.

The applicant has provided an Erosion Control & Stormwater Run-off Plan: Sheet C1 that identifies the location and type of erosion control to be installed.

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 served by an existing 3/4" water main stub into the building from a 8" water main located in Main Street.

The applicant has provided a Portland Water District ability-to-serve letter dated October 18, 2018 from Robert Bartels, P.E., PWD Senior Project Engineer.

Finding: *The development provides a system of water supply that provides for an adequate supply of water meeting the standards of the State of Maine for drinking water.*

I. Sewage Disposal: A sanitary sewer system will be installed at the expense of the developer if the project is located within a sewer service area as identified by the sewer user ordinance. The Site Plan

Review Committee or Planning Board may allow individual subsurface waste disposal systems to be used where sewer service is not available.

The site is served by an existing septic system located behind the existing building. The applicant has provided an HHE-200 from a licensed site evaluator for an expanded 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 lot is served by overhead power and utilities from the Main Street 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 proposal is to expand the site into upland areas. No wetlands or other sensitive natural resources are proposed to be disturbed as part of the site development activities.

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 the Portland Water District public water. The applicant has provided a design for a septic system expansion completed by a licensed site evaluator.

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 proposal is to locate 3 wall packs on the side of the building, 2 on the new addition and 1 on the new side entrance. The proposal is also to locate 2 lights to the front of the building to illuminate the parking lot located to the front of the building.

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

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 2 dumpsters on the site. The dumpsters will be located at the end of the parking lot and will be screened from the view of Main Street via a 6' high fence.

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 do some landscaping along the front of the site to buffer the view of the parking areas from Main Street, as well as adding a landscaped island between the new and existing parking lots.

The landscaping will be maintained in a neat and sanitary condition.

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 letter from Lisa M. Hughes, Vice President, with Gorham Savings Bank, dated October 1, 2018 identifying that it has the funds to complete the project.

The applicant has hired Village Builders to assist it in the technical components of completing the construction.

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 proposed development from Main Street through landscaping and existing trees and shrubs.

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 will meet all applicable sections of 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 interior shall be submitted to the Gorham Fire Department for review and issuing of a state Building permit;
7. 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;
8. 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;
9. That the applicant shall make the final changes to the plan meeting Staff's approvals prior to the Planning Board's endorsement of the final plan;
10. That the Planning Board Chairman is authorized by the Planning Board to sign the Findings of Fact on behalf of the entire Board; and
11. That these conditions of approval must be added to the administrative site plan and the administrative 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.

**ITEM 3 DEARBORN BROTHERS, LLC – REQUEST FOR APPROVAL TO AMEND
THE LEWRY/WALKER/GRANT GRAVEL PIT**

**CHAPTER 2, GENERAL STANDARDS OF PERFORMANCE, SECTION 2-1 –
ENVIRONMENTAL, C. MINERAL EXPLORATION, EXCAVATION, AND GRAVEL
PITS Standards**

4) Application for New Pit Operations

- a) Permit Application Requirements. No new gravel pit or pre-existing pit which failed to meet registration requirements of Section 2-3 may commence operations without first applying to the Planning Board for a new pit operations permit. The following shall be submitted with the permit application:

- (1) initial application fee in such amount(s) and for such purpose(s) as the Town Council may from time to time establish by Council order;

The applicant has paid the required submission fees.

- (2) names and addresses of current owner of the property and the current operator of the operation, and a copy of the deed or lease agreement if the operator is not the owner:

Dearborn Brothers, LLC currently has a purchase and sale agreement to buy the gravel pit operation from the current owners.

- (3) a site plan, drawn to a scale of one inch to one hundred feet, showing the location and boundaries of the property; the boundaries of proposed excavation areas (a boundary survey shall be required for any proposed pit in excess of five (5) acres); the present use of the entire property including any existing excavated areas; present uses of adjacent property; the location of all proposed access roads, parking areas and temporary and permanent structures; the type and location of all existing surface and ground water, including location of existing wells and streams, drainage ways, and depth to ground water at the site of the proposed excavation as determined by test borings and other geotechnical methods; the contours of the land within and extending beyond the boundaries of the parcel for two hundred (200) feet at five (5)

foot contour intervals, or at intervals acceptable for a Department of Environmental Protection permit application; and the location of all proposed hazardous material storage areas; and other applicable site plan review requirements of Chapter 4, Section 4-6.

The applicant has provided copies of the original gravel pit approval drawings as well as submitting an Amended Reclamation Plan.

- (4) A plan for controlling access to the site. The Planning Board may impose such additional access limitations as the particular circumstances of the proposed operation require to meet approval standards of Section II-4.b. At a minimum, a solid gate with a lock shall be located at all entrances;

The site has an existing gate located at the entrance driveway off Fort Hill Road, State Route 114.

- (5) An operations statement, which shall include the approximate date of commencement of excavation and the duration of the operation,
proposed phasing of the operation, proposed hours and days of operation, the estimated volume of the excavation, the method of extracting and processing, including the disposition of topsoil or loam, the equipment proposed to be used in the operations, and the operating practices proposed to be used to prevent surface or groundwater pollution, and minimize noise, dust, air contaminants and vibration;

The applicant has provided an Operations Statement for how Dearborn Brothers, LLC will operate the gravel pit operation.

- (6) an erosion and sedimentation control plan designed to standards of the Cumberland County Soil and Water Conservation District;

The applicant has provided a narrative to describe how erosion and sedimentation control will be handled in the operation of the gravel pit.

- (7) a final reclamation plan pursuant to Section 2-1.C.6 of this section:

The applicant has provided a revised reclamation plan showing the revised contour lines on the western edge of the gravel pit.

- (8) identification of all required State and/or Federal permits, including, if applicable, a Department of Environmental Protection permit;

The site has an approved DEP Notice of Intent to Comply Performance Standards for Excavations for Borrow, Clay, Topsoil or Silt.

- (9) a performance guarantee in the form of a bond, letter of credit, or such other financial instrument as deemed satisfactory by the Town Manager covering the cost of the reclamation plan;

The applicant is required to post the performance guarantee meeting the Town's approval prior to operation of the site as a gravel pit.

- (10) for new pits of five (5) acres or more, the following additional submissions are required:
 - (a) A hydro geological study which shows the depth of ground water throughout the site and establishes that the gravel pit operation will not cause any pollution to ground water and/or surface water.

The gravel pit proposal is an amendment which reduces the size of the gravel pit. No changes are proposed in grading the gravel pit which will result in the gravel pit level getting closer to the ground water level.

- (b) A traffic study which sets forth what the maximum estimated volume of traffic into and out of the pit will be, which describes the kinds of trucks and equipment which will be going into and out of the pit, which describes any existing or potential traffic hazards on roads servicing the site and applicant's plans to address them, and which describes the ability of such roads physically to withstand the additional traffic generated by the site. The study shall consider the actual existing traffic condition in the vicinity of the pit.

No changes are proposed that will increase the estimated volume of dump trucks entering the site.

b) Plan Review

- (1) The Planning Board shall review each application for a new Pit Operations permit according to the special exception approval standards of Section 1-4(E) of Chapter 1, site plan approval standards of Section 4-9(B, C, D, F, J, M, P and T) of Chapter 4 and the other applicable requirements of this ordinance. The Planning Board shall hold a public hearing on the same. Notice of the hearing shall be sent to all abutting property owners and all owners of property within 500 feet no less than fourteen (14) days in advance of the hearing. Failure of any property owner to receive notice shall not invalidate the hearing. It shall be the applicant's burden to prove compliance with each of these approval standards.

Notices have been mailed to the abutters with more than 14 days' notice and a public hearing is scheduled for November 5, 2018.

- (2) To help recover costs incurred by the Town in the review, administration, site inspection, and public notice associated with the New Pit Operations application, the following fees and deposit in such amount(s) and for such purpose(s) as the Town Council may from time to time establish by Council order shall be paid by the applicant to the Town of Gorham at the time of filing the New Pit Operations application:

1. Publishing and public notice fee;
2. Application fee; and
3. Independent consulting and peer review escrow account to be established with the Town in accordance with Chapter 2, Section 2-9 of this Code.

All fees shall be non-refundable except unexpended escrow deposits, which shall be refunded in accordance with Chapter 2, Section 2-9, Subsection B of this Code. If a New Pit Operations application is also subject to subdivision review, site plan or municipal review under any other ordinance, the applicant shall pay only the larger review fee amount exclusive of escrow deposit.

All fees have been paid by the applicant.

- (3) The Planning Board shall approve, deny or approve with conditions any such application within ninety (90) days of its public hearing provided any such conditions of approval directly relate to the specific approval standards contained in this ordinance. The Planning Board may also include conditions of approval that relate to the safety and protection of persons who might access the site, including but not limited to site or operations area fencing and signage. Where considered necessary by the Planning Board to determine compliance with the approval standards, the Board may require additional information be provided by the applicant.

5) Operational Requirements for New and Existing Pits

Unless otherwise expressly provided, the following requirements apply to all gravel pits; provided, however, any existing gravel pit lawfully in operation at the effective date of this ordinance which does not comply with these operational requirements shall be grandfathered with regard to such deficiencies except that there shall be no grand fathered rights as to hours of operation in paragraph d, duty to minimize dust in paragraph (e), and erosion and sedimentation control as provided in paragraph (g); provided, further, any such grandfathering shall not apply to any area for which an expansion permit is required.

- a) A buffer strip of 100 feet from all public rights of way and two hundred (200) feet from all other boundaries of the property is required except in the instance of a waiver as provided in this section. The slopes of the side of the pit shall be no more than 3:1. This slope requirement shall not apply to a quarry that is operating under a Notice of Intent to Comply filed with the Maine Department of Environmental Protection under the provisions of 38 M.R.S.A., section 490-Y or under any other quarry permit, license or approval issued by the Maine Department of Environmental Protection. No excavation is permitted within the buffer strip of any pit, including a quarry, except where provided for within. Natural vegetation shall be retained within the buffer area, except as recommended by a professional forester pursuant to Best Forest Management Practices and approved by the Planning Board. To the extent necessary to protect neighboring uses from dust, noise and unsightly appearance, the Planning Board may require the applicant to provide screening, berm or a combination where there is an inadequate natural buffer. No excavation, including such operations existing at the time of adoption of this

ordinance shall encroach into these buffer strips and no existing operation lawfully located within such buffer areas shall be permitted to expand closer to such line or lines. Except that applicants with new and existing excavations may apply for a waiver of the 200 foot buffer strip in any of the instances described below, and the Board shall grant such waiver in the case of

- (1) two abutting working gravel pits where the Planning Board may waive the requirement for any buffer,
- (2) where the pit abuts unbuildable land of a public utility provided the excavation remains at least one hundred (100) feet from the far side of the public utility's property line, and in no case shall it be any closer than ten (10) feet from the public utility's property line.
- (3) where all adjacent property owners within the area of reduced buffer agree to a lesser distance. Any such agreed upon reduction (to not less than a 10 foot buffer) will be consistent with the purposes of this ordinance in Section 2-1. C. 1, The buffer strip may be reduced upon recording by all abutting property owners within the area of reduced buffer of reciprocal deeds stating that each agrees to the waiver. In the event of a reduced buffer under this subsection, the pit shall not be subject to the noise limits established by subsection 4 of this section of Chapter 2, Section H of this Code in the area of the boundary reduced under the terms of this subsection if the abutting property owner agrees that the noise limits will not apply to the shared property line or that the noise limits may exceed an amount established in writing. Any agreement concerning the noise levels shall be included in the reciprocal deeds.
- (4) the applicant may apply to reduce the buffer from two hundred (200) feet to not less than one hundred (100) feet, which reduction the Planning Board shall grant, provided that the applicant demonstrates:
 - (a) Noise generated at the excavation site, including noise generated within the reduced setback area, may not exceed the noise requirements set forth in Chapter 4 Section 4-9. T of this Code.
 - (b) the applicant provides a satisfactory plan to control the migration of dust that results from the mining

operation which may include sweeping, paving, watering or other best management practices, and

- (c) the applicant has provided a satisfactory plan to visually screen the mining operation from properties adjacent to the area proposed for a reduced buffer. Screening may include maintenance of existing vegetation, growth, or in-fill planting to increase density of vegetation, the placement of earth berm or other best management practices.

The abutting lots located along Mighty Street have buffer setbacks of 200' or greater with the exception of 100' for the lot of Kathleen M. Baxter. No changes are proposed to these buffer setbacks.

The Blake and Walker parcels located along the western property line have a reduced buffer of 10'. No changes are proposed to the buffer area in this area. The Lewry parcel is being amended to have a 10' buffer similar to the Blake and Walker parcels.

- b) Excavation shall not extend below an elevation of five (5) feet from the seasonal high water table as established by competent, technical data. A variance from this requirement shall be allowed pursuant to paragraph 490-E, Variance, Performance Standards for Excavation for Borrow, Clay, Topsoil or Silt, 38 M.R.S.A. Sec 490-A-490-M and Article 8, Performance Standards for Quarries, 38 M.R.S.A. Sec. 490-W to 490-EE. The request for variance shall consist of a hydro geologic study and supporting documentation required by the Department of Environmental Protection. The variance shall be reviewed and approved by the Department of Environmental Protection. Planning Board approval shall be conditioned on Department of Environmental Protection approval. No standing water shall be allowed to remain longer than two consecutive calendar weeks unless specifically provided for by the Planning Board.

No changes are proposed to the depth of the gravel pit.

- c) The average slope of any cut bank measured from the top of the slope to the toe of the slope shall not exceed a horizontal to vertical ratio of 2:1; provided, that any gravel pit in lawful operation at the effective date of this ordinance whose slopes exceed this requirement may maintain, but not increase, such nonconforming slopes; provided, further, that for an expanded pit area or new pit area which exceed five (5) acres in size, the slope for such areas may not exceed 3:1. These slope requirements will not apply to a quarry that is

operating under a Notice of Intent to Comply filed with the Maine Department of Environmental Protection under the provisions of 38 M.R.S.A. Sec. 490-Y or under any other quarry permit, license or approval issued by the Maine Department of Environmental Protection, except for those extraction operations that occur in any area where a buffer has been reduced under the provisions of Section 2-I(C)(5)(a) of this Chapter.

All slopes of the reclaimed gravel pit will not exceed a slope of 3:1.

- d) Hours of operation shall be limited to 6:00 a.m. to 6:00 p.m., Monday through Friday and 8:00 a.m. to 2:00 p.m. Saturday; provided, however, the Planning Board may extend Saturday hours of operation to 5:00 p.m. if it determines that such extended hours will not unreasonably interfere with neighboring residential uses existing at the time of the request. Where a mineral extraction operation abuts a lot with an industrial operation that uses produce from the mineral extraction operation as part of its manufacturing use, the Planning Board may approve additional hours of operation for the mineral extraction operation so that the hours are consistent with the hours of operation of the abutting industrial use. The extended hours of operation shall be limited to the area of the mineral extraction operation located within one hundred (100) feet of the boundary line of the abutting industrial use lot. This area of the mineral extraction operation shall be included in any site plan or other review for the industrial operation. In no event shall any crushing or screening of materials or mining occur during any extended hours of operation.

The hours of operation of the gravel pit are proposed to be weekdays, 6:00 a.m. to 6:00 p.m., and Saturdays, 8:00 a.m. to 2:00 p.m.

- e) All access roads outside the pit within the buffer area prescribed in subsection (a) above of public roads or adjoining property shall be paved and otherwise regularly treated with water or calcium chloride spray to minimize dust conditions.

There is an existing gravel pit road located off Fort Hill Road, State Route 114. No changes are proposed to the road or the dust treatment required to mitigate dust conditions.

- f) Rock and stone crushing shall be permitted as an accessory use to sand and gravel excavation operations, shall be limited to 7:00 a.m. to 5:00 p.m. Monday through Friday, and may be prohibited or further restricted by the Planning Board if it will unreasonably

interfere with residential uses existing at the time of application. The Planning Board may require water bars on crushing equipment if necessary to control dust. On an annual basis no more than thirty-three percent (33%) of all materials crushed or otherwise processed on the property of such excavation operation may be brought in from a location outside the property.

The applicant shall meet the requirements of the previous gravel pit approval.

- g) Erosion and sedimentation on site shall be adequately controlled, based on guidelines of the Cumberland County Soil and Water Conservation District.

The applicant has provided a narrative to describe how erosion and sedimentation control will be handled in the operation of the gravel pit.

- h) Sufficient topsoil shall be retained to comply with the approved reclamation plan.

The original gravel pit approval required that sufficient topsoil be retained to comply with the approved reclamation plan. No changes are proposed.

6) Reclamation

The following provisions apply with respect to any existing pit in excess of five (5) acres, any gravel pit for which approval has been obtained for expansion under Subsection 3, or a new pit under Subsection 4. A reclamation plan must be submitted to the Planning Board, and the site shall be reclaimed in accordance with the requirements of this Section. The reclamation work shall be completed within nine months of the closing of a site (or a portion of a site with regard to phased reclamation plans) or approval of the reclamation plan, whichever occurs later. Reclamation of continuing operations shall be conducted in phases, if necessary, so that there is never open more than fifteen (15) acres of pit area or fifty percent (50%) of the pit area for pits less than fifteen (15) acres in size. Failure to remove more than four hundred (400) cubic yards of material from a pit within any 24 month period shall trigger the obligation of the pit operator to commence reclamation. The following requirements shall be met:

- a) Specific plans shall be established to avoid hazards from excessive slopes. Where an embankment remains after the completion of operations, it shall be at a slope no steeper than one (1) foot vertical to two (2) feet horizontal; provided, further that for an expanded pit

area or new pit area which exceeds five (5) acres in size, the slope for such areas may not exceed 3:1. These slope requirements shall not apply to quarries that have been operated under a Notice of Intent pursuant to 39 M.R.S.A. Sec. 490-Y or under any other quarry permit, license or approval issued by the Maine Department of Environmental Protection, except for those portions of a quarry where extraction operations have occurred in any area where a buffer has been reduced under the provisions of Section 2-1(C)(5)(a) of this Chapter.

- b) Exposed slopes shall be stabilized so that no significant erosion will occur. Loaming, seeding and planting, if required, shall be based on guidelines of the Cumberland County Soil and Water Conservation District. Sufficient top soil shall be retained on site to complete the site reclamation. The reclamation plan for any quarry shall include specific provisions to ensure the stability of any exposed rock faces.
- c) Overburdened soil shall be redistributed over the pit area or removed from the parcel. The areas of the pit with solid or broken ledge rock shall be trimmed of loose rock, and the bottom of the pit graded to be compatible with the surroundings.
- d) Grading and restoration shall be completed in such a manner that it will ensure natural drainage, prevent standing water and minimize erosion and sedimentation and be compatible with the planned end use of the reclaimed site. The pit shall be contoured so that sediment is not directed into streams or drainage ways.
- e) Upon default of any obligations to reclaim a pit under this Section, the Town may, after written notice and an opportunity to be heard by the Board of Appeals, cause the pit operator's reclamation plan to be implemented pursuant to the performance guarantee.
- f) Reclaimed areas shall be guaranteed for a period of eighteen (18) months following the substantial completion of reclamation, during which time the performance guarantee shall remain in full force and effect. A reclamation plans shall state specific time requirements for commencement and substantial completion, which times may be staggered for phased extraction work.

The reclamation plan shows the required slopes at 3:1 to which the gravel pit shall be returned as part of the reclamation of the gravel pit. The reclamation plan identifies the required specific time requirements for the commencement and substantial completion of each phase of the gravel pit operation.

7) Blasting

No blasting shall be done in any gravel pit except in accordance with the following:

- a) If an operator of a gravel pit intends to do blasting, the operator shall apply to the Planning Board to obtain a license to blast. Such an application may be filed either separately or concurrently with any other application under this mineral extraction ordinance.
- b) In the application, the operator shall set forth in specific detail the reasons why such blasting is essential to economic viability of the operation.
- c) In addition, the application shall include a site plan showing the limits where the blasting will take place; a statement on the number of times that blasting will occur on an annual basis; identification by name, address and telephone number of the entity that will actually do the blasting; a detailed description of the patterns and timing of each blast; a detailed description of all precautions which will be taken to insure that no damage will be done to surrounding properties; a detailed description of the devices and methods which will be used to monitor the effects of the blast (which shall include but not be limited to monitoring the seismic effect of the blast and performing both pre- and post-blasting inspections with photographs of all abutting properties); certificates of liability policies covering the blasting activity in an amount approved in advance by the Town Manager as sufficient to cover any damage reasonably likely to occur; a list of the names and addresses of all abutting property owners; and such other material as the Planning Board may require in order to review the license application.
- d) After the application is complete, the Planning Board shall schedule a public hearing to consider the application and each abutting property owner and owners of property within five hundred (500) feet shall be given notice no less than fourteen (14) days' notice in advance of the hearing. Failure of any property owner to receive notice shall not invalidate the hearing. Blasting applications shall be submitted and heard simultaneously with any other permits required under this ordinance.
- e) In order for the Planning Board to grant a license to blast, it must make specific findings that the operator has met its burden and established the following:

- (1) That blasting is essential to the economic viability of the operation.
 - (2) That the blasting will be conducted in a manner which will cause no damage nor unreasonable disturbance to surrounding properties.
 - (3) That all blasts will be comprehensively monitored.
 - (4) That there is adequate insurance to protect against any damage which may result from the blasting activity.
- f) If the Board makes the above findings, then it shall issue a blasting license which will authorize the operator to conduct the blasts on the dates and in precise manner set forth in the operator's application.
 - g) Under no circumstances shall the Board permit any blasting within one hundred fifty (150) feet of an adjoining property line.
 - h) The records for each blast, including all monitoring records, shall be filed with the Town no more than ten (10) days after each blast, and all such records shall be available for public inspection and copying.

No blasting was proposed as part of the original gravel pit approval process. Blasting is not proposed as part of the amendment process.

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

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 Fort Hill Road, State Route 114, which is classified as a Major Urban Collector road by the Maine Department of Transportation. No changes are proposed to the estimated frequency of trips visiting the site.

The proposal will reduce the overall number of trips due to the reduction in the size and volume of the gravel pit.

Finding: *Fort Hill Road, State Route 114 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 is from an existing 24' wide driveway located along the northwestern corner of the lot. The first 200' of the driveway is paved with the remaining driveway into the gravel pit being gravel. A gate is located at the entrance of the driveway. No changes are proposed to the access into the site.

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

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

Access into the site allows for 2-way access of large commercial trucks to pass. Trucks will pull down into the site be loaded and drive out without the need to back onto public roads.

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

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.

The stormwater from the site will be directed to the bottom of the gravel pit. No changes are proposed to the stormwater management of the site.

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

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

No new utilities are proposed to be installed to serve the gravel pit.

Finding: *The development will provide for adequate electrical and phone service to meet the anticipated use of the project.*

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

No exterior lighting has been or proposed for the use of the site.

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

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

The gravel pit is currently buffered from abutting properties and rights-of-way by existing trees and topography. No changes are proposed to the existing landscaping on the site.

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

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

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

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 the amendment is dependent upon, and limited to, the proposals and plans contained in the application and supporting documents submitted and affirmed by the applicant and that any variation from the approved plans, proposals and supporting documents is subject to review and approval by the Planning Board, except for minor changes which the Director of Planning and Zoning may approve;
2. That the applicant shall obtain all local, state and federal permits required for the gravel pit to the commencement of mining in any of the proposed phases;
3. That all other applicable conditions of approval attached to previous gravel pit approvals shall remain fully in effect;
4. That within ten days of final approval, the applicant shall provide four full sets of the approved plans, sealed and signed by all professionals, to the Town: (1) to the Town Engineer, (2) to the Code Enforcement Officer, (3) to the Compliance Coordinator, and (4) to the Planning Director.
5. That the applicant shall provide property line information and site information, in AutoCAD format to the Town Planner;

6. That the applicant shall submit accurate plans, including the use of GPS-based information where applicable, and AutoCAD information of existing quarry operation area and conditions as part of the yearly Application for Registration of Existing Pit Operations to the Town Engineer and Code Enforcement Officer;
7. That the keys for access control gates should be provided in lock boxes located at the gate entrances with lock box keys provided to the Gorham Fire Department;
8. That the Spill Prevention Countermeasures and Control Plan (SPCC) should be signed and sealed by a professional engineer and the plan shall be reviewed by the Town Engineer and updated by the applicant as necessary with copies of the most current plan shall be provided to and made available in the Code Enforcement office, the Public Works Department, and on site at all times;
9. That the applicant shall ensure installation of "Smart Alarms" on all equipment operating on the site, excluding vehicles entering and existing the site that are not involved in gravel pit site operations;
10. That the reclamation work shall be completed within nine months of the closing of the site (or a portion of a site with regard to phased reclamation plans) and reclamation of continuing operations shall be conducted in phases, if necessary, so there is never open more than fifteen (15) acres of total extraction operation area;
11. That upon default of any obligations to reclaim the gravel pit under this approval, the Town may, after written notice, cause the quarry operator's reclamation plan to be implemented pursuant to the performance guarantee;
12. That reclaimed areas shall be guaranteed for a period of eighteen (18) months following the substantial completion of reclamation, during which time the performance guarantee shall remain in full force and effect;
13. That the applicant shall submit recorded copies of reciprocal deeds for each abutter agreeing to buffer reductions to Town Staff and Town Attorney approvals prior to the Planning Board's endorsement of the final plan;
14. That the applicant shall submit copies of all Maine Department of Environmental Protection site inspection reports as well as descriptions of sound measurement report data to the Town Engineer, and the Code Enforcement Officer;
15. That the applicant shall address staff comments prior to the Planning Board's final endorsement of the plan;
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 amended reclamation plan and the 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.