

**PLANNING BOARD MEETING
October 2, 2017**

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

Members Present

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

Members Absent

SCOTT HERRICK, Vice Chairman
SCOTT FIRMIN

Staff Present

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

Edward Zelmanow, Chairman, called the meeting to order at 7:00 p.m. The Clerk called the roll, noting that Scott Herrick and Scott Firmin were absent.

APPROVAL OF THE SEPTEMBER 18, 2017 MINUTES

Molly Butler Bailey MOVED and George Fox SECONDED a motion to approve the minutes of September 18, 2017 as written and distributed. Motion CARRIED, 5 ayes (Scott Firmin and Scott Herrick absent).

COMMITTEE REPORTS – Mr. Zelmanow confirmed that neither the Board’s Ordinance committee nor the Comprehensive Plan committee have met since the Board’s last meeting.

CHAIRMAN’S REPORT – Mr. Zelmanow said there is no Chairman’s report this evening.

ADMINISTRATIVE REVIEW REPORT – Mr. Poirier said that staff is completing the administrative reviews for Shawn Moody’s farm stand, Isherwood’s driveway apron and V&M Rental’s additional storage.

ITEM 1 Public Hearing – Site Plan Amendment – Seedlings to Sunflowers (Marissa Ritz and Meghann Carasco)– proposal for a day care on Lot 1, Unit 1 of the South Gorham Crossing, on property located off County Road on Map 3 Lot 22.401 in the Hans Hansen Contract Zone, Suburban Residential and Rural zoning districts.

Mr. Poirier reminded the Board that this item was last before it for a public hearing on September 18, 2017, at which time the applicants asked for a quick turnaround to be heard at this evening’s meeting. Mr. Poirier noted that more comments have been heard from an abutter asking for additional landscaping. Staff has also provided the Board with revised conditions of approval to include conditions regarding the contract zone as well as conditions 13 to 21 relating to requirements proposed by the Town’s traffic peer review engineer.

Tom Greer, Pinkham & Greer, appeared at the podium representing the applicants. Mr. Greer asked if a condition of approval can be added regarding the DEP permit, which is expected to be signed in Augusta next week. The septic system design using water records from an equivalent facility will be acceptable by DHHS. Mr. Greer pointed out to the Board the landscaping proposed between the day care center and the abutter, saying that where landscape is “missing” is along the back side. Mr. Greer said that Mr. Hansen, owner of the area where the landscape is missing, is willing to install a row of pine trees that will make that part of the buffer more robust. Mr. Zelmanow confirmed that the area where Mr. Hansen is willing to install the pine trees is on a separate lot than the one owned by the applicants.

Mr. Greer referred to the comments from the Town’s traffic peer review engineer, which he characterized as very robust and said that many of the items referred to are not for the applicant to address because they are deficiencies that someone else should fix. He said that in order to expedite review of the project this evening, they would accept approval as written and then meet first with their traffic engineer, Diane Morabito and then with staff to rework some of the conditions and come back to the Board as a consent agenda item to review the conditions in more detail.

Mr. Zelmanow said that the Maine DEP permit can be added as a condition. Mr. Zelmanow thanked the applicants for adding the gravel walkway around the building. Mr. Greer replied to Mr. Zelmanow that CEI will be providing part of the financing for the project, as well as Rural Development. Marissa Ritz, one of the applicants, said that for acquisition of the land and construction funding will be provided by CEI, and USDA will provide a community and facilities loan. She said the letter from Gorham Saving Bank is no longer appropriate.

The Board discussed the traffic-related conditions of approval 16 and 17, which they do not believe are the responsibility of this applicant. Mr. Poirier said there are options to deal with the Conditions: if Mr. Greer wants to review the Conditions of Approval, this item would then be placed on the next Consent Agenda to be discussed. Or the Board can approve it with the Conditions of Approval as written; however, if Mr. Greer wants to amend the Conditions, that will be an amendment with the concurrent fee.

Mr. Greer said that their hope is that the Board will grant approval this evening with the Conditions with 16, 17 and 18 deleted. Mr. Zelmanow suggested that conditions 16, 17 and 18 involve issues which should be brought to the attention of the Town Council, Town Manager and Public Works. A new condition of approval #19 should be added “That the applicant shall submit the approved Maine DEP permit prior to the Planning Board’s endorsement of the final plan.”

PUBLIC COMMENT PERIOD OPENED: Hans Hansen said he will take care of providing some 30 or 40 trees additional trees to augment the buffering along the abutter’s property line on the parcel that is not the applicants’ parcel. He also said he will make a path to the pond.

PUBLIC COMMENT PERIOD ENDED.

Mr. Zelmanow reiterated that any reference to Gorham Savings Bank is to be taken out of Finding R, with the insertion instead of what is provided by the applicants regarding financial capacity.

Mr. Poirier asked for clarification of what the Board wants for landscaping along the abutter’s property, noting that the abutter is asking for buffering from the playground for their yard as well as the house. Mr. Greer confirmed that there are plantings along the back, the playground will be chain link fenced, and pine trees will be added along the corner to screen the property. However, Mr. Greer confirmed that where Mr. Hansen proposes to add more buffering is not on this lot but on the adjacent one.

George Fox MOVED and Lee Pratt SECONDED a motion to grant Seedlings to Sunflowers, a Maine nonprofit corporation’s (Marissa Ritz and Meghann Carasco) request for site plan

approval for a day care, “Seedlings to Sunflowers,” on Unit 1 of the South Gorham Crossing, Map 3, Lot 22.401, of the Hans Hansen Contract Zone, with Findings of Fact and Conditions of Approval as written by the Town Planner and modified this evening by the Planning Board. Motion CARRIED, 5 ayes (Scott Firmin and Scott Herrick absent). [7:40 p.m.]

ITEM 2 Subdivision Amendment – Seedlings to Sunflowers - proposed amendment to Stargazer Subdivision at South Gorham Crossing to add utility and drainage easements to the subdivision plan on property located on Map 3 Lots 22.401, 22.402, 22.403, 22.404, 22.502, 22.503, 22.504, 22.505, 22.506 and 22.507 in the Hans Hansen Contract Zone, Suburban Residential (SR) and Rural (R) districts.

Mr. Poirier explained that this is the subdivision amendment portion of the last site plan application. Due to changes in the locations of utilities and drainage easements, the applicants were required to come back to amend the subdivision approval for the Stargazer Subdivision. The applicants have provided a revised subdivision plan showing the proposed locations.

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

George Fox MOVED and Lee Pratt SECONDED a motion to grant Seedlings to Sunflowers’ request for subdivision amendment approval to the Stargazer Subdivision at South Gorham Crossing to add utility and drainage easements to the subdivision plan on Tax Map 3, Lots 22.401, 22.402, 22.403, 22.404, 22.502, 22.503, 22.504, 22.505, 22.506 and 22.507 in the Hans Hansen Contract Zone, Suburban Residential (SR) and Rural (R) zoning districts, with Findings of Fact and Conditions of Approval as written by the Town Planner. Motion CARRIED, 5 ayes (Scott Firmin and Scott Herrick absent). [7:42 p.m.]

ITEM 3 Pre-application – Normand Berube Builders – proposed 9-lot residential subdivision on 18.16 acres between Route 25 and Brown Road, Map 57 Lot 1, Suburban Residential zoning district.

Mr. Poirier said this item was before the Planning Board on September 18 as a pre-application when the applicant submitted two plans, clustered and conventional. Because the Board had concerns with both layouts, it asked staff to meet with the applicant’s engineer to revise both layouts, with the application to come before the Board again as a revised pre-application. During staff’s meeting with the engineer, discussed was adding more buffered area between a clustered subdivision layout and Route 25 to reduce noise, adding a trail and more access to open space that would be usable. For a conventional layout, the road alignment was lined up better.

Mr. Poirier said that the applicant has re-submitted two 9-lot single family subdivision sketch plans, one conventional and one clustered. The most notable change to both plans is the alignment of the proposed roadway/access to Daniel Street.

Andrew Morrell, BH2M Engineers, came to the podium and provided the Board with some of the major changes made to the plans since the September 18 meeting. In the clustered layout, Mr. Morrell said a 50-foot wide open space has been created along Route 25, and a pedestrian trail along the outside of the parcel has been created in the open space, looping around the site and connecting to Brown Road. The road configuration has been changed to get future access to the east, and there is access to the open space

at both the beginning and the end of the road. The road intersection was relocated so it is across from Daniel Street and meets the offset requirements of the ordinance. The road length for the clustered subdivision is about 750 feet. The clustered layout will have approximately 3,200 square feet of wetland impact at the beginning of the road, which would not require a DEP permit. There would be 10.42 acres of open space, or 56% of the site.

Mr. Morrell said that the conventional is now greatly changed from the original. Now there is one road, instead of two, and with all the lots' driveways off the internal road. The hammerhead turnaround has been put on the right hand side. The road intersection has been relocated to across from Daniel Street. A Tier 1 wetland permit would be required because there would be approximately 5,100 square feet of wetland impact, with the same impact at Daniel Street, and the development of lots 5 and 6 having to cross a wetland finger. The right-of-way has been extended to the property to the east. Mr. Morrell said that the applicant's preferred form of development is the clustered subdivision.

In reply to Mr. Fox, Mr. Morrell replied that the length of the road in the conventional layout is 1,150 feet.

Ms. Butler Bailey said she believes that the layout of the lots in the conventional is better, but the open space in the clustered is better and there is less wetland impact. Mr. Pratt said he prefers the conventional layout. Mr. Fox said typically he prefers a cluster, and feels that the layout works well in a rural setting. Mr. Richman said generally he prefers cluster, but in this situation he believes that the larger parcels in the conventional would work best. Mr. Richman asked if the trail system in the clustered could be replicated in the conventional layout; Mr. Morrell said he will discuss that with the developer. Mr. Zelmanow said he also believes that due to the size of the parcel, the conventional layout is preferable and that the one street in the re-designed layout is a real selling point. Therefore, the consensus of the Board is that the conventional layout is the preferred method of development.

Mr. Zelmanow asked about sidewalks in the development; Mr. Morrell said they were not intending to do sidewalks. It was agreed that sidewalks would not be required. A clustered mailbox at the entry was recommended, as well as street trees and a light post next to each driveway. Mr. Pratt noted that there is a fire pond associated with the fire station and asked if the houses are to be sprinkled.

Mr. Morrell asked the Board if it would consider a shared driveway between lots 5 and 6 in order to cross the wetland finger with only one driveway instead of two. Mr. Poirier said that in that case it would have to be a named driveway, so three driveway names should be submitted along with the project application.

Mr. Zelmanow asked that Sharon Larando's email will be added to the record, as follows.

"First may I say that I have no problem with a 9 lot subdivision proposed for the 18.16 acres to developed across Rt. 25 from my property on 1 Daniel Street. That being said, there was a brief discussion about what type of subdivision to consider at the last Planning Board Meeting, i.e., cluster or traditional. I only glanced at the two plans; however, I would much rather see a traditional over a cluster subdivision. Traditional subdivision would give prospective home buyers larger lots [sic] sizes and spread out the subdivision over the 18.16 acre parcel of land. From what I gathered upon brief glance at the cluster plan, all 9 lots would be gathered together toward Daniel Street and away from Brown Street. This could pose concerns for a number of reasons, perhaps I should take a better look at the plans to determine what those concerns will be. I did want to thank you for sending me the agendas and keeping me informed. I simply wanted to express my thoughts on the cluster/traditional subdivision plans"

PUBLIC COMMENT PERIOD OPENED: None offered.

PUBLIC COMMENT PERIOD ENDED.

Mr. Zelmanow said that once an official application has been received, it will be determined if a site walk for the project is warranted.

ITEM 4 Pre-application – Kurt Christensen – proposed 9-lot residential subdivision on 10.59 acres off Plummer Road right-of-way, on property located at 765 Fort Hill Road, Map 85 Lot 14, Rural and Manufactured Housing zoning districts.

Mr. Poirier explained that this item is before the Board for the first time. Both a clustered and a conventional subdivision plan have been provided. Mr. Poirier pointed out that Plummer Road shown on the plans is an abandoned road, so any improvements in that right-of-way would have to be approved by Gorham's Town Council. Since the road starts in Standish, the applicant would probably have to get the same approval from Standish as well. In reply to a question from Mr. Zelmanow, Mr. Poirier said a joint review with Standish may be required, which he will discuss with the Town Attorney.

Andrew Morrell, BH2M Engineers, came to the podium on behalf of the applicant. Mr. Morrell said they understand they will need to get approval on Plummer Road from the Town Council. He pointed out Plummer Road and the proposed site. He said there is a former borrow pit in the middle of the site, currently now a pond. Mr. Morrell said that the applicant is trying to determine the best development for the site, with access off Plummer Road for some of the lots as an option. He pointed out the Town line and spoke about the logistics involved with a road that starts in Standish and serves lots in Gorham.

Mr. Morrell said that the cluster and the conventional forms of development result in about the same improvements along Plummer Road. He said that if the subdivision actually comes before the Board there will be less lots than currently shown but they do not yet have the calculations for the site. The pond takes up a good portion of the site.

Mr. Zelmanow commented about lot 9 on the cluster having direct access to Fort Hill Road but lots 8 and 9 in the conventional subdivision would have to come off Fort Hill Road by traversing the CMP easement. He asked if CMP would allow that. Mr. Morrell said it can be done but it is a process to get there. Mr. Zelmanow said he likes the cluster in this instance because it will preserve and protect the pond in the open space, and only lot 9 would have direct access off Fort Hill Road. Mr. Pratt said in this instance he is in favor of the cluster, keeping the lot sizes as they are, with no house lots on Route 114. Mr. Richman said he agreed that clustered is the preferred form.

Mr. Morrell asked about the abandonment status of Plummer Road and what the process would go going forward. Mr. Poirier said he is not sure about the Road's status. He suggested that Mr. Morrell look carefully at the numbers to see if the number of proposed lots will support a public road and water line up Plummer Road easement to serve those lots. He said he is not sure whether the Town Council would support that and recommended that Mr. Morrell look carefully at the numbers to see if public infrastructure is or is not feasible. He said he believes the applicant's first step is to talk to the Councils to get their approval to move forward. Mr. Morrell asked if there is some informal way to bounce this off the Town Council; Mr. Poirier replied that he will talk to the new Town Manager to see how he would like to handle it, perhaps with a workshop.

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

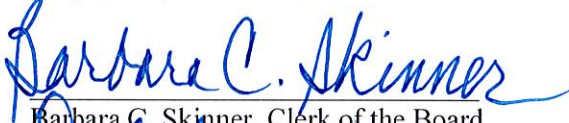
OTHER BUSINESS **None**

ANNOUNCEMENTS The next Planning Board meeting will be November 6, 2017. Staff will be in contact with Board members about coming in to the Planning office to sign mylars for Seedlings to Sunflowers.

ADJOURNMENT

Molly Butler Bailey MOVED and Lee Pratt SECONDED a motion to adjourn. Motion CARRIED, 5 ayes (Scott Firmin and Scott Herrick absent). [8:14 p.m.]

Respectfully submitted,


Barbara C. Skinner, Clerk of the Board
October 2, 2017

ITEM 1 SEEDLINGS TO SUNFLOWERS – 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 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 development site is located within the Stargazer Subdivision which is located to the immediate south of County Road (Route 22). The Stargazer Subdivision is also located south of the South Street (Route 114) and County Road (Route 22) intersection. Internally the site has two roadways; Blue Ledge aligns with the South Street and County Road intersection, and a secondary access point off County Road called South Gorham Crossing. It is anticipated that the proposed day care will generate 81 one-way trips during the AM peak hour and 84 trips during the PM peak hour.

Finding: County Road / South Street have adequate capacity to accommodate the traffic generated by the development.

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

The site is accessed via two separated driveways off South Gorham Crossing.

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 site is accessed off South Gorham Crossing in two locations. The interior drive aisles are two way and are formed into a “U” shape to provide safe and convenient access / parking.

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 walkway between the south side of the building and parking spaces with handicapped accessible spots in the center of the building. The applicant is also proposing to install a sidewalk along South Gorham Crossing access drive for the portion of Condominium Unit #1 frontage.

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.

The proposal will need a Maine DEP Site Location of Development Permit Amendment. The Town has not yet received a copy of the MDEP permit. However, the Town's project engineer has reviewed the proposed stormwater and determined that it will not have an adverse impact on abutting or downstream properties.

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.

"Landscape Plan & Erosion Control Plan," sheet C 2.3, illustrates the locations and types of erosion control devices to be installed during construction. "Details Plan," sheets C 3.1 & C 3.2, identifies parameters for erosion control and winter erosion control measures to be utilized on site.

The applicant will also comply with the "Maine Erosion and Sediment Control Handbook for Construction: Best Management Practices," Maine Department of Environmental Practices.

Finding: *The plan utilizes existing topography and desirable natural surroundings to the fullest extent possible.*

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

The 4 condominium units are served by 3 shared wells located to the southwestern edge of the lot. The applicant is proposing to serve the day care with a 2" water supply line from one of the three wells.

Due to the number of people being served by the wells, the State of Maine classifies the wells as a public water supply. The owners of the condominium units are required to meet the State standards.

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 will be served by an on-site septic system, designed by a licensed site evaluator.

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 buildings will be served by underground power, cable, and telephone service from the existing overhead power lines located along County Road, State Route 22.

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 area to be developed is predominately fields with wooded areas located on the southern end of the parcel. A small wetland area is also located along the southwestern edge of the parcel. The small wetland will not be impacted by the development on the site.

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 proposal will need a Maine DEP Site Location of Development Permit Amendment. The application has been submitted to the Maine DEP and is currently under review.

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 has provided a detailed photometrics plan.

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 a screened dumpster enclosure located to the west of the proposed building. The dumpster will be emptied on a regular basis 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.

In addition to the buffer along the western property line, the site will have foundation and island plantings, as well as landscaping on the northern 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.

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

Finding: The development will not adversely affect the water quality or shoreline of any adjacent body of water.

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

A letter of technical and financial capacity has been provided from Daniel Wallace, CEI Loan and Investment Officer, dated September 27, 2017.

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

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

The applicants are proposing a landscaped buffer along the western property line to screen adjacent residential uses.

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 all other lot lines.

Finding: The development will comply with the A-weighted hourly equivalent sound level limits of 70 dBA daytime (7am-7pm) and 60 dBA nighttime (7pm-7am).

CONDITIONS OF APPROVAL

1. That this approval is dependent upon, and limited to, the proposals and plans contained in this application and supporting documents submitted and affirmed by the applicants and that any variation from the plans, proposals and supporting documents is subject to review and approval by the Planning

Board or Site Plan Review Committee, except for minor changes which the Town Planner may approve;

2. That prior to the commencement of construction of the site plan, the applicant is responsible for obtaining all required local, state and federal permits;
3. That all site construction shall be carried out in conformance with the Maine Erosion and Sediment Control Best Management Practices, Maine Department of Environmental Protection, latest edition and in accordance with the erosion and sedimentation control information contained in the application;
4. That any proposed use on the site shall meet the sound level requirements outlined under Chapter 4, Section 9, T. Noise;
5. That the building shall meet all applicable sections of the NFPA 101 Life Safety Code and the NFPA Fire Prevention Code 1;
6. That any natural gas and or propane meter on the building shall be protected by bollards;
7. 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;
8. 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;
9. 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;
10. 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;
11. That the applicant shall pay the contract zone application fee of \$500 which is due at the closing of the lot, no building permit may be issued until the fee has been received by the Town;
12. That the applicant shall make a contribution of \$10,000 towards the future extension of public sewer with the fee being due at the closing of the lot and no building permit may be issued until the fee has been received by the Town;
13. That proposed signal programming shall be confirmed and implemented in the field by Maine Traffic Resources as designed and should include a field visit to observe the proposed signal programming so that any necessary changes or fine tuning can occur;
14. That Maine Traffic Resources shall create an optimized morning peak hour signal program and an optimized afternoon peak hour signal program based on the full-buildout traffic volumes of the proposed daycare center meeting the approval of Gorham's Public Works Director and Maine Traffic

Resources should then implement the programming in the field and perform field observations during the morning and afternoon peak hours then submit a memo to confirm the signal programming was installed and note any adjustments made based on field observations;

15. That Maine Traffic Resources should field verify if there is advanced detection provided on the State Route 22 approaches to the signal;
16. That Maine Traffic Resources shall provide an AM and Pm Synchro models with the slip lane signalized to confirm impacts to capacity;
17. That the applicant shall complete the improved driveway radii at the entrance of South Gorham Crossing from State Route 22;
18. That the costs for studying the signalization and improvements identified in conditions of approvals 13 through 17 shall be included in the projects itemized schedule of values and included as part of the project's performance guarantee;
19. That the applicant shall submit the approved Maine DEP permit prior to the Planning Board's endorsement of the final plan;
20. That the Planning Board Chairman is authorized by the Planning Board to sign the Findings of Fact on behalf of the entire Board; and
21. That these conditions of approval must be added to the site plan and the site plan shall be recorded at the Cumberland County Registry of Deeds within thirty (30) days of the date of written notice of approval by the Planning Board, and a dated mylar copy of the recorded site plan shall be returned to the Town Planner.

ITEM 2 SEEDLINGS TO SUNFLOWERS – AMENDMENT TO STARGAZER SUBDIVISION AT GORHAM CROSSING

CHAPTER 3 - SUBDIVISION, SECTION 3 - PRELIMINARY PLAN

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

Because no physical changes are proposed with this amendment, most of the Standards are not applicable, as indicated below.

C. PRELIMINARY PLAN REVIEW

- 2) The Planning Board shall include in its review the following general and specific requirements that the development has proposed for approval:
 - a) Shall be in conformance with the Comprehensive Plan of the Town, and with all pertinent State and local codes and ordinances, including the Performance Standards related to specific types of development which are stipulated in Chapter 2.

No changes to the subdivision are proposed that would impact the conditions on or off the site.

Finding: The amendment to Stargazer Subdivision conforms with the Comprehensive Plan of the Town, and with all pertinent State and local codes and ordinances.

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

No changes to the subdivision are proposed that would impact the conditions of public roads on or off the site.

Finding: Not applicable.

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

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

Finding: Not applicable.

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

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

Finding: Not applicable.

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

No changes are proposed to the approved subdivision's sewage waste disposal.

Finding: Not applicable.

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

The proposed improvements to Tax Map 3, Lot 22.401 will meet the requirements of the Maine Department of Environmental Protection as well as the Town's Subdivision Plan Review requirements.

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

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

The proposed improvements to the stormwater treatment for Tax Map 3, Lot 22.401 will meet the requirements of the Maine Department of Environmental Protection as well as the Town's Subdivision Review requirements.

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

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

Tax Map 3, Lot 22.401 is not located in the Town's Shoreland Overlay District.

Finding: Not applicable.

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

The lot does not have any known historic sites or rare or irreplaceable natural or manmade assets located on it.

Finding: Not applicable.

- 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.

As part of the site plan application the applicant has provided a letter dated June 2, 2017, from Lisa M. Hughes, Vice President, of Gorham Savings Bank regarding the applicant's financial capacity.

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

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

Finding: Not applicable.

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

Finding: Not applicable.

CHAPTER 3 - SUBDIVISION, SECTION 4 –FINAL PLAN REVIEW

D. FINAL PLAN REVIEW

- 1) The Planning Board shall review the Final Plan of the proposed development as submitted. It shall examine any changes made subsequent to the Preliminary Plan for satisfactory correction.

Finding: *This is an amendment to an approved plan and requires only a subdivision amendment approval.*

- 3) No Final Plan shall be approved by the Planning Board unless submitted by the developer or his authorized agent within 12 months from the issuance of Preliminary Approval.

Finding: *This is an amendment to an approved plan and requires only a subdivision amendment approval.*

Conditions of Approval

1. That this approval is dependent upon, and limited to, the proposals and plans contained in this application and supporting documents submitted and affirmed by the applicants and that any variation from the plans, proposals and supporting documents is subject to review and approval by the Planning Board, except for minor changes which the Town Planner may approve;
2. That the applicant shall provide property line information and site information in auto-cad format to the Town Planner;
3. That all relevant conditions of approval from all subsequent approvals shall remain in effect;
4. That the Planning Board Chairman is authorized by the Planning Board to sign the Findings of Fact on behalf of the entire Board; and
5. That these conditions of approval must be added to the subdivision plan and the subdivision plan shall be recorded in the Cumberland County Registry of Deeds within thirty (30) days of endorsement of the plan by the Planning Board, and that a recorded mylar copy of the subdivision plan shall be returned to the Town Planner.