

**PLANNING BOARD MEETING  
September 22, 2017**

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

**Members Present**

**EDWARD ZELMANOW, Chairman**  
**MOLLY BUTLER BAILEY**  
**SCOTT FIRMIN**  
**GEORGE FOX**  
**LEE PRATT**  
**MICHAEL RICHMAN**

**Members Absent**

**SCOTT HERRICK, Vice Chairman**

**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. He advised those present that in light of the long agenda for this evening's meeting, it may be necessary to invoke the 10:00 rule that no agenda item will be taken up at a meeting after 10:00 p.m. Any item not taken up tonight will be rolled over to the next meeting of the Board.

The Clerk called the roll, noting that Scott Herrick was absent. Mr. Zelmanow welcomed new Board member Molly Butler Bailey.

**APPROVAL OF THE AUGUST 7, 2017 MINUTES**

**George Fox MOVED and Lee Pratt SECONDED a motion to approve the August 7, 2017 meeting minutes as written and distributed. Motion CARRIED, 4 ayes (Scott Herrick absent; Michael Richman abstaining as not having been present at the meeting; Molly Butler Bailey abstaining as not having been a Board member). [7:07 p.m.]**

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**COMMITTEE REPORTS** – Mr. Pratt reported that the Committee had met on August 30, 2017, to discuss the proposed adult day care ordinance, which is on for public hearing this evening and that members of the public interested in the ordinance had also been present.

Mr. Zelmanow reported that the Town Council has approved the formation of a Planning Board Comprehensive Plan implementation committee to insure ongoing compliance with the Comp Plan. Mr. Poirier said that Board members noticed when the new Comprehensive Plan was adopted about a year ago there are ordinance changes necessary to meet the new Plan; this new Board committee will try to implement such changes in a more organized fashion. Mr. Zelmanow noted that the Board members who will serve on that committee are Molly Butler Bailey, George Fox and Michael Richman. Staff will set up the first meeting of the committee, at which time a chairman should be selected.

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**CHAIRMAN'S REPORT** – Mr. Zelmanow again thanked Molly Butler Bailey for her willingness to serve and noted that the Board is now at full strength with 7 members.

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**ADMINISTRATIVE REVIEW REPORT** – Mr. Poirier said there is one new administrative review item, which is Shawn Moody's request for approval of a farm stand on New Portland Road. Originally, the project was approved as a home occupation. However, Mr. Moody is asking for a larger farm stand than allowed

under home occupation standards, so it is being reviewed as an administrative review. Staff is in the process of finalizing the documents with approval sometime this week.

Mr. Zelmanow asked about the status of the Shaws Mill Road substation, since it has been 2-1/2 years in the process. Mr. Poirier said he met with the applicant, Central Maine Power about a month ago, and a submission is expected within the next month or two to complete the project. CMP projects of that scale take time to work through multiple municipalities and multiple planning boards, as well as state and federal approval, but hopefully they will address remaining Planning Board comments in their next submission within the next month or so.

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**CONSENT AGENDA    Site Plan Amendment – Maine Coast Kitchen** – request for approval to construct a 7,150 square foot condo-plex including parking, access ways, sidewalks and landscaping on Little Wing Avenue, on property located off New Portland Road, Map 12, Lot 12.001 in the Industrial zoning district.

Mr. Zelmanow explained the consent agenda process, noting that items on the consent agenda are applications that have been before the Board which have minor outstanding issues that staff feels have been satisfactorily addressed, and the item is ready for Board approval. Such items are approved without discussion, unless a member of either the Board or the public wishes to take the item off the Consent Agenda. He noted that the applicant has received his Maine DEP permit.

There being no Board member nor member of the public wishing to take the item off the Consent Agenda,

**George Fox MOVED and Lee Pratt SECONDED a motion to approve the item on the Consent Agenda. Motion CARRIED, 5 ayes (Scott Herrick absent; Molly Butler Bailey abstaining). [7:10]**

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**ITEM 1    Public Hearing – Land Use and Development Code** – Amendment to Chapter 1, Zoning Regulations, addition of a new Section (Section 1-22) in order to rezone a portion of property on lower Main Street from Industrial District to Agricultural/Industrial District.

Mr. Poirier explained that this item was forwarded to the Board by the Town Council on June 6, 2017 to look at rezoning a parcel of land from Industrial to Agricultural/Industrial District, which would be a new district in the Town. The proposed amendment has been reviewed by the Board and its Ordinance subcommittee; in addition to the Land Use amendment, an amendment to the zoning map will also be required to add the new district.

Mr. Zelmanow commented that the Board does not approve changes to the Land Use Code, that the Board after holding public hearings, makes a recommendation to the Town Council to adopt such a change as originally crafted or with changes made by the Planning Board.

Mr. Firmin commented that on page 6 of 8, under b., “2 c.” should simply be “2.” Mr. Firmin asked about the basis for the 12,000 square foot restriction; Mr. Poirier replied that came from the Town Council in the original proposed language, based on conversation between the Council and the land owner regarding food processing. Tom Biegel, Shaw Brothers and Shaw Brothers Family Foundation, came to the podium and said the 12,000 originally was because they thought it was large enough for any tenant to move in. They do not have a concern with 12,000 sf for food processing, as long as it can be separated out from other uses in a building. Mr. Poirier said that there is no limitation on other manufacturing processing and treatment, but a 12,000 sf maximum is mandated under food processing, so staff recommends striking that limitation from paragraph 12.

Mr. Biegel referred to the perimeter setback of 100 feet being dropped by 50% if it makes a better plan, and asked that it be reduced. Mr. Zelmanow said the Board can reduce the setback by 50% if necessary in the future and recommends leaving the 100 perimeter setback from New Portland Road. The Board concurred.

In reply to Mr. Firmin, Mr. Poirier said that “recreational uses” in #14 was changed to “parks and playgrounds” to make it consistent with other parts of the ordinance.

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

**George Fox MOVED and Lee Pratt SECONDED a motion recommend adoption by the Town Council of the proposed Agricultural Industrial District as amended by the Planning Board. Motion CARRIED, 6 ayes (Scott Herrick absent). [7:25 p.m.]**

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**ITEM 2   Public Hearing – Land Use and Development Code –** Amendment to Chapter 1, Section 1-5, Definitions, to amend the definitions of Day Care Homes and Day Care Centers to include adult day care.

Mr. Poirier explained that this was forwarded to the Board by the Town Council on July 11, 2017, and the Board’s ordinance subcommittee met with someone looking to open an adult day care and her attorney on August 30, 2017 to discuss the proposed amendment. Mr. Pratt said that the change recommended by the committee is to change the word “children” in each definition to “person(s).”

PUBLIC COMMENT PERIOD OPENED:       John Bowler, 190 Mosher Road, spoke about the difficulties in dealing with someone with Alzheimer’s and the need for an adequate number of care givers for such individuals. Mr. Zelmanow said staffing requirements are regulated by the state and not the Town, and the proposed ordinance is simply to allow such adult day cares.  
PUBLIC COMMENT PERIOD ENDED.

**Scott Firmin MOVED and Molly Butler Bailey SECONDED a motion to recommend adoption by the Town Council of the proposed zoning amendment to Chapter 1, Zoning Regulations, Section 1-5. Motion CARRIED, 6 ayes (Scott Herrick absent). [7:30 p.m.]**

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**ITEM 3   Public Hearing – Site Plan Review –** National Attachments proposal for approval of a new commercial development at 29 Olde Canal way, on property located on lot 2 of the Olde Canal Business Park, Map 34, Lot 3.002, Old Canal Industrial zoning district.

Mr. Poirier advised the Board that the applicant is proposing a “tree save” area and a limited clearing area in order to provide the visibility he wishes to secure for his equipment display area along Route 25. Conditions of approval 12 and 13 address flagging of the areas and approval of the trees to remain in the “tree save” area. Mr. Poirier reminded the Board that inasmuch as the Council has granted approval of the new Olde Canal Business district on September 5, 2017, National Attachment’s proposed use is now permitted in the zone. As the applicant is proposing to impact more wetlands that were approved for this lot in the subdivision, the applicant has provided a subdivision amendment application and plan, which is on for approval this evening as Item 5.

Mr. Poirier said that the applicant is asking for phased approval, with the first phase being the building and the maneuvering area around the building, with the next phase, once they have received DEP approval, being the driveway with the access to the equipment display area.

Ms. Butler Bailey asked to be recused from participation in the discussion on this item as it has already received substantive review.

**George Fox MOVED and Lee Pratt SECONDED a motion to recuse Ms. Butler Bailey from participating in the discussion on this item. Motion CARRIED, 5 ayes (Scott Herrick absent; Molly Butler Bailey abstaining).**

Owens McCullough, Sebago Technics, came to the podium and described National Attachments' proposal. He showed the Board renderings of the proposed 8,090 sf building, describing its colors as green and white with a yellow logo. Mr. McCullough discussed the area where the applicant would like to thin some trees in order to create more of a view shed from Route 237 for the applicant's display area, with a minimum of 20 trees to remain and the ability to limb those trees up to the first 15 feet. There will be about 100 feet into the site where there will be no clearing or removal of trees, all of which to be done in coordination with a licensed landscape architect and the Town Planner.

Mr. McCullough said it is the applicant's desire to have its identification sign out by Route 237 and a small directional sign at the entrance saying "National Attachments – enter here." Mr. McCullough said that the project will impact 830 square feet more wetland than originally permitted for the lot, so amended Maine DEP and Army Corps of Engineers permits will be required. Access to the display area will occur in phase two after those permits are in hand.

Mr. Zelmanow asked if any gates are proposed, either at the entrance or at the display area or both. Mr. McCullough said there will be a gate installed at the entrance. Mr. Zelmanow asked if the address will be on the directional sign; Mr. Poirier said there cannot be an address on the directional sign, but the address can be on the sign at Route 237.

Mr. Firmin said he is concerned about the tree clearing, and said he hopes the applicant will exercise care and caution to find the right balance between obtaining visibility and maintaining the buffer. Mr. Zelmanow asked whether tractor trailers will be backing into the loading bays. Mr. McCullough replied that they will not be backing into the loading bays, they will stop and unload.

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

Mr. McCullough confirmed that the applicant is satisfied with the Conditions of Approval.

**George Fox MOVED and Lee Pratt SECONDED a motion to grant National Attachments' request for site plan approval for a new commercial development on 29 Olde Canal Way of the Olde Canal Business Park, Map 34, Lot 3.002, in the Olde Canal Industrial zoning district with Findings of Fact and Conditions of Approval as written by the Town Planner. Motion CARRIED, 5 ayes (Scott Herrick absent; Molly Butler Bailey recused). [7:46 p.m.]**

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**ITEM 4   Marissa Ritz and Meghann Carasco** – request for approval of a day care, "Seedlings to Sunflowers," on Lot 1 Unit 1 of South Gorham Crossing, on property located off County Road, Map 3, Lot 22.401, in the Hans Hansen Contract Zone.

Mr. Poirier reminded the Board that the applicants were before the Board on May 15, 2017 for a pre-application discussion. He said that the project will require a Maine DEP permit. The applicants' traffic impact study has been reviewed by the Town's traffic review engineer, John Adams with Milone and MacBroom. Mr. Poirier said that initially the proposed day care building was on Blue Ledge Road with

parking in the rear as identified as a requirement of the Hans Hansen Contract Zone. Now, however, it is proposed that the building be located along the northern limited common element area line and the parking is shown to the side of the building. He said that the Contract Zone allows the Board to consider parking at the side of the building if a use can show a hardship. According to the opinion of the Town Attorney, there are two inquiries that the Board can review to determine a finding of hardship: the first is whether there is some sort of physical limitation to placing the parking behind the building, such as wetlands or steep slopes; and the second is a financial consideration that would make putting the parking at the rear substantially more costly or even cost-prohibitive. The applicants' contractor has submitted a memo dated September 8, 2017, outlining cost information. The Contract Zone also requires a residential buffer meeting the satisfaction of the Planning Board; there is a residential abutter to the west who has contacted the Town, requesting additional plantings along that property border.

Tom Greer, Pinkham & Greer, came to the podium and introduced the applicants. Mr. Greer said that cost is a huge consideration with this project, so many changes have been made to accommodate reducing costs, such as reducing the size of the building. All of the minimum state requirements for child care are being maintained but every penny counts on this project. Some of the landscaping has been changed, such as adding additional pine trees at the corner of the underdrain soil filter and adding some balsam firs to act as a screen from Route 22. A row of trees has been added along the building itself to break up the view. Across the front of the building will be a picket fence between the two parking drives will also help screen the parking.

Mr. Greer said that putting the building immediately in front of parking screens the view of the parking lot in that direction, but it does not screen the parking lot very well from Route 22 and from the whole first half of the access road. That is one factor they would like the Board consider when reviewing their waiver request to put parking along the side of the building.

Mr. Greer asked the Board to table this application to its October meeting, at which time they would hope to receive Board approval so that ground can be broken in November to avoid costly winter construction.

Mr. Firmin asked if hardship is the only reason to grant the parking location waiver request. Mr. Poirier said hardship is the only criteria. Mr. Zelmanow said that other considerations can figure in as well, and while he believes that the amount given in the contractor's memo is significant for this project, he particularly likes the new design of the parking because it puts the emergency egress exists to the sides of the buildings instead of right into Blue Ledge Road, as originally designed, and the new parking layout funnels the children into the parking area or grass areas and not into the road. Mr. Richman said he believes there is a real issue of fill for parking in the rear, and that this plan better screens the parking from Route 22. Mr. Pratt said that hauling in fill to put in a parking lot will result in a less stable base and said he believes that the parking would be better placed as shown in the current plan.

Mr. Zelmanow asked Ms. Bailey Butler if she has had a chance to review the materials for this project. She replied that she has read the minutes from the pre-application discussion on the item and the items provided by staff for tonight's meeting, and feels she can participate in the discussion on the item.

**George Fox MOVED and Michael Richman SECONDED a motion to allow Ms. Butler Bailey to participate in the discussion on the item. Motion CARRIED, 5 ayes (Scott Herrick absent; Molly Butler Bailey abstaining).**

Mr. Fox said he agrees with other Board members, that the "hardship" criteria is broad and open to interpretation, and that the current design is better and more appealing one.

Mr. Zelmanow said that it is not an issue of granting a waiver, it involves finding that a hardship exists and allowing the parking to be moved to where it is currently shown in the application and not to be located behind the building.

**George Fox MOVED and Michael Richman SECONDED a motion to grant the applicants' request for a hardship finding as put forth by the applicant. Motion GRANTED, 6 ayes (Scott Herrick absent).**

Mr. Zelmanow asked if there would be residential abutters where the outdoor play area will be located and if sound buffers are contemplated. Mr. Greer replied the residence under discussion is some distance away and there is a good visual screening; in reply to Mr. Fox, Mr. Greer said that the house is some 300+ feet away. Ms. Butler Bailey asked exactly what the screening is; Mr. Greer replies that there is a row of pines planted some years ago that are now 20 feet tall and very robust, and some additional pine trees will be added on the corner and some balsam firs on another side. In response to Mr. Zelmanow's query about a landscape review, Mr. Firmin and Mr. Richman confirmed with Mr. Greer about the trees that will remain. Mr. Greer replied that the new plans will show the existing trees on site, as well as those proposed to be added. Mr. Pratt said he would like to hear from any abutter who might have concerns about the landscaping. Mr. Zelmanow asked if there is anything proposed to go around the building, like a paved walkway. Mr. Greer replied that there will be couple of doors on the back to allow egress. Mr. Greer that there will be a paved landing at each door but they haven't put a walkway around that side of the building; he said they will take a look at working some kind of walkway, maybe working with the stone drip strip around that side. Mr. Fox commented that an egress that doesn't lead anywhere isn't very helpful.

Mr. Zelmanow asked about the Fire Chief's comment that the gravel road leading to the existing fire pond on site will need to have the grade lifted where it meets the pavement to the parking lot. Mr. Greer said that will be taken care of by the condominium association.

Ms. Butler Bailey said that the applicants' traffic study was done during the summer, and suggested that perhaps it would be more appropriate to check it again when school is in session since that makes a huge difference at that intersection. Mr. Greer said that Diane Morabito, the applicants' traffic engineer, has updated the traffic counts as of September 14, 2017, and there is actually less traffic in the morning when school starts. A new submittal addressing all of those issues, as well as those of staff, will be forthcoming.

Mr. Greer commented that the color of the building is still under consideration; originally a gray building with blue trim with sunflower colored door for the front of the building was considered. However, the architect has come up with a color scheme that matches Cumberland Farms and the health care facility. The building will be New England architecture in style with clapboard siding. A double headed light is proposed on one end of the island and on the other end of the parking lot, bollard lights that run along the edge of the sidewalk. There will be lighting on each one of the building's doors. Mr. Greer discussed the proposed trash handling and confirmed to Mr. Zelmanow that school busses can maneuver the site easily.

**PUBLIC COMMENT PERIOD OPENED:** Hans Hansen, property owner, said that as soon as he can get his heavy equipment in, he will take care of the bus dropoff location. He said that the tree growth is very thick on the west side and creates a good buffer.

Thomas Ellsworth, Gorham Economic Development Corporation, thanked the Board members for their vote on the hardship waiver. He said that the GEDC has been working with this client for a number of months and they are still trying to pull the financing together with them and other finance providers to get the package done, hopefully including Coastal Enterprises, who finance many social projects.

**PUBLIC COMMENT PERIOD ENDED.**

Based on the fact that no abutter spoke about the landscaping, Mr. Pratt said he did not feel a landscape peer review is necessary. The Board concurred. The Board also agreed that no site walk is mandated for this application.

Mr. Poirier said that he believes the applicants would like to be on the Board's October 2, 2017 agenda for final approval review, and in view of the short list of applicants for that meeting, it may be possible to meet that request and schedule it for the October 2, 2017. However, it will depend on staff receiving a full submission in time for adequate review.

**George Fox MOVED and Scott Firmin SECONDED a motion to postpone Marissa Ritz and Meghann Caracso's request for site plan approval pending responses to remaining issues and finalizing revisions to the plan and to table the item to the Board's October 2, 2017 meeting. Motion CARRIED, 6 ayes (Scott Herrick absent). [8:15 p.m.]**

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Ten Minute Break to 8:25

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**ITEM 5 Subdivision Amendment Review – National Attachments – 2<sup>nd</sup> Subdivision Amendment – Olde Canal Business Park, to revise the amount of wetland impacts, on property located at 29 Olde Canal Way, Map 34, lot 3.002, Olde Canal Industrial zoning district.**

Mr. Poirier advised the Board that the subdivision amendment is in conjunction with the applicant's site plan application, approved by the Board this evening as Item 3. Because the zoning district has been changed to Olde Canal Industrial zoning district, plan note 10 on the plan will need to reflect that change.

Owens McCullough, Sebago Technics, explained to the Board that the applicant proposes an additional 834 square feet of wetland area impact for the construction of a driveway to access the vehicle display area. Therefore, amendments to the original Olde Canal Business Park Maine DEP and Army Corps of Engineers approvals are required.

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

**George Fox MOVED and Lee Pratt SECONDED a motion to grant National Attachments' request for subdivision amendment approval to Olde Canal Business Park Subdivision to revise wetland impacts on Map 34, Lot 3.002 in the Olde Canal Industrial zoning district with Findings of Fact and Conditions of Approval as written by the Town Planner. Motion CARRIED, 6 ayes (Scott Herrick absent). [8:25 p.m.]**

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**ITEM 6 SUBDIVISION REVIEW – W.A. ONE**

Ms. Butler Bailey asked to be recused from review from this application as it has already received substantive review.

**George Fox MOVED and Michael Richman SECONDED a motion to recuse Ms. Butler Bailey from participation in the discussion on this item. Motion CARRIED, 5 ayes (Scott Herrick absent, Molly Butler Bailey abstaining).**

Mr. Poirier said this applicant was before the Board on March 6, 2017 and a site walk was held on April 25, 2017. At the meeting, the Board discussed with the applicant the difference between the clustered and

conventional plans and heard from Gordon Farms homeowners about covenant issues. The applicant is requesting two waivers, one for the location of trees over 5" in diameter and the other for a nitrate plume analysis. The Board will need to vote on the preferred form for the subdivision.

Doug Reynolds, Gorrill Palmer, came to the podium and said that the applicant received approval from the Board for access ("Madison Way") through 79 Gordon Farms property, which is lot 22 in the subdivision. The parcel is 41-1/2 acres, there is a large development plateau in the middle of the property, approximately 13 acres of the 41-1/2 acres. The applicant is proposing to transfer the remaining property to the Gorham Conservation Commission and ultimately the Town of Gorham, a total of 28-1/2 acres. Proposed is a 1200 foot roadway, 20 feet paved with gravel shoulders, offered to the Town for acceptance as a public road. Based on previous meetings with the Board, the Board prefers the clustered form of subdivision. The curve of the road reduces wetland impact down to just under 7,000 square feet; Tier 1 and stormwater permit applications have been submitted to the DEP. Mr. Reynolds said that W.A. One proposes to develop the lots with public water and private septic. They have met with the Conservation Commission and at their request 4 parking spaces will be created at the end of the hammerhead. They are no longer requesting a waiver for a high intensity survey and asking only for the two waivers mentioned by Mr. Poirier.

Mr. Reynolds said they have met with the Gordon Farms abutters and he believes that all of the abutter comments have been addressed. He said that the applicant is providing covenants and restrictions similar to those for Gordon Farms subdivision.

Mr. Richman spoke of his concern during the sitewalk about headlight pollution affecting the abutting neighbor and asked if that has been addressed. Mr. Reynolds said that ten trees are being provided along the curve of the road toward the front of that abutter's house. Mr. Fox asked for further clarification regarding the abutter's wishes, asking if agreement has in fact been reached with that abutter concerning privacy fencing and buffering. Mr. Reynolds said that no fencing is being proposed but tree placement and placement of a berm is proposed for the neighbor.

Mr. Zelmanow confirmed that Mr. Reynolds has received the September 11, 2017 correspondence from Ms. Skolfield, shown below.

"September 18, 2017

Dear Gorham Planning Board,

This document is intended to be included with the minutes of the meeting on Monday, September 18, 2017.

One of the reasons my husband and I bought Lot 21 in Gordon Farms is because of the privacy it affords us. We understood we would eventually have one neighbor directly across from us as reflected in the original subdivision plans, but could not have known there would be an additional 9 neighbors with a road directly in front of our house.

As the one neighbor in Gordon Farms most affected by this development, we have been working directly with Jim to find agreeable solutions that will minimize the impact this project will have on our home. We are not out to make major improvements to our property or make Jim's costs skyrocket, we're simply looking for ways to minimize the impact of this project as much as possible as it was not something we planned when deciding to purchase our lot. Jim has been very willing to work with us, we've made a lot of progress in the last few weeks and are continuing to work through these requests.

Once we identify an agreement, we're requesting the Board make this a formal condition of approval and require the changes be shown on a separate drawing. Again, we're not looking to increase the costs of this for Jim, we're looking for this to be documented so there is direction and expectations.



Here are the items we are currently working through, some of which Jim has indicated he is very flexible with and looking for direction from the Board:

1. Privacy Buffer
  - a. The 10 trees shown on the previously approved plan are shown at 7' diameter each. We are concerned that they are not properly specified to achieve the desired results.
  - b. We are requesting a 2-3' berm with trees in the corner of lot 22 which abuts our property.
  - c. We are requesting the number and diameter of the trees/shrubs are appropriate or blocking car headlights from shining onto our property at night and maintain our privacy.
  - d. Once the road hits our property line, we're requesting a Trex Seclusions 6'x8' privacy fence installed along the road to our driveway.
2. Driveway Apron
  - a. Since our driveway will be connected to the new road, Jim has confirmed that our driveway apron is included to be paved and constructed per town standards at the developer's expense.
3. Cluster Mailbox
  - a. We are requesting that, consistent with our current neighborhood, individual mailboxes are indicated on the plans vs. cluster mailboxes. Jim has indicated he is flexible with this and looking for the town to provide guidance.
  - b. If a cluster mailbox is found to be required, we are requesting that this is put in a location in the new development which is out of site [sic] from our house.
4. Dirt and damage from construction
  - a. We are requesting that near or at end of construction
    - i. Any disturbed areas of our lawn will be loamed and seeded.
    - ii. If any significant dirt/dust/debris has damaged and/or affected our house in any way, as deemed by us, Diversified will incur costs to have damages repaired and/or cleaned (including powerwashing entire house) by a professional of our choice.
5. Street Trees
  - a. Diversified has, or will be, requesting a waiver for planting the required street trees for a new subdivision. We are requesting he withdraw the application, or if it's already been submitted, that it not be approved. This will help ensure a consistent appearance to the development.
6. Street Light
  - a. There was a street light shown on the original Gordon Farms plans on the left turn corner at the bottom of Gordon Farms Road (adjacent to the lot owner [sic] by Paul and Courtney Ottoson). This was not completed by the Gordon Farms developer or the town.
  - b. I recognize streets are not playgrounds and kids should not be playing in the street, however, when kids or adults have to go somewhere in the neighborhood, there is no sidewalk. There are also lights at or near other intersections that indicate to drivers at night that an intersection is coming up or they need to be aware of a particular part of the road.
  - c. At night, this is a pitch dark corner and very difficult to see (1) anyone that may be walking on the edge of the street coming from either direction and (2) that there is even a sharp corner coming up a driver needs to be aware of.
  - d. The increased traffic from this new subdivision increases concerns of safety for both existing residents of Gordon Farms and residents of the new subdivision.
  - e. It is my understanding that everything is there, someone just needs to install a pole and light. With this increase in safety concerns due to the new subdivision traffic, we are requesting some sort of ambient light be installed with the consideration of the abutting owners, the Ottoson's, to minimize or eliminate any impact on their house.

Respectfully Submitted,  
 Jenny and Stan Skolfield  
 73 Gordon Farms Rd (Lot 21)  
 Gorham, ME"

At Mr. Zelmanow's request, Mr. Reynolds addressed the salient points in that correspondence. Mr. Reynolds said that in reply to #1 privacy buffer, the applicant will work with the applicant to provide an adequate buffer. Point #2 in Ms. Skolfield's email, driveway apron, the applicant will construct an apron per Town standards going into her property. Point #3, cluster mailbox, that cannot be eliminated if the road is to be a public road but have discussed moving it down to the back of the road by the hammerhead. Point #4, dirt and damage, will be addressed with the contractor on site. The 4 space gravel parking lot was a request from the Conservation Commission to access the open space. Point #5. Street trees, an allowance has been provided in the covenants for planting two streets for each home. The snowmobile trail will be moved back if possible and the club will maintain the link. Point #6, street light, while the pole base is installed, no light has ever been installed but if the Town wants it, the applicant would be willing to install it.

Mr. Pratt confirmed with Mr. Reynolds that it is not the applicant's intention to install a privacy fence for the Skolfields. Mr. Reynolds told Mr. Zelmanow that they are still waiting for their DEP permit. Mr. Poirier said the Board can condition the DEP approval on final.

PUBLIC COMMENT OPENED: Jenny Skolfield, 73 Gordon Farms Road, came to the podium and read the Board her September 11, 2017 communication, shown above. She asked that once an agreement has been reached with the applicant, it be made a formal condition of approval.

Mr. Poirier noted that the applicant's waiver on trees refers to the ordinance requirement to identify every tree over 5" in diameter on the plan, asking to identify general stands of trees, and is not a waiver for planting street trees. Mr. Zelmanow noted that some of the items in Ms. Skolfield's communication are not enforceable by the Town because they are a private agreement between the Skolfields and the developer, and some can be enforced as part of the plans or conditions of approval. Mr. Zelmanow recommended that Ms. Skolfield speak to staff and perhaps the Town Attorney to determine what items could be enforceable. PUBLIC COMMENT PERIOD ENDED.

Mr. Poirier said that the Board advised the applicant that the clustered form of subdivision would be preferable if certain changes were made to the plan, especially with regard to the layout of the lots, open space and wetland impacts. The applicant has made significant tweaks to the lot layouts on the left per the Board's recommendations.

**George Fox MOVED and Lee Pratt SECONDED a motion that the clustered form is the preferred choice of the Planning Board for this development. Motion CARRIED, 5 ayes (Scott Herrick absent, Molly Butler Bailey recused).**

Mr. Zelmanow read the applicant's waiver request for a nitrate plume analysis, based on the fact that the subdivision will be served by public water.

**George Fox MOVED and Lee Pratt SECONDED a motion to grant W.A. One's request to waive the submission requirement under Chapter 3, Section 3-3, B. 16) Nitrate Plume Analysis. Motion CARRIED, 5 ayes (Scott Herrick absent, Molly Butler Bailey recused)**

Mr. Zelmanow noted that the applicant is requesting a waiver to locate all trees over 5" in diameter, given the small development footprint and roadway location being constrained by wetlands the location of these trees would be of limited value. Mr. Poirier confirmed to Mr. Firmin that clusters of trees would be shown on the plans nevertheless.

**George Fox MOVED and Lee Pratt SECONDED a motion to grant W.A. One's request to waive the submission requirement under Chapter 3, Section 3-3, B. 13) to locate all the trees over 5" in diameter individually on the plans. Motion CARRIED, 5 ayes (Scott Herrick absent, Molly Butler Bailey recused).**

Mr. Zelmanow said that preliminary approval can be granted, with the DEP permits and Portland Water District information can be conditioned on receiving them. Mr. Fox said he still had concerns about the buffering for the immediate abutter and that there still appears to be some differences in what the applicant is proposing and what the Skolfields are requesting. He said that while he does not believe that the Skolfields will necessarily get everything they want, he advised the applicant not to come back for final approval without a firm agreement with the Skolfields. Mr. Reynolds said they will come back with an agreement and the buffering for the Skolfields will be shown on the plan.

Mr. Poirier said that street lights in the Town are typically put at road intersections for safety concerns due to sight distance constraints. Mr. Poirier suggested asking the Police Chief to take a look at the area and determine if there is a safety issue. He said that the Homeowners' Association could also install the light at their expense. Mr. Poirier said that the Public Works Director does not feel conditions there warrant a street light. In reply to a query from Mr. Fox, Mr. Poirier replied that the street light in question is part of the original Gordon Farms subdivision and is not under consideration this evening. The Board, however, agreed that Chief Jones should be asked to weigh in on the question.

**Lee Pratt MOVED and George Fox SECONDED a motion to grant W.A. One's request for preliminary subdivision approval for Madison Way Subdivision off Gordon Farms Road, located on Map 47, Lot 2, Rural zoning district, based on Findings of Fact as written by the Town Planner. Motion CARRIED, 5 ayes (Scott Herrick absent, Molly Butler Bailey recused). [9:20 p.m.]**

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**ITEM 7 Preliminary and Final Subdivision Review – LBMP, LLC – request for approval of a 5-lot subdivision, Douglas Brook Subdivision, on 10.7 acres on property located along Spiller Road, Map 77, Lot 50, Suburban Residential zoning district.**

Mr. Poirier reminded that a pre-application discussion was held with this applicant on June 5, 2017. The Board discussed a high intensity soil waiver, and the applicant is also requesting a waiver from the Board's policy not to grant preliminary and final approval at the same meeting. Mr. Poirier said that because there are no infrastructure improvements proposed, the project has not been forwarded for engineering peer review.

Owens McCullough, Sebago Technics, introduced Michael Phinney, principal in LBMP, LLC, the applicant. Mr. McCullough explained that this application is for a 5-lot single family residential subdivision on land owned by the Phinneys, the property is about 10.7 acres in size and is located in the Suburban Residential zone off Spiller Road abutting the Roadside Commercial zone. It is proposed to divide off 5 lots, all with frontage off Spiller Road, at least 200', lot sizes range between 64,000 sf to about 4.56 acres. Mr. McCullough noted that there are two waiver requests. One is for the high intensity soil survey because the current zoning of the subdivision does not require net residential density calculations, all the wetlands have been mapped, test pitting has been completed and no infrastructure construction is included. In addition, the Board is being asked to consider preliminary and final approval in one meeting.

Regarding the requirement to submit letters of financial and technical capacity, Mr. McCullough said that there is no road or utility infrastructure and there is nothing to build within the project and said they feel it is not applicable or if necessary they will ask for a waiver from that requirement. Mr. Poirier replied that the ordinance identifies the parameters for the applicant submitting a letter from a bank or the Board can consider other letters. He recommends submitting something saying that in view of the fact that there are no infrastructure improvements and the low cost of providing the plans, the applicant has the financial capacity with existing funds to complete the project and that will be used to complete the Finding of Fact.

Mr. McCullough said that overhead electric service may be run to the house lots directly from the opposite side of the street, or possibly running to a new pole with the house lot owners opting to go underground from the poles to the houses. In that event an easement will be required on the properties to allow for the

placement of transformer pads and poles, so a 10' utility easement will be created along the front of the property.

Mr. McCullough said that a nitrate study has been completed with well exclusion zones of 100 feet from the septic systems, and they would like to put a note on the plans that those zones have to be at least 100 feet from the systems. There is a note on the plan for lot 1 that an advanced treatment system needs to be used.

Mr. McCullough said there is one shared driveway access between lots 4 and 5 to minimize wetland alterations. He said 4 names have been submitted today for the shared driveway. No DEP permitting is required for this subdivision.

Mr. Zelmanow encouraged getting utilities as much underground as possible.

Mr. Zelmanow spoke about the workshop the Board had just held on high intensity soil surveys, and asked Mr. Poirier about the waiver on the high intensity soil survey, particularly when private water and sewer are being proposed. Mr. Poirier replied that high intensity soil surveys are helpful to engineers when designing infrastructure, but in this case no such design is being done. In addition, Mr. Poirier said that this subdivision has a primary septic location and then a background, so extra test pits have been done for that. Mr. McCullough said that test pits were done on site and consistent soils were found across the site, and a lot of this property is wetland with development focused on the upland areas. Because no infrastructure is being proposed and no stormwater treatment facilities are proposed, Mr. McCullough believes that a high intensity soil survey would be of little value.

Mr. Zelmanow said that he is trying to amplify the applicant's waiver request, that the Board is not simply waiving the requirement because no net residential density calculations are being done. Mr. McCullough said a good portion of the site is wetlands that will not be developed in any way, what is remaining is the upland areas, they are focused in finding appropriate soil for septic systems, and what information they need they can gather out of the alternate methods they have employed to evaluate the site.

Ms. Butler Bailey said she has reviewed the notes from the Board's workshop on high intensity soil surveys and minutes of the June 5, 2017 meeting and feels about to participate in discussion on the waiver request.

**Lee Pratt MOVED and George Fox SECONDED a motion to allow Ms. Butler Bailey to participate in the vote on the waiver. Motion CARRIED, 5 ayes (Scott Herrick absent' Molly Butler Bailey recused).**

**George Fox MOVED and Lee Pratt SECONDED a motion to grant LBMP, LLC's request to waive the submission requirement under Chapter 3, Section 3, B.11) for a Class A High Intensity Soil Survey. Motion CARRIED, 6 ayes (Scott Herrick absent).**

In reply to Mr. Zelmanow about outstanding comments in the staff notes, Mr. Poirier said that the Board can either condition approval this evening, or the item can be placed on the Consent Agenda for the next meeting, or the Board can grant preliminary approval this evening and final at the October Board meeting. Mr. Poirier said the applicant will need to submit a utility easement deed and any covenants. Mr. McCullough said there will be no covenants. As for the Groundwater Impact Study, in lieu of seeing well exclusion or inclusion zones, Mr. Poirier said the applicant would like to add a note saying that wells will not be located within 100 feet of any septic system. Mr. Zelmanow said he is confident that some letter of financial and technical capacity will be submitted, existing patterns of surface drainage can be shown on the plan, parcel boundaries can be added to the plans, names have been submitted for the shared driveway with "Nicholas" probably being chosen. Mr. Poirier confirmed with Mr. McCullough that the name of the subdivision is Douglas Brook Subdivision.

Mr. Poirier said that Condition of Approval #4 will be revised to read “That the individual wells for lots will be located at least 100 feet from the nearest septic system, unless the applicant can provide the Code Enforcement Officer with a report from a certified Hydro-Geologist stating that the new location and well installation is suitable for drinking water supply;”

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

Regarding the waiver to allow preliminary and final approvals in one meeting,

**George Fox MOVED and Molly Butler Bailey SECONDED a motion to grant LBMP, LLC’s request to receive preliminary and final subdivision approvals at one meeting. Motion CARRIED, 6 ayes (Scott Herrick absent).**

The Board reviewed the Findings for preliminary and final approval with the following additional statements:

- d. Wells will be located greater than 100 feet from the nearest septic system.
- e. Lot 1 will have an advanced septic treatment system meeting the requirements of the Ground Water Impact Study.
- g. The majority of the stormwater from the subdivision will be directed in a southerly direction toward Spiller Road.

**George Fox MOVED and Lee Pratt SECONDED a motion to grant LBMP, LLC’s request for preliminary and final subdivision approval for Douglas Brook Subdivision, located on Map 77, Lot 50 in the Suburban Residential 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 (Scott Herrick absent).**

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**ITEM 8   Land Use and Development Code Amendment** – amendment to prohibit Retail Marijuana Establishments, including retail marijuana stores, retail marijuana cultivation facilities and retail marijuana products manufacturing and testing facilities, and Retail Marijuana Social Clubs.

Mr. Poirier told the Board that the item was forwarded by the Town Council to the Planning Board on August 8, 2017. The proposed ordinance amendment prohibits retail marijuana establishments and retail marijuana social clubs. Retail marijuana establishments includes stores, cultivation facilities, products, manufacturing facilities and testing facilities and social clubs. Mr. Poirier said that staff estimates that currently there are at least 20 medical marijuana growers in Gorham with at least 2 medical products manufactures in the Town. The amendment would become a new Chapter 8 to the Land Use and Development Code.

PUBLIC COMMENT PERIOD OPENED:       Westbrook resident suggested that the Board address each item listed separately and independently to consider the varying degrees of impact on licensing.

Andrew Christakis, 110 Gordon Farms Road, agreed with the previous speaker, saying that there is a need to improve the Town’s tax base more than just from residential sources, and there is a good opportunity here that should not be overlooked. While he can understanding the proscription against marijuana social clubs, having something grown in a warehouse where a tax base can be secured would be a missed opportunity for the Town to broadly pass on.

PUBLIC COMMENT PERIOD ENDED.

**George Fox MOVED and Michael Richman SECONDED a motion to forward the item to the Board's ordinance committee for review and recommendation. Motion CARRIED, 6 ayes. [9:51].**

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**ITEM 9 Pre-Application Discussion – Normand Builders** request for approval of a 9-lot subdivision on 18.16 acres between Route 25 and Brown Road, located on property on Map 27, Lot 1, Suburban Residential zoning district.

Mr. Poirier advised that this discussion is between the Board and the applicant, and the plans have not been submitted for review. He said the applicant has submitted both clustered and conventional designs for the Board's review. The applicant is not required to complete the Net Acreage Calculation because it is not requesting a density bonus, so the density for the clustered plan is based on the number of lots possible as part of a conventional subdivision design. The Board should review the conventional plan to decide if the layout is developable as designed, and the Board can request more information regarding placement of the single-family houses as well as proposed uses of open space to determine if the clustered form is the better form of development.

Mr. Poirier noted that there are two streets across from the proposed development; as part of the street standards a separation distance is required for streets and private ways and the proposed road as designed does not meet those separation requirements. If the road is proposed to be a public road, a right-of-way connection to an abutting undeveloped lot and possibly Brown Road would be required unless waived by the Board under the appropriate standards.

Andrew Morrell, BH2M Engineers, appeared at the podium on behalf of the applicant Normand Berube Builders. He said the parcel is 18 acres, zoned Suburban Residential, and the applicant favors the clustered plan of development. The clustered plan has 30,000 sf lots and just over 8 acres of open space. Differences between the two forms of development include road length for the conventional just under 1200 linear feet, clustered is around 700 linear feet, and wetland impacts would be significantly higher with the conventional layout. Mr. Morrell said that the road for the conventional subdivision would be somewhat lined up with Jonathan Street; the clustered layout can be modified to be across from Douglas Street. A future right-of-way can be across lot 6 to a landlocked abutter.

Mr. Zelmanow said he likes the look of the conventional better because the open space in the clustered would be difficult to access and probably would not get used. However, on the conventional Mr. Zelmanow is concerned where lot 7 would get its driveway and would seem to get its access off Route 25. Mr. Morrell and Mr. Zelmanow discussed an easement across lot 8 or 9 to allow lot 7's driveway to come along a common property line. Mr. Zelmanow said he likes the larger lots to live on and be utilized. Mr. Pratt agreed, preferring the conventional over the clustered, the houses on Route 25 are large single-family, so the bigger the lot the better it will look. In addition, Mr. Pratt said that the proposed open space in the clustered plan is behind the fire station and wouldn't be very usable. Mr. Morrell and Mr. Fox discussed drainage and wetland on the lot and the various wetland impacts with each form of development. Mr. Morrell and Mr. Zelmanow discussed an easement across lot 8 or 9 to allow lot 7's driveway to come along a common property line. The Board, Mr. Poirier and Mr. Morrell discussed the potential configuration of the road, whether it could possibly be a looped road or a cul-de-sac.

Mr. Richman asked if a clustered plan could be developed which encapsulates the idea of better open space. Mr. Fox suggested coming up with a conventional plan that has less wetland impact. Mr. Poirier suggested that the applicant meet with staff to discuss the options for the site in order to be placed on the Board's October 2, 2017 agenda for another pre-application discussion.

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**George Fox MOVED and Lee Pratt SECONDED a motion to waive the 10:00 o'clock rule to take up Item 10. Motion CARRIED, 6 ayes (Scott Herrick absent).**

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**ITEM 10 Pre-application – Design Dwellings, Inc.** – proposal for a 14-lot residential subdivision, Douglas Subdivision, on 33.99 acres off Route 114 on property located on Map 22, Map 17, Suburban Residential zoning district.

Mr. Poirier explained that this is a pre-application and has not been submitted for review. Mr. Poirier noted that the proposed entrance road for the development would come in relatively closely to the roundabout on South Street, so some modifications to South Street may be required to allow vehicles to safely exit the proposed subdivision road. A potential turnpike spur is anticipated to come in somewhere on the southern edge of this parcel so a note will need to be added to the plan identifying that. Mr. Poirier asked if there appears to be a pond on the site. He said that the applicant is proposing a conventional subdivision.

Andrew Morrell, BH2M Engineers, representing the applicant Susan Duchaine, told the Board that this is an 83 acre parcel on South Street, just north of the roundabout where the By-pass is. The applicant is purchasing 34 acres of the parcel, the northern end of the parcel, closest to the pole line, and there will be 49 acres remaining in the parcel. A 14-lot subdivision is being proposed, with a public road approximately 2,300 linear feet in length. This is a conventional subdivision design, 60,000 square foot minimum lots, drilled wells, subsurface waste water and underground utilities. There is a stream crossing where the road comes off 114 which will require DEP and wetland permitting. The wetlands were delineated in 2005, but the applicant is having them re-delineated. What Mr. Poirier referred to a pond site Mr. Morrell believes is a former borrow pit and there may be others within the wetland areas.

Mr. Zelmanow asked if the proposed round would be directly across from the “park and ride” entrance. Mr. Morrell replied that it is a little over 420 feet from the roundabout. Mr. Fox confirmed that there will be no common area, based on the size of some of the lots. In reply to Mr. Zelmanow, Mr. Morrell replied that the lots will be served by private water and subsurface waste water, and the closest water is at Park South, and sewer is at Weeks Road, too far away for this development to tie in.

Mr. Richman confirmed with Mr. Morrell that the remaining 49 acres would be available for future development, and a right-of-way has been provided to the future land, and access could also come in off Route 114. Mr. Richman asked Mr. Morrell to delineate wetlands on the plans to make them more obvious. Ms. Butler Bailey asked staff how close to the proposed turnpike spur this subdivision would be; Mr. Poirier said it has not been clearly identified, but it will be connected somewhere around the roundabout. Mr. Poirier and Mr. Morrell discussed a right-of-way to the Mains landlocked property. Mr. Morrell advised Mr. Zelmanow that he is not sure if there are any trails on the parcel.

**PUBLIC COMMENT PERIOD OPENED:** Wayne Douglas, property owner, said some of the neighbors have made their own trails throughout the parcel but noting that is maintained. Mr. Douglas said that some of the ponds on site were dug by family members to get gravel to cross the brook from South Street up into the property.

**PUBLIC COMMENT PERIOD ENDED.**

Mr. Morrell said that the front of the parcel is in the Rural zone and the majority of the rear is in the Suburban Residential zone and asked Mr. Poirier if density calculations need to be done on both because they are not seeking a density bonus. Mr. Poirier said that density calculations need to be done on the front portion and the SR zone will not require the calculations unless they seek a density bonus. Mr. Zelmanow and Mr. Poirier discussed whether a sidewalk would be warranted.; Mr. Morrell said they would give that some thought.

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**OTHER BUSINESS**                      **NONE**

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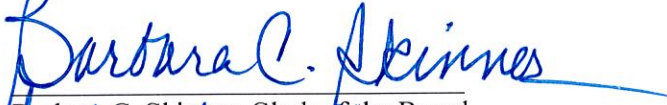
**ANNOUNCEMENTS**                      The next Board meeting will be on October 2, 2017.

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**ADJOURNMENT**

**George Fox MOVED and Lee Pratt SECONDED a motion to adjourn. Motion CARRIED, 6 ayes.**  
[10:25 p.m.]

Respectfully submitted,

  
Barbara C. Skinner, Clerk of the Board  
September 18, 2017



**CONSENT AGENDA**

**Maine Coast Kitchen – Little Wing Lane – Site Plan Amendment**

**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 four-unit commercial condominiums are anticipated to generate 30 new average daily trips.

*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 a driveway located on the western edge of the lot. The existing driveway is 21.5' wide at the entrance and narrows to 20' wide at the location of the first parking area. No changes are proposed to the existing entrance into the site.

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

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

The parking area for the building is located to the front of the 4-unit commercial building. The applicant is proposing to locate a new 20' wide driveway to the north of the 4-unit commercial building which will provide access to the rear of the building for storage and vehicle parking.

No changes are proposed to the existing driveway leading to the 2 northern businesses.

*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 on the northern corner of the building. A raised sidewalk is also proposed along the northern side of the building to provide access to the sprinkler control room.

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 is proposed to be treated in a paved drain system of pervious pavers for the new driveway along the northern end of the site and to the rear of the building. The pervious pavers will provide for both storage and treatment of the stormwater run-off.

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 under 43,560 square feet, so the site is not 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 & Erosion Control Plan," sheet C-102: illustrates the locations and type of erosion control devices to be installed during construction. "Erosion and Sedimentation Control Notes and Details" plan, sheet C-300 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 proposed 4-unit commercial condominiums are to be served by two new private water supply wells located along the eastern edge of the property line. A water supply line will be installed from the wells into the building.

The existing building located to the north of the site and the abutting property located between the 2 parcels currently share a well located between the 2 buildings. No changes are proposed to the existing water supply for the 2 buildings.

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 new 4-unit commercial condominiums are to be served by a septic system located on the southern portion of the parcel.

The existing building on the lot and the abutting lot share a joint septic system located on the abutting lot. No changes are proposed to the existing sewage disposal for the 2 existing buildings.

*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 2 existing buildings are served by overhead power and utilities. No changes are proposed for how the existing buildings are served.

The new 4-unit commercial condominium building will be served by underground power from the existing overhead power line located on the lot.

*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 commercial use. The portion currently being developed had previously been developed for yard area. Some trees are existing on the site and a wetland is located along the southern and southeastern edge of the parcel.

*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 a private water supply well and sewage will be treated in a private septic system designed by a licensed site evaluator. The stormwater from the site will be collected and treated onsite prior to being discharged.

*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 eleven lights located along the building to light the walkway and entrances.

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 at the end of the driveway at the back of the building. The dumpster will be located on a concrete pad and screened from abutting properties by a wooden stockade 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.

Landscaping is proposed to be located along the western edge of the building and along the southern edge of the parcel near New Portland Road. The applicant is proposing to keep the existing trees along the front of the lot and along the eastern property line. The applicant is also proposing to plant a row of arborvitae along the eastern edge of the pavement.

The applicant is also proposing to locate a privacy fence along the eastern property line.

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 sent a letter from James Stone, President Casco Federal Credit Union, dated March 29, 2017 identifying that it has the financial capacity to complete the project.

The applicant has provided a statement identifying its technical 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 buffer the abutting use through a row of arborvitae located along the eastern property boundary and retaining existing trees where possible. The applicant is also proposing to install landscaping along the southern edge of the parcel near New Portland Road and in the front of the building to soften the appearance of the development.

Dumpsters are located to the rear of the building and will be screened from New Portland Road by existing trees, new landscaping, and a stockade fence dumpster enclosure.

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 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 the propane tank shall be placed on a cement slab and protected by bollards;
  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 front 50' buffer area except for dead, diseased, and dying trees, shrubs, and plants without the approval of the Town Planner;
  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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### **ITEM 3        NATIONAL ATTACHMENTS – 29 OLDE CANAL WAY**

#### **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.

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 the Olde Canal subdivision road, Olde Canal Way. Olde Canal Way has been designed under the Town of Gorham's industrial road standard. Olde Canal Way can be accessed from Mosher Road, State Route 237. No change to the existing road network is proposed.

Finding: *Olde Canal Way has 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.

The proposal is to locate a 26' wide entrance on the northern end of the lot. The driveway will be utilized by employees, visitors, and deliveries into the site. The driveway has a sight distance of 280' on 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.

Parking for visitors is located to the front of the building for easy access into the site. Employee, commercial, and emergency vehicles will be allowed access to the sides and rear of the building via 30'-50' driveways.

The applicant is proposing to construct a display area as part of a future phase of development. The future phase of development will include a driveway with a width of 18' to 32'. The driveway will allow access between the shop area and the display area.

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 front parking spaces to have access to the front door. The employee parking area is located to the back of the building, near a rear employee entrance door. 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.

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 Utility Plans: Sheets 3 and 4 of 8 show the location for erosion control best management practices to be installed on site, and the Details Sheets: Sheet 5 and 6 of 8 identify details for the installation for the erosion control best management practices, and 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 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 a 8" public watermain located in the Olde Canal Way right-of-way. The proposed building is to be served with 2 water stubs, a 2" stub for domestic water and a 6" stub for fire protection.

*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 8" gravity sewer main located in the Olde Canal Way right-of-way.

The proposed new building will be served by a 6" gravity sewer line which directs the sewage into the 8" sewer line located in the Olde Canal right-of-way.

*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 has access to natural gas and overhead power, cable and phone located in the Olde Canal Way right-of-way .

The proposed building will be served by natural gas .

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

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



The proposed construction will disturb wetlands in 2 locations. The first disturbance is 819 sq.ft. for the driveway from Olde Canal Way right-of-way to the building and is to be impacted as part of phase 1. This wetland disturbance was permitted as part of the Olde Canal Business Park Subdivision approval.

The second wetland disturbance is 832 sq.ft. for the access driveway between the building and the equipment display area. This proposed disturbance is located in phase 2 of the project. The applicant is required to submit a Maine DEP permit amendment to the Town of Gorham Planning Office prior to the start of construction.

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 proposing to install exterior lighting to illuminate the parking, access, and equipment storage areas with \_\_\_ pole mounted lights. The pole mounted lights will be full-cut off style on 20.5' tall metal poles.

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 will be served by 2 dumpsters located on the southern corner of the paved parking/access area. The dumpsters will be located on a concrete pad and screened by a 6' wooden fence. The dumpster will be emptied by a licensed waste hauler.

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 four Valley Forge elm trees near the front of the building, two on either side of the building.

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

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

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 June 8, 2017, from Brian Desjardins, Vice President, Commercial Lending with Norway Savings Bank regarding the applicant's financial capacity.

The applicants' engineer has provided information identifying that the applicant has hired professional engineers and architects to design the project and will hire reputable building and earthwork contractors 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 proposal is to keep forested area intact around the disturbed areas shown on the plan. The forested area is to remain uncut with the exception of removing some of the vegetation along the southern property line to open up some of the visibility of the equipment display area.

The applicant is proposing to retain a minimum of 20 trees along the southern property boundary. Prior to clearing of the site the applicant shall meet with the Town Planner and discuss the proposed trees to be retained. The trees to be saved are required to meet 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 with the sprinkler system meeting the Town of Gorham's Sprinkler Ordinance;
7. That 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 a sprinkler control room is required with an outside door marked Sprinkler Control Room where the sprinkler riser and main fire alarm panel shall be placed;
9. That a complete list of any hazardous materials and their MSDS sheets shall be provided to the Fire Department;
10. That the natural gas meter on the building shall be protected by bollards;
11. That the sprinkler test papers shall be submitted to the Gorham Fire Department at the time the certificate of occupancy is issued;
12. That the Town Planner shall approve the minimum of 20 trees to remain in the limited clearing and trimming area located between State Route 237 and the equipment display area prior to clearing of the lot;
13. That the "tree save" area located to the western corner of the lot shall be flagged prior to clearing of lot;
14. That a complete set of building construction plans shall be submitted to the Gorham Fire Department and State Fire Marshal's Office for review and permitting with a copy of the State Fire Marshal's Office construction permit and State Fire Marshal's Office stamped plans being provided to the Gorham Fire Department before a building permit is issued;
15. That the fire alarm contractor shall meet with the Gorham Fire Department regarding layout of the fire alarm system before the start of construction of the system and a set of fire alarm system plans shall be submitted to the Gorham Fire Department;

16. That prior to the pre-construction meeting, the applicant will establish the following: a performance guarantee totaling 125% of the costs to complete the construction and an escrow for field inspection meeting the approvals of Town Staff and the Town's Attorney;
  17. That prior to the commencement of any site improvements, the applicant, its earthwork contractor, and the design engineer shall arrange a pre-construction meeting with the Town's Review Engineer, Public Works Director, Fire Chief, Code Enforcement Officer and the Town Planner to review the proposed schedule of improvements, conditions of approval, and site construction requirements;
  18. That the owner of the site is responsible for compliance with the Town of Gorham Stormwater Ordinance, Chapter 2 - Post Construction Stormwater Management;
  19. That the 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 7      LBMP, LLC – Five Lot Subdivision**

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

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

**C. PRELIMINARY PLAN REVIEW**

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

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

The single-family lots range in size from 63,588 square feet to 198,563 square feet with street frontage for the lots ranging in size from 201 ft. to 490 ft.

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

*Finding: Spiller Road Subdivision conforms with the Comprehensive Plan of the Town, and with all pertinent State and local codes and ordinances.*

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

The five lots have street frontage along Spiller Road. Spiller Road is classified as a collector road by the Town of Gorham.

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

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

The single-family homes will be served by overhead power, cable, and telephone lines from Spiller Road. The Town's contracted waste disposal contractor will pick up trash and recyclables. The homes are required to have residential home sprinkler systems.

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

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

The subdivision lots will be served by individual water supply wells located up-gradient of the wastewater disposal systems.

Wells will be located greater than 100 feet from the nearest septic system.

*Finding: Spiller Road Heights Subdivision provides for adequate water supply for present and future needs.*

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

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

The Groundwater Impact Study Plan depicting the results of the nitrate study identifies the locations for septic systems and alternate leach field locations, as well as the nitrate plume flows. Each lot will have its septic system located as shown on the plan, unless the applicant can provide the Code Enforcement Officer with a report from a licensed hydro-geologist stating that the new location will not impact any drinking supply wells or negatively impact the abutting lots' ability to locate drinking supply wells. Lot 1 will have an advanced septic treatment system meeting the requirements of the Ground Water Impact Study.

*Finding: Spiller Road Subdivision provides for adequate solid and sewage waste disposal for present and future needs as reasonably foreseeable.*

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

Storm water from the house lots will be allowed to sheet flow into nearby wooded areas. Sewage disposal from the site will be treated in subsurface disposal systems designed by a Maine Licensed Site Evaluator.

*Finding: Spiller Road Subdivision will not result in undue pollution of air, or surficial or ground waters, either on or off the site.*

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

The lot area disturbed as part of construction activity will be loamed and seeded to prevent soil erosion. The majority of the storm water from the subdivision will be directed in a southerly direction toward Spiller Road.

*Finding: Spiller Road Subdivision will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result.*

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

Forested wetlands are located on the western and eastern portions of the lot. Wetlands are located on all the lots except lot 3. Wetland impacts are proposed on lots 1, 2, 4, and 5 by the construction of driveways and for lawn area. Wetland impacts will total 3,304 sq.ft.

The construction on each lot shall comply with the "Maine Erosion and Sediment Control Handbook for Construction: Best Management Practices," Maine Department of Environmental Protection.

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

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

The residential subdivision is proposed to impact the minimum amount of forested wetland as necessary to develop the site. No scenic vistas, historic sites or irreplaceable natural or manmade assets have been identified on the site.

*Finding: Spiller Road Subdivision will respect fully the scenic or natural beauty of the area, trees, vistas, topography, historic sites and rare or irreplaceable natural or manmade assets.*

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

The applicant will provide a letter financial and technical capacity.

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

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

The applicant will be required to pay the Recreational Facilities and Open Space Impact Fee prior to the issuance of building permits for the five (5) lots within the subdivision that will have new single-family homes constructed on them.

*Finding: Spiller Road Subdivision is responsible for providing open space and recreational land and facilities to meet the additional demand created by residents of the subdivision.*

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

The applicant is not proposing any open space as part of the subdivision approval.

*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.

The applicant is requesting a waiver from the Planning Board's policy not to grant preliminary and final subdivision approvals at the same 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 requirement not to grant preliminary and final subdivision approval at the same meeting.

*Finding: Not Applicable*

#### **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 subsurface wastewater disposal systems for the lots will be located as shown on the Groundwater Impact Study Plan unless the applicant can provide the Code Enforcement Officer with a report from a certified Hydro-geologist stating that the new location will not impact any drinking supply wells or negatively impact any abutting lots' ability to locate drinking supply well in the approved acceptable well zone;
4. That the individual wells for lots will be located at least 100 feet from the nearest septic system, unless the applicant can provide the Code Enforcement Officer with a report from a certified Hydro-Geologist stating that the new location and well installation is suitable for drinking water supply;
5. That all houses shall be sprinkled meeting all applicable sections of the Town's Sprinkler ordinance with the sprinkler plans being submitted at least two weeks prior to the start of installation of the system to the State Fire Marshal's Office and the Gorham Fire Department for review and permitting;
6. All houses shall be properly numbered with the numbers being visible from the street year around.
7. That the Planning Board Chairman is authorized by the Planning Board to sign the Findings of Fact on behalf of the entire Board;
8. That the subdivision plans shall not be released for recording at the Cumberland County Registry of Deeds until the required performance guarantee has been posted meeting the approval of Town Staff; and the subdivision plan is required to be recorded within one year of original approval or the approval becomes null and void; and
9. That once the subdivision plans have been recorded at the Cumberland County Registry of Deeds, a dated mylar copy of the recorded subdivision plans shall be returned to the Town Planner prior to a pre-construction meeting being held.