

PLANNING BOARD MEETING

January 9, 2017

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

Members Present

EDWARD ZELMANOW, Chairman
SCOTT HERRICK, Vice Chairman
JAMES ANDERSON
SCOTT FIRMIN
GEORGE FOX
LEE PRATT

Staff Present

THOMAS M. POIRIER, Town Planner
BARBARA C. 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 all members were present.

APPROVAL OF THE DECEMBER 5, 2016 MINUTES

George Fox MOVED and James Anderson SECONDED a motion to approve the minutes of December 5, 2016 as written and distributed. Motion CARRIED, 5 ayes (Scott Herrick abstaining as not have been present at the meeting). [7:05 p.m.]

COMMITTEE REPORTS

- A. Ordinance Review Committee** – Mr. Herrick reported that the Committee met earlier this evening to discuss the proposed language for landscape companies and contractors' yards in the Rural District. The item will be placed on the Board's agenda for a full Board workshop review before the February 6, 2017 meeting.
 - B. Streets and Ways Committee** – Mr. Zelmanow noted that this Committee has not met since the last Board meeting.
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CHAIRMAN'S REPORT – Mr. Zelmanow announced that there is still a vacancy on the Planning Board and invited anyone interested in serving to contact the Clerk's office for more information.

ADMINISTRATIVE REVIEW REPORT – Mr. Poirier reported that the applicant for the 198 Main Street project needs to purchase additional land to accommodate his garage or reduce the size of the garage under consideration, and a review is starting for the 19 Bartlett Road application recently submitted.

Mr. Poirier advised the Board that the Town Council has forwarded to the Planning Board a requirement for ordinance language for agricultural event centers to allow the owners of large barns to have the flexibility to hold various events such as weddings. Mr. Poirier commented that the item would go to the Board's Ordinance Subcommittee for action. Mr. Zelmanow noted that input would be needed from the Code Enforcement Officer and the Fire Chief.

- ITEM 1 PUBLIC HEARING – Preliminary and Final Subdivision/Site Plan Review – Great Falls Construction Inc.** – request for subdivision and site plan approval for a 5-story 24,761 square foot multi-use building having a first level bowling facility with food and beverage services; first level commercial/retail space; recreation space; and studio, 1 and 2 bedroom

apartments with associated parking at 7 Railroad Avenue, Map 103, Lot 81, Urban Commercial and Contract Zone zoning districts.

Mr. Herrick stated for the record that while he was not present when this item was last reviewed by the Board on December 5, 2016, he has reviewed the minutes of that meeting and feels that he is qualified to participate in the discussion on the item this evening.

James Anderson MOVED and Lee Pratt SECONDED a motion to permit Mr. Herrick participate in the discussion on the item this evening. Motion CARRIED, 5 ayes (Scott Herrick recused).

Mr. Poirier said some items still remain since the item was last before the Board at the December 5, 2016 meeting. One involves the requirement of the ME Department of Traffic for a traffic movement permit; the Planning Board can condition approval based on the applicant's securing the DOT permit prior to receiving an occupancy permit for the site. The Town's traffic review engineer's comments involve making the traffic signal timing operate efficiently and making sure the crosswalks are ADA accessible; staff has drafted Conditions 17 and 18 to cover these concerns. Staff has not added a requirement for a speed study as a condition of approval as the Board made clear at the December meeting that a study was not warranted. Mr. Poirier said that concerning the applicant's master sign plan, the best solution would be to amend the Contract Zone to allow the proposed projecting signs to be in excess of that allowed by the sign ordinance, with all other signs meeting the ordinance. If the Board concurs, a condition of approval has been written that the Town Planner is authorized to approve that the master sign plan complies with the amended provisions of the Contract Zone and other provisions of the Land Use Code. Finally, Mr. Poirier said that the applicant has asked that condition of approval #13 be amended to read "... 125% of the costs to complete the site construction..."

Owens McCullough, Sebago Technics, appeared on behalf of the applicants Jon and Cindy Smith, also present. Mr. McCullough said that the Town's traffic peer review engineer's suggestions about adding a white stripe along the edge of Elm Street will be incorporated on the plans, as well as skewing the crosswalk at the 3-way stop at Elm and Railroad so the landing is not in a driveway. Mr. McCullough asked that clearing of "invasive species" be added to condition of approval #16 and that condition #18 be changed from "... shall *make* the crosswalks..." to "... shall *design* the crosswalks..." Mr. McCullough suggested that a condition of approval dealing with the traffic movement permit state "that the applicant shall obtain a letter of conformance or obtain a traffic movement permit and comply with any conditions of that permit prior to the issuance of a certificate of occupancy for the project." He noted that the size of the building is 24,761 square feet and that there will be no homeowners' association or condominium as the building will be owned by Jon and Cindy Smith. Mr. McCullough said that they are asking for preliminary and final approval in this meeting, commenting that this project has "been around for a while."

In response to Mr. McCullough, Mr. Zelmanow noted that the first time this application came officially before the Board was at the October 3, 2016 meeting, so this complex plan has moved forward quite promptly. Mr. Anderson and Mr. McCullough discussed the traffic signal timing plan, which is to make sure the signals are operating efficiently and to make any recommendations required for the signaled intersections at New Portland and Mechanic, Mechanic and Main Street, and Elm and Main Street. Mr. Zelmanow and Mr. McCullough discussed the traffic movement permit process and the expectation is that because they are so low on the trip generation figure, it probably will not have any appreciable impact on any of the intersections. Mr. Smith said he believes that a scoping meeting will be set up with the Town within the next two or three weeks, which will determine what needs to happen with the traffic movement permit, but it could take 8 to 12 weeks for the permit to be issued. If any changes are required it will be the responsibility of the applicant and it is at his risk that he may be required to come back before the Board for an amendment. Mr. Zelmanow said he would have no problem conditioning approval on the applicant securing the traffic movement permit before an occupancy permit is issued. In reply to Mr. Zelmanow, Mr. Poirier replied that the Planning Department will be part of the traffic movement process, so staff will know early on what DOT

is asking for, and staff will make the determination if any change is de minimis or if it needs to come back before the Board for amendment. In response to Mr. Herrick, Mr. Poirier said that the performance guarantee to be posted will cover the improvements that the Town is approving. The Board agreed that condition of approval #19 shall read "That the applicant shall obtain a letter of conformance or obtain a traffic movement permit and comply with any conditions of that permit prior to the issuance of a certificate of occupancy for the project." The references to homeowners' association under D. Final Plan Review will be deleted.

The Board agreed to inserting the word "*site*" in condition #13 before the word "construction," "*invasive species*" should be added to condition #16, and the word "*make*" in condition #18 should be changed to "*design*." The Board also agreed that condition #20 will deal with the master sign plan as follows: "That the Planning Board authorizes the Town Planner to approve the master sign plan to comply with the amended provisions of the Contract Zone Agreement and other applicable provisions of the Land Use and Development Code."

Mr. Zelmanow asked that a sign be put up warning ahead of the raised crosswalk, saying "Slow – Raised Crosswalk Ahead." Mr. McCullough agreed to do so.

PUBLIC COMMENT PERIOD OPENED: Mr. Zelmanow noted that a memo has been received from Susan Robie, abutter at 34 Robie Street, which due to its length will not be read into the record but will be incorporated by reference into the minutes. Mr. Zelmanow referred to certain points in Ms. Robie's memo, saying that the Board has addressed most of her comments. He said that while there would be some traffic increases due to the project, there are pre-existing issues in the neighborhood with reckless driving and speeding, and the developer cannot control these issues. He said these are the Town's issues to deal with and residents need to bring this to the Council's attention at one of their meetings. Referring to Ms. Robie's comments dealing with the Comprehensive Plan and cut-through traffic, that does not apply in this instance as the development will become part of the neighborhood and the people living there and people looking to utilize the commercial businesses have every right to access any public street available to the businesses and their residences. Referring to Ms. Robie's comments about spill-over parking on neighborhood streets, Mr. Zelmanow said that these are public streets where parking is available to everyone.

Mr. Herrick said that Ms. Robie's comments contain nothing new that has not been vetted by the Board and the applicant, and the Board has done what it can to address reasonable concerns neither worsened by or created by this project. Mr. Zelmanow said the applicant should be commended for its attempts to work with the neighborhood. Mr. Pratt agreed, and said that the existing traffic problems in the neighborhood need to be addressed by the Town Council as the Board does not have the authority to do so.

PUBLIC COMMENT PERIOD ENDED.

Scott Herrick MOVED and James Anderson SECONDED a motion to grant Great Falls Construction, Inc.'s request to receive preliminary and final subdivision approvals at one meeting. Motion CARRIED, 6 ayes.

Mr. Firmin asked about the wording in Finding g) concerning the capacity of the land to hold water which reads "*The majority* of stormwater will be collected and treated..." The language in the Finding was changed to "*A portion* of the stormwater will be collected and treated..."

Scott Herrick MOVED and James Anderson SECONDED a motion to grant Great Falls Construction Inc.'s request for preliminary and final plan/subdivision approval for a 5-story, 24,761 square foot multi-use building at 7 Railroad Avenue, having a first level bowling facility with food and beverage services; first level commercial/retain space; and studio, 1, and 2 bedroom apartments with associated parking on Map 103 Lot 81 in the Urban Commercial zoning district

based on Findings of Fact and Conditions of Approval as written by the Town Planner and amended by the Planning Board this evening. Motion CARRIED, 6 ayes. [7:58 p.m.]

Ten Minute Break to 8:15 p.m.

ITEM 2 Final Subdivision Review – Normand Berube Builders – request for approval of Shiers Meadows Subdivision, a 6-lot subdivision on approximately 17.67 acres, and Shiers Meadows Drive and Grassland Drive, located on Map 4, Lot 4.001 off County Road, Rural zoning district.

Mr. Poirier noted that the applicant received preliminary subdivision approval on December 5, 2016. He said that some additional legal documents and easement deeds are needed for review and approval.

Andrew Morrell, BH2M Engineers, appeared on behalf of the applicant and said it appears there are no significant outstanding issues.

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

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

Scott Herrick MOVED and George Fox SECONDED a motion to grant Berube Builders' request for final subdivision approval for Shiers Meadows Subdivision and Shiers Meadows Drive and Grassland Drive, located off County Road on Map 4 Lot 4.001, Rural and Stream Protection Subdistrict zoning districts, based on Findings of Fact and Conditions of Approval as written by the Town Planner. Motion CARRIED, 6 ayes. [8:19 p.m.]

ITEM 3 Preliminary and Final Subdivision Review – Jane's Woods – STJ, Inc. – request for approval of Jane's Woods, a 9-lot subdivision with a public road (Burton Drive) on 14.94 acres, located between Files Road and Line Road, Map 74, Lot 4, Suburban Residential zoning district.

Mr. Poirier told the Board that this application was last before the Board on November 7, 2016, at which time the Board decided that a road connection to Line Road was not warranted. Based on that, the applicant has modified his plans from two roads to one road, proposed to be designed to the Rural access standards with a cul-de-sac. Mr. Poirier said that inasmuch as a western portion of the lot is located within the Town of Buxton, the Town Attorney has advised that the subdivision will need to be approved by that Town's Planning Board. Once the project is approved by Gorham's Planning Board, the applicant's engineer will need to get the project approved by the Buxton Planning Board. Mr. Poirier said that the applicant has asked for a waiver of the Board's requirement to hold separate meetings for preliminary and final subdivision approval.

Andrew Morrell, BH2M, came to the podium and introduced Mark Curtis and Tom Shaw of STJ. Mr. Morrell said that the required nitrate study has been completed and test pits have been done on each lot for the subsurface waste water disposal system, as well as a high intensity soils survey. A stormwater analysis has also been performed. Mr. Morrell said that after Gorham's Planning Board has approved the project, the Town of Buxton Planning Board will endorse the mylar prior to its being recorded at the Registry of Deeds. A revised letter of financial capacity has been provided. Legal documents will be provided prior to endorsement of the mylar.

The Board discussed with Mr. Morrell and Mr. Shaw the memo of January 9, 2017 received from the Public Works Director concerning proposed Town's and applicant's improvements to Files Road. Mr. Poirier said that the Public Works Director's memo will be included in the Findings of Fact, Preliminary Plan Review, 2), b) "Will not cause congestion or unsafe conditions with respect to use of the highway or public roads, existing or proposed on or off the site," as follows: "The applicant shall complete the improvements to Files Road identified in the Public Works Director's memo dated January 9, 2017 and emailed to the Town Planner."

Mr. Anderson asked Mr. Morrell about Woodard & Curran's request that the applicant show that the existing culvert in front of the adjacent property is adequately sized. Mr. Shaw said they will size up the culvert if necessary. After further discussion, Mr. Poirier drafted a new condition of approval #15 as follows: "That the applicant shall replace the 12 inch culvert under Files Road meeting the approval of the Public Works Director, should increased stormwater warrant the proposed replacement, based on the recommendation of Woodard & Curran."

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

P

George Fox MOVED and Scott Firmin SECONDED a motion to grant STJ, Inc.'s request to receive preliminary and final subdivision approvals at one meeting. Motion CARRIED, 6 ayes.

George Fox MOVED and James Anderson SECONDED a motion to grant STJ, Inc.'s request for preliminary and final subdivision approval for Jane's Woods Subdivision and Burton Road, located between Files Road and Line Road, Map 74, Lot 4, in the Suburban Residential zoning district, with Findings of Fact and Conditions of Approval as written by the Town Planner and amended by the Planning Board this evening.

ITEM 4 Preliminary Subdivision Review – John Peters LLC – request for preliminary approval of Webb Farm and Benjamin Way, a 7-lot residential development of 12.14 acres, located off Clay Road, Map 54, Lot 19.001, Rural zoning district.

Mr. Poirier said this application was before the Board as a pre-application discussion on July 11, 2016, at which time the Board determined that a clustered subdivision is the best form of development for the site. Mr. Poirier noted that the applicant is proposing a future right-of-way to a lot which is currently part of an existing subdivision; however, Mr. Poirier suggested that the Board may want to look for a future right-of-way connection to the north, which has a greater potential of being developed in the future. The Board also discussed a proposed trail and a possible sidewalk along the road. Staff has forwarded the applicant's plans to the Gorham Conservation Commission for recommendations on whether a public easement should be located for trail use, how the trail should be constructed, if it can be connected to other trails in the area, and if the Commission is willing to accept it for maintenance. Mr. Poirier said that a memo was received today from the Public Works Director requesting some improvements to some cross-road culverts and associated improvements.

Andrew Morrell, BH2M, gave the Board an overview of the 12 acre parcel off Clay Road, zoned Rural, on which the applicant is proposing 7 clustered subdivision lots, with an approximate 610 feet long public road, Benjamin Road. The road is proposed to be 20 feet wide, 4 foot gravel shoulders on either side. The development will have subsurface waste water disposal systems for all 7 lots, drilled wells, and underground electric. A nitrate study has been done. If the Board wants the right-of-way connection to the north, would it consider that being placed along the western boundary of the parcel as opposed to being off the end of the hammerhead, keeping the configurations of lots 4 and 6. Mr. Morrell said that the applicant believes that sidewalks are not warranted due to the site's rural setting. Stormwater for the site will be collected with

vegetated ditches on both sides of the roadway and discharged to one of two ditch turnouts and level spreaders. Net residential density calculations supporting 7.5 lots are shown on Sheet 1 of the plans; this figure will be added to Finding of Fact C. 2) a) that “The applicant has provided a Net Residential Density Plan..., ” which will be submitted. A cluster mailbox will be added. Homeowners’ documents will be provided. Per comments from Woodard & Curran, the profile of the road will be adjusted to meet the Town’s requirements.

Mr. Poirier explained that there is a substantial amount of undeveloped land to the north of this project, and providing a future right-of-way easement to Watts Drive will prevent the development of future dead end roads. Mr. Zelmanow suggested that staff determine the current status of Watts Drive. Mr. Poirier confirmed with Mr. Zelmanow that the Gorham Conservation Commission will provide their recommendations to Mr. Poirier, who will forward them to Mr. Morrell. Mr. Morrell said he will review the Public Works Director’s recommendations and get back to Mr. Poirier.

Mr. Anderson asked about a summary of proposed street trees; Mr. Morrell said he will show a summary of the two trees proposed per lot. Mr. Morrell told Mr. Zelmanow that no trees are proposed between the lots, but the applicant will try to save as many trees between the lots as possible.

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

Scott Herrick MOVED and James Anderson SECONDED a motion to grant John Peters LLC’s request for preliminary subdivision approval for Webb Farm Subdivision and Benjamin Way located on Clay Road, Map 54, Lot 19.101, Rural zoning district, with Findings of Fact as written by the Town Planner and amended by the Planning Board. Motion CARRIED, 6 ayes. [9:01].

ITEM 5 Pre-Application Discussion – Shaw Earthworks – request for subdivision and site plan amendment approval to add storage, parking and additional drive areas to their existing shop location, located at 11 Cyr Drive, New Portland Parkway subdivision, Map 29, Lot 2.006, Industrial zoning district.

Mr. Poirier said the applicant is coming forward with both site plan and subdivision amendments. The application proposes to increase the amount of wetland disturbance allowed on lots 2.005 and 2.006 in Map 29 of the New Portland Parkway commercial subdivision beyond what was originally approved, thereby necessitating an amendment to the subdivision’s Maine DEP Site Location of Development. The site plan and subdivision amendments will proceed concurrently. The applicant currently owns the lot at 11 Cyr Drive, has just purchased the abutting lot to the south at 5 Cyr, and is looking to expand the current contractor’s yard by locating outdoor industrial storage up to the southeastern edge of the 100’ setback. . These lots were re-zoned after November 30, 1998, so some additional performance standards are included that must be met, such as screening for storage areas.

Brian Shaw, Shaw Earthworks, told the Board that he and his brother have purchased the lot next door and are looking to expand their parking area and get approval now for a future cold storage building out back. He said that the impervious area and wetland impact areas were at a maximum in the New Portland Parkway subdivision, so they have spent two years with DEP coming up with a wetland restoration plan so they can impact a substantial amount of wetlands and have it compensated for. Mr. Shaw said his primary concern at this pre-application meeting is screening and buffering, which they are proposing to deal with by a 12-foot wall, 16 feet at its highest spot and 12 feet taller than New Portland Road. They are also proposing to add some kind of tree on top of the wall, such as fruit trees.

Mr. Anderson and Mr. Pratt agreed that some sort of shrubbery or trees on top of the wall would be better than fencing. Mr. Poirier suggesting that the applicant show what pine trees are proposed to be left on site which might be tall enough to serve as screening, which would help the Board decide what additional screening should be added. Mr. Shaw said he will have his engineer show those trees on the plan.

ITEM 6 Pre-Application Discussion – 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 Drive, located off New Portland Road, Map 12, Lot 12.001, Industrial zoning district.

Mr. Poirier said that the applicant is proposing to develop the front portion of a lot located off Little Wing Drive, a commercial driveway. This parcel was also rezoned after November 30, 1998 so additional performance standards are required concerning such things as perimeter setbacks and access. This applicant is requesting a reduction in the required 100' setback down to 50', which the Board may reduce if it finds that it would result in a better development for the site.

Jason Vafiades, Atlantic Resource Consultants, appeared on behalf of Maine Coast Kitchens. He said the site is an approximate 84,000 square foot lot that had a site plan approval in 2006 for the entire parcel. Maine Coast Kitchens owns a portion of the lot, and what is proposed is approximately 7,100 square foot condo-plex, having 4 units intended for high-end manufactured or construction tradesmen. Maine Coast's existing facility is in the back of the lot. Sewer and water will be private, with an existing septic service on site which will be amended and rebuilt. Underground electric, cable and telephone will be new from an existing pole. There will be external propane tanks. They are requesting a reduction from the 100' setback, and there is a landscape architect on site working on a robust landscaping plan for New Portland Road.

In reply to Mr. Herrick, Mr. Poirier said that the setback applies to New Portland Road but not to the abutting residence because it is zoned industrial. Mr. Vafiades said that primarily they are looking for the setback reduction from New Portland Road. Mr. Pratt said that he wouldn't have a problem with reducing the setback so long as the landscaping is adequate. Mr. Vafiades asked if the screening could be more ornamental because they would like the building to actually be visible. Mr. Zelmanow said that a seasonal buffer would not be appropriate, and their landscaping plan will be sent out for peer review. Mr. Herrick commented that it appears the southerly most parking space will have to be shifted.

Mr. Poirier advised the applicant that it may not be possible to tie into the existing septic system and that Mr. Vafiades should talk to the Code Enforcement Officer because joint septic systems may no longer be allowed and the applicant may need to be on his own system.

ITEM 7 Pre-Application Discussion – Southern Maine General Contracting request for approval of a site plan amendment to Pyaevna Meadows Subdivision to construct a driveway off Route 114, independent of Pastore's Way, located at 664 Fort Hill Road, Map 81, Lot 27.128, Suburban Residential zoning district.

Mr. Poirier said that this application deals with the four lots approved outside of the remaining portion of the Pyaevna Meadows Subdivision. Those four lots were sold and developed, with lots 28 and 29 being required to share a driveway and lots 30 and 31 also required to share a driveway. The applicant is looking to purchase lot 29, and there is currently a driveway on lot 28; however, the applicant would like to construct a separate driveway out of lot 29. Staff has researched the minutes from the Pyaevna approval to find any discussions about driveways and limiting curb cuts; a discussion was held on limiting curb cuts on arterial roads and their impact on traffic movement. Mr. Poirier noted that the four lots in questions are still located

outside the urban compact area for Route 114, and any changes to the driveways for lots 28 through 31 are subject to securing a driveway permit from the Maine DOT.

Todd Bacon, Southern Maine General Contracting, came to the podium and explained that his mother-in-law owns lot 28 and he is looking to purchase lot 29. Mr. Bacon said he has been advised by his in-laws that the shared driveway requirement was because of issues dealing with sight distance, and since Route 114 has been re-worked by the State, those sight distances are no longer problematic. Mr. Bacon said that because there is a great deal of ledge where the two driveways would connect, it would be a huge financial burden to try to connect the two driveways, and he hopes that with the sight distance problem corrected, two separate driveways would be possible.

In reply to a question from Mr. Herrick, Mr. Poirier said there is a 50-foot common easement so Mr. Bacon could run his driveway anywhere in the easement and connect into the existing driveway. In reply to Mr. Zelmanow, Mr. Poirier explained that the Board would now have to remove the requirement for shared driveways and allow lot 29 to have its own curb cut into Route 114. Mr. Poirier said this item is on for pre-application discussion so that the applicant need not incur additional expense for a subdivision amendment if the Board is not comfortable agreeing to remove a requirement that a past Planning Board has made. Mr. Herrick said he is hesitant to undo past Board decisions. After discussion, the Board concurred with the applicant that it would be more cost effective to relocate the existing easement and suggested that the applicant meet with the Town Planner to discuss other options for tying his driveway into the existing driveway.

ITEM 8 Discussion: Land Use and Development Code Amendment – Chapter 2, Section 3, D. Prohibited Signs, Displays and Related Materials, to allow rotating barber poles.

Mr. Poirier said this item appears to be straightforward and suggested that it be placed on a future agenda for public hearing. Mr. Zelmanow commented that a barber pole should be allowed to rotate only during business hours. The Board concurred that the item should be placed on the next Planning Board meeting agenda for public hearing.


ANNOUNCEMENTS None.

OTHER BUSINESS None.

ADJOURNMENT

George Fox MOVED and Lee Pratt SECONDED a motion to adjourn. Motion CARRIED, 6 ayes. [9:40 p.m.]

Respectfully submitted,


Barbara C. Skinner, Clerk of the Board
January 9, 2017

ITEM 1 GREAT FALLS BUILDERS – SUBDIVISION/SITE PLAN – 7 RAILROAD AVENUE

CHAPTER 3 - SUBDIVISION, SECTION 3 - PRELIMINARY PLAN

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

C. PRELIMINARY PLAN REVIEW

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

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

The applicant is required to obtain all local, state, and federal permits needed for the proposed development. The proposed development will conform to the Contract Zone adopted between the Town of Gorham and Railroad Avenue, LLC on December 6, 2016.

Finding: Railroad Avenue Commercial Development 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.

A three way stop will be constructed at the intersection of Elm Street and Railroad Avenue to alleviate traffic concerns. A raised speed table is also proposed to be constructed just north of the Station Square driveway entrance on Elm Street.

The applicant will provide a traffic signal timing plan for implementation and approval by the Town that includes a review and update of the coordination program at the three Main Street traffic signals and includes upgrades to vehicle detection.

Finding: Railroad Avenue Commercial Development 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.

Waste disposal for the site shall be from a private waste hauler hired by the owner and/or developer. Waste shall be held in one of two screened dumpster pads to be located along the southern edge of the existing disturbed area on the site.

The site is currently served by overhead power. The overhead power is proposed to be removed from the site and replaced with underground power coming from a power pole located on the northern side of Railroad Avenue.

Finding: *Railroad Avenue Commercial Development 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 building is proposed to be served by public water from the existing water main located in Railroad Avenue. The building will have two water main stubs into the building: the first is a 6" water main stub currently serving the site, and the second is a new 4" water main stub to be installed into the site.

The applicant has provided an ability to serve letter dated October 5, 2016, from Gordon Johnson, Engineering Services Manager, with the Portland Water District, identifying that the Water District has the ability to serve the site.

The applicant has received Portland Water District's approval.

Finding: *Railroad Avenue Commercial Development will provide for adequate water supply for present and future needs.*

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

The building is proposed to be served by public sewer from the sewer main located in Railroad Avenue. The building will connect into the existing 6" sewer stub that services the site.

Finding: *Railroad Avenue Commercial Development will provide for adequate solid and sewage waste disposal for present and future needs as reasonably foreseeable.*

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

The applicant is proposing to treat storm water in two storm tree box filters. One tree box filter will be located on the western edge of the site, and the other tree box filter is to be located near the dumpster pad on the southern property boundary.

Finding: *Railroad Avenue Commercial Development 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 development of the site will utilize public water for the uses within the buildings. The applicant is not proposing to increase any impervious area on the site. A portion of stormwater will be collected and treated prior to release into the stream located along the southern property line.

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

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

The southern edge of the parcel has a stream located along the southern edge of the property. The applicant is not proposing to disturb any closer to the stream than the existing chain link fence and the area previously disturbed for gravel storage and parking.

Finding: Railroad Avenue Commercial Development 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 layout of the buildings and road will not impact any wetlands or other natural features on the site.

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

Finding: Railroad Avenue Commercial Development will respect fully the scenic or natural beauty of the area, trees, vistas, topography, historic sites and rare or irreplaceable natural or manmade assets.

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

The applicant has provided a letter of intent to fund, dated December 1, 2016, from Francine V. Cram, Vice President Commercial Lending Market Manager, with Kennebunk Savings Bank.

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

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

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

Finding: Railroad Avenue Commercial Development will be responsible for providing open space and recreational land and facilities to meet the additional demand created by residents of the subdivision.

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

The applicant will maintain the land located outside of the proposed development, storm water infrastructure, and utilities located on the lot.

Finding: Railroad Avenue Commercial Development will have common space within the subdivision in accordance with the Planning Board requirements and shall be required to provide for the perpetual care of commonly owned land.

CHAPTER 3 - SUBDIVISION, SECTION 4 –FINAL PLAN REVIEW

D. FINAL PLAN REVIEW

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

The applicant is requesting a waiver from the requirement from the Planning Board's policy to grant preliminary and final approvals at separate meetings.

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 preliminary and final approvals at the same meeting.

Finding: The plan is approved by the Planning Board within 12 months of Preliminary subdivision approval.

CHAPTER 4, SITE PLAN REVIEW, SECTION 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 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 will be from Elm Street and Railroad Avenue. Elm Street is accessed by Main Street, Preble Street, and Robie Street. Railroad Avenue is accessed from Mechanic Street and Elm Street.

A three way stop will be constructed at the intersection of Elm Street and Railroad Avenue to alleviate traffic concerns. A raised speed table is also proposed to be constructed just north of the Station Square driveway entrance on Elm Street.

The applicant will provide a traffic signal timing plan for implementation and approval by the Town that includes a review and update of the coordination program at the three Main Street traffic signals and includes upgrades to vehicle detection.

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

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

Vehicular access into the site will be from 2 driveways located on the site. One 27' wide driveway is to be located off Railroad Avenue and one 24' wide driveway is to be located off Elm Street. The two driveways will allow access to the parking spaces located to the rear and the side of the building.

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

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

Customers to the retail, bowling, and office space portion of the site will be directed to parking along the street on either Railroad Avenue or Elm Street because the only entrances into those spaces are located on the western and northern sides of the building.

Residential tenants will be directed to park to the south and east of the building because the only entrances into the residential portion of the building will be on the southern or eastern sides of the building.

Drive aisles in the parking lots are wide enough to allow two-way traffic around the site.

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

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

The applicant is proposing to locate a concrete sidewalk along three sides of the building to promote pedestrian circulation around the building. The on-site sidewalk will connect to the existing sidewalk in the following locations:

A new crosswalk located in the middle of Railroad Avenue.

A new crosswalk on Railroad Avenue located at the intersection of Elm Street and Railroad Avenue.

A new crosswalk on Elm Street located at the intersection of Elm Street and Railroad Avenue.

A new raised table crosswalk located to the north of the Railroad Brook.

Off-site sidewalk improvements include the construction of a new sidewalk along the western side of Elm Street and a small portion on Robie Street. The new sidewalk will connect the existing sidewalk along Robie Street to the existing sidewalk along Elm Street. The sidewalk will also look to close off some of the large curb cut located to the front of 29 Elm Street.

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

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

Storm water from the site will be collected in a closed storm water system. A small amount of storm water from the northern edge of the site will be collected into a catch basin and connected into the Town's storm water infrastructure located in Railroad Avenue. A portion of the storm water collected from the eastern, western, and the southern portions of the site will be directed into a closed water drainage system and into Railroad Brook.

Two tree box filters are proposed to be installed on the eastern and southern edges of the site to treat storm water before it is discharged into Railroad Brook.

The lot is located within the Town of Gorham's Urbanized Area and subject to the Town of Gorham's Post-Construction Stormwater Management Ordinance.

Finding: *The site has adequate provisions for the disposal of all storm water collected on streets, parking areas, roofs or other impervious surfaces through a stormwater drainage system and maintenance plan which does not have adverse impacts on abutting or downstream properties.*

G. Erosion Control: For all projects, building and site designs and roadway layouts will fit and utilize existing topography and desirable natural surroundings to the fullest extent possible.

"Grading and Utility Plans," sheets 5 and 6 of 11: illustrate the locations and type of erosion control devices to be installed during construction. "Details" plan, sheet 8 of 11: 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 project, building, and site designs and roadway layouts will fit and utilize existing topography and desirable natural surroundings to the fullest extent possible.*

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

The building is proposed to be served by public water from the existing water main located in Railroad Avenue. The building will have two water main stubs into the building: the first is a 6" water main stub currently serving the site and the second is a new 4" water main stub to be installed into the site.

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

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

The building is proposed to be served by public sewer from the sewer main located in Railroad Avenue. The building will connect into the existing 6" sewer stub that services the site.

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

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

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

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

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

The applicant is proposing to leave undisturbed the area along the southern edge of the parcel near Railroad Avenue which has not been previously disturbed. No wetlands are proposed to be disturbed.

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

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

Any storage of hazardous materials must be in compliance with federal, state, and local requirements. No impact to the site's groundwater is proposed.

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

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

The applicant has provided a photometric plan and lighting details as part of the plan sheet submission. The parking lot light poles and building wall packs shall be full cut-off style of lights.

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

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

Waste disposal for the site shall be from a private waste hauler hired by the owner and/or developer. Waste shall be held in one of two screened dumpster pads to be located along the southern edge of the existing disturbed area on the site.

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

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

The applicant has submitted a "Landscape Plan", Sheet 7 of 11. The plans show the installation of a line of street trees between the building and the parking area along both Elm Street and Railroad Avenue. Four trees are also proposed to be installed in the parking lot between the two buildings on the site.

Some small shrubs and plants are proposed to be installed in the northeast corner of the lot, along the northern and eastern side of the building, as well as along the other building located on the site.

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

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

Railroad Brook is located along the southern edge of the parcel. The applicant is not proposing to disturb any new area that has not been previously disturbed before. The applicant has received approval for the disturbance to the plan as currently shown.

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

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

The applicants have provided proof of their 30 years of construction experience as construction managers. The applicant has provided a letter of intent to fund, dated December 1, 2016, from Francine V. Cram, Vice President Commercial Lending Market Manager, with Kennebunk Savings Bank.

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

Both of the dumpster pads will be buffered from view by a 6' high wooden fence. The applicant is proposing to consult with the Town of Gorham about the planning and buffering of existing vegetation along the southern property boundary.

The southern property line is also the zoning boundary line between the Urban Commercial District and the Urban Residential District. The applicant is proposing to leave the existing vegetation along the Brook as shown on the plan. The vegetation along the Brook to remain is any vegetation located on the south side of the existing chain link fence. No clearing of trees is allowed in this area except dead, diseased, and dying trees with the approval of the Town Planner.

Finding: *The development provides buffering to screen service and storage areas.*

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

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

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

Conditions of Approval

1. That this approval is dependent upon, and limited to, the proposals and plans contained in this application and supporting documents submitted and affirmed by the applicants and that any variation from the plans, proposals and supporting documents is subject to review and approval by the Planning Board 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 complete set of building plans shall be submitted to the State Fire Marshal's Office and the Gorham Fire Department before the building permit is issued and a stamped set of plans from the Fire Marshal's Office shall be supplied to the Fire Department and the Code Enforcement Office;
7. That the building shall be completely sprinkled meeting all applicable sections of the Towns Sprinkler Ordinance and the sprinkler plans shall be submitted to the Fire Department for review and permitting at least two weeks prior to the start of installation of the system;
8. That the building shall have a separate sprinkler control room with a separate outside door marked, "Sprinkler Control Room";
9. That the building will require a full Fire Alarm System meeting all the requirements of NFPA 72 and the main Fire Alarm Panel shall be located in the sprinkler control room with a remote panel located in the front lobby;
10. That the Fire Alarm installer and designer shall meet with Gorham Fire Department before the start of installation to determine layout and zoning of the alarm system;
11. That the building shall have at least two lock boxes with master keys for the building, one located outside the sprinkler control room and one at the front entrance of the building;
12. That all gas meters shall be 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 site 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 the owner of the site is responsible for compliance with the Town of Gorham Stormwater Ordinance, Chapter 2 - Post Construction Stormwater Management;
16. That no clearing of vegetation is allowed along the brook except dead, diseased, invasive species, and dying trees, shrubs, and plants with the approval of the Town Planner;
17. That within a year of the project completion the applicant shall complete a traffic signal timing plan for implementation and approval by the Town Public Works Director that includes a review and update of the coordination program at the three Main Street traffic signals and includes upgrades to vehicle detection if warranted;
18. That prior to the Planning Board's endorsement of the final plan the applicant shall design the crosswalks to be ADA compliant meeting the Public Works Director's approval prior to the Planning Board's signature of the final plan;
19. That the applicant shall obtain a letter of conformance or obtain a traffic movement permit and comply with any conditions of that permit prior to the issuance of a certificate of occupancy for the project;
20. That the Planning Board authorizes the Town Planner to approve the master sign plan to comply with the amended provisions of the Contract Zone Agreement and other applicable provisions of the Land Use and Development Code;
21. That the Planning Board Chairman is authorized by the Planning Board to sign the Findings of Fact on behalf of the entire Board;
22. That the subdivision/ site 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/ site plans are required to be recorded within one year of original approval or the approval becomes null and void; and
23. That once the subdivision / site plans have been recorded at the Cumberland County Registry of Deeds, a dated mylar copy of the recorded subdivision/ site plans shall be returned to the Town Planner prior to a pre-construction meeting being held.

010417 Memorandum from Susan Robie, 34 Robie Street, Gorham, ME 04038:

"To: Gorham Planning Board
From: Susan P. Robie
Agenda Item: Railroad Avenue Development
Recommendations for Conditions of Approval

I am unable to attend the January 9 Planning Board Meeting. The agenda item that I am writing about is the Railroad Avenue Development request for Preliminary and Final Approval. I request that this memo be read into the record at the planning board meeting on January 9, 2017.

I have very little objection to the project as a whole. However, I do have concerns regarding the impact of the development on the adjacent neighborhood. These concerns, from my point of view, are legitimate based on the current Land Use and Development Code and the approved comprehensive plan changes of 2016. My purpose in writing this letter is to propose possible conditions of approval to address those issues. I do not believe that the application as written nor the measures proposed to date by the planning board address these concerns. I am requesting that this letter be read into the proceedings at the Planning Board Meeting of January 9, 2017. I respectfully ask that the suggestions be considered by the planning board.

Impact of the Development on Adjacent Residential Neighborhoods

The amount of traffic through the neighborhood and the speed of traffic are of concern in the neighborhood area encompassed by Robie Street and Lincoln Street as described by residents at the first Planning Board meeting on the project. Any significant addition/change to the existing traffic will constitute a further reduction in safety for school children, particularly in the morning and afternoon peak traffic. Further an increase/change in traffic, particularly cut through traffic in the late afternoon or evening hours will constitute a reduction in the livability of the neighborhood.

Mr. Smith has responded to these concerns by modestly changing the angle of the rear exit onto Robie Street and striping the rear entrance/exit so as to not encourage turns in and out into the neighborhood. A raised crosswalk has been added to the plan across Elm Street between the development and the sidewalk continuation on the West side of the street. These improvements are greatly appreciated.

Mr. Smith has stated that he does not believe the change in traffic into and through the neighborhood will be significant. I and others in the area disagree. Four businesses, one with high hourly turnover, in addition to 40 residential units is not an insignificant addition to the area.

Since we are fortunate enough to have base line data traffic data at the intersection of Lincoln, Robie and the School it will be possible when the development is completely built, occupied and operational to determine whether the traffic increases significantly, or the patterns change.

Also, I believe it is possible, with the appropriate measures taken by the developers of the Railroad Street Project, to mitigate significant increases should they occur. There are measures such as signage, gates, and traffic circulation that can occur on site. Additionally, stop signs on Robie and Lincoln combined with speed bumps can be predicted to calm traffic down and discourage cut through traffic. These are not expensive solutions.

A second concern that has been discussed briefly and dismissed has been potential noise from the bowling alley. The developers have asserted that this noise will not be a problem because it will be contained within the structure. No data has been provided to support this assertion. Our Land Use and Development Code describes short term high impact noise and a standard for measurement on p 249-250, it is reproduced at the end of this letter. The Land Use and Development Code also provides for a condition of approval to contain a requirement for post development measurements subject to enforcement action.

A third question raised that has been dismissed "as not our problem" is parking. If parking spills into the neighborhood along the sides of Robie and Lincoln because, contrary to expectations, there is not enough parking with the shared model presented by the developer this will constitute a further nuisance to the neighborhood. The premise of a shared parking model sufficient for the development on the development site was used as an argument for the parking reduction from the Land Use and Development Code contained in the contract zone.

Much of the discussion of the Planning Board that I have listened to has revolved around the issue of existing conditions not being a legitimate concern of the developer. I agree that is true. However, not significantly

increasing the severity of the condition is a legitimate requirement of any developer abutting a zone of different use according to our Land Use and Development Code. As stated above, base line data exists to determine whether or not the development has a significant effect on traffic when completed. Further the Gorham Comprehensive Plan adopted in 2016 has a specific goal to *"To minimize the impact of vehicular traffic on established residential neighborhoods."* The Planning Board has the biggest potential to fulfill requirements of the current Land Use and Development Code and implement this goal by providing appropriate input to site plans and using conditions of approval at the time of development to provide for post development mitigation.

I would propose that conditions of approval be added to the plan to address the above issues:

- 1) When fully operational if traffic through the Lincoln Robie intersection increases by 150% either in total, or during an existing peak interval and/or a new peak period interval develops specific mitigation measures be employed to include but not be limited to onsite changes, such as signage restricting the use of the rear entrance to residents only and onsite circulation changes. If onsite changes do not mitigate the traffic, off site measures such as installation of stop signs at the Robie Street "corner" and the installation of speed bumps on both Robie and Lincoln Street will be implemented.
- 2) When fully operational the development must comply with the noise ordinance.
- 3) If spillover parking occurs on a regular basis on Robie and Lincoln Street, the developer is required to mitigate this impact to the neighborhood by supplying appropriate No Parking signs.

Page 144 of the Gorham Land Use and Development Code describes the buffering required between non-resident uses and residential uses.

BUFFER AREAS (p 144 Gorham Land Use and Development Code)

H. NOISE ABATEMENT 1) Noise is required to be muffled so as not to be objectionable to surrounding land uses ... After April 7, 2009 developments subject to site plan review are required to meet Chapter IV, Site Plan Review, Section IX

Further p. 249-250 * Approval Criteria and Standards, T, Noise Abatement. Where there is a conflict between those noise requirements and the standards of this section, the more restrictive requirements shall govern.

K1) Any non-residential yard space abutting a residential area shall be maintained as a buffer strip by the developer. Such buffer area shall be for the purpose of eliminating any adverse effects upon the environmental or aesthetic qualities of abutting properties or any type of nuisance affecting the health, safety, welfare and property values of the residents of Gorham.

The relevant Comprehensive Plan passages are listed below:

"Our vision of Gorham is a neighborly community and the most desirable plan in Maine to live, raise a family or build a business in a healthy, robust and aesthetically pleasing environment.

Gorham Village and Little Falls are vibrant village centers. In Gorham Village, a range of businesses meet the day-to-day needs of residents of the community and the larger region while in Little Falls the businesses are more locally focused. Both villages are attractive, pedestrian friendly places where people are comfortable and want to be. The village residential neighborhoods provide highly livable environments with easy access to services and community facilities. The Town and the University of Southern Maine make the Village more inviting and attractive to USM students and their families so they integrate more with the downtown area." Gorham 2016 Comprehensive Plan p. 29

“D. Transportation:

(Maine) State Goal: To plan for, finance and develop an efficient system of public facilities and services to accommodate anticipated growth and economic development. (Growth Management Act)”
Gorham 2016 Comprehensive Plan p. 35

“Local Objection:

- *To maintain and enhance the ability of the road network to move traffic safely and efficiently while providing a high level of accessibility to residential neighborhoods, commercial areas and job centers.*
- ***To minimize the impact of vehicular traffic on established residential neighborhoods.***
- *To create a transportation system that provides a number of ways for people to move about the community including opportunities for walking and biking in addition to the use of the automobile.*
- *To expand the range of transportation alternatives available to the Town’s residents, workforce, and visitors including transit service.”* Gorham 2016 Comprehensive Plan p. 35

“Complete Streets

6. *Complete Streets is a concept of designing and constructing streets to meet the needs of all users, motor vehicles, pedestrians, bicyclists, and public transit. The Town should apply the Complete Streets concept to the construction of new streets and to the reconstruction or substantial improvement of existing streets especially with the village areas.*

Traffic in Residential Neighborhoods

7. ***The Town should continue to encourage/require the development of a pattern of interconnected local streets where that is feasible while at the same time discouraging the use of local, residential streets as short cuts for commuter and similar through traffic including assuring that the design of new streets does not encourage “short-cutting” through residential neighborhoods. The Town should work with established residential neighborhoods that are experiencing significant “cut-through” traffic to improve the situation.”*** Gorham 2016 Comprehensive Plan p. 36

Thankyou for your consideration of my suggestions

Susan Robie”

ITEM 2 NORMAND BERUBE BUILDERS – SHIERS MEADOWS SUBDIVISION; SHIERS MEADOWS DRIVE AND GRASSLAND DRIVE

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 50,700 square feet to 200,745 square feet with street frontage for the lots ranging in size from 214 feet to 561.96 feet.

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

Finding: Shiers Meadows 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.

Four of the subdivision lots will have legal road frontage on Shiers Meadows Drive, designed as a paved private way serving 7-10 lots/dwelling units, and two lots having legal road frontage from Grassland Drive, designed as a gravel private way serving 2-6 lots/dwelling units.

Both roads connect to County Road, State Route 22, which is classified as an arterial road by the Town of Gorham.

Finding: Shiers Meadows 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 underground power, cable, and telephone lines from Shiers Meadows Subdivision. The Town's contracted waste disposal contractor will pick up trash and recyclables. The homes are required to have residential home sprinkler systems.

Finding: Shiers Meadows 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.

Finding: Shiers Meadows 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.

A nitrate plume analysis has been completed for the subdivision by Andrew Gobeil, C.G. , L.S.E, with Sevee & Maher Engineers, Inc. showing nitrate plumes and zones where wells could be located.

Finding: Shiers Meadows 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: Shiers Meadows 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. Storm water from the subdivision will be treated in a series of meadow buffers located along Grassland Drive and the South Branch of the Stroudwater River and forested buffers located along the Stroudwater River.

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

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

The northern property line follows the Stroudwater River and the eastern property line follows the South Branch of the Stroudwater River. The applicant is not proposing any clearing or disturbing of land within the 75' stream setback or on steep slopes leading down to the streams. Wetland impacts are limited to the greatest extent practical.

Sheet 7, Details, identifies how erosion control measures will be implemented on the site.

Finding: Shiers Meadows 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 not proposed to impact any land within 75' of the Stroudwater River or the South Branch of the Stroudwater River. No scenic vistas, historic sites or manmade assets have been identified on the site.

Finding: Shiers Meadows 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.

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

The applicant has submitted a letter of intent to fund dated December 9, 2016 from Philip D. Fearon, Senior Vice President, Saco & Biddeford Savings Institution, regarding the applicant's ability to fund the project.

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 six (6) lots within the subdivision that will have new single-family homes constructed on them.

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

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

The applicant is proposing to form a homeowners' association to maintain the stormwater infrastructure for the project as well as both of the private ways.

Finding: Shiers Meadows Subdivision will have common elements, such as the stormwater wet pond, within the subdivision in accordance with the Planning Board requirements and the homeowners association shall be required to provide for the perpetual care of commonly owned elements.

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 was granted preliminary subdivision approval on December 5, 2016.

Finding: The final plan incorporated all changes requested by the Planning Board as part of preliminary 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.

The applicant was granted preliminary subdivision approval on December 5, 2016.

Finding: The plan is approved by the Planning Board within 12 months of Preliminary subdivision approval.

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

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

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

Shiers Meadows Drive is a paved private way that will serve a total of nine lots/dwelling units within the subdivision. The total of nine lots includes three existing single-family dwelling units along Shiers Meadows Drive, with an additional four single family lots being proposed to be located off Shiers Meadows Drive. An additional two single family lots are being proposed off Grassland Drive, which will be accessed off Shier Meadows Drive.

Grassland Drive will be a gravel private way which will serve a total of two lots/dwelling units in the subdivision.

Finding: Grassland Drive private way is designed to the 2-6 lot gravel private way standard and no more than two dwelling units can be located on a lot served by the private way to a total of no more than 3 dwelling units and/or lots.

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

The applicant has hired BH2M to prepare the private way plan, which has been prepared by a registered land surveyor, Robert C. Libby, Jr., P.L.S. #2190, and sealed by a registered professional engineer, Andrew Morrell, P.E. # 13285.

The private way plans have "Private Way Plan" included in their title.

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

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

The Plans show information sufficient to establish on the ground the exact location, direction, width and length of the private ways.

Both of the private way plans include a street plan and profile, and street cross sections are in accordance with Chapter 2, Section 5., E., 3.

Each private way plan includes the following plan note: "The Town of Gorham shall not be responsible for the maintenance, repair, plowing, or similar services for the private way shown on this plan, and if

the private way has not been built to public way standards, the Town Council will not accept it as a public way.”

Finding: The Plans of Private Way for Shiers Meadows Drive and Grassland Drive have been prepared by a registered land surveyor, Robert Libby, Jr., P.L.S. #2190, and sealed by a registered professional engineer, Andrew Morrell, P.E. # 13285, meeting the requirement for private ways.

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

The applicant will provide homeowners’ association documents as part of final subdivision approval that will detail the maintenance responsibilities for all lots served by Shiers Meadows Drive and Grassland Drive.

The homeowners’ association documents are required to be recorded within 30 days of approval by the Planning Board.

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

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

Both private ways will have a 50’ right-of-way width. Shiers Meadows Drive is proposed to have a paved apron along County Road and Grassland Drive is proposed to have a paved apron off Shiers Meadows Drive.

Finding: The private way right-of-way width for both private ways is 50’ and paved aprons are proposed for both private ways.

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

The applicant is proposing to extend Shiers Meadows Drive to a length of 1,275’ to the Town’s 7-10 lot/dwelling unit paved private way standard.

The applicant is also proposed to construct a 412’ private way to the Town’s 2-6 lot/dwelling unit gravel private way standard.

Both private ways will have the required turnarounds built to the Town’s requirements. .

Finding: Shiers Meadows Drive and Grassland Drive private ways meet all the criteria and design requirements presented in Tables 1 and 2 and the typical cross sections depicted in Figures 9 and 10 of the Gorham Land Use and Development Code.

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

The applicant is proposing a 2-6 lot/dwelling unit gravel private way to serve two lots. The paved 7-10 lot/dwelling unit paved private way is proposed to serve nine lots.

Three existing single-family homes are located on Shiers Meadows Drive with an additional six single-family dwelling units proposed to be constructed.

Finding: *Grassland Drive will serve a maximum of 3 lots and/or dwelling units.*

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

The combined total lot area of all the lots is 17.5 acres in size. The applicant has completed the required net residential density calculation which identifies the number of lots allowed to be constructed on the parcel as 6 lots/dwelling units.

The ownership of the rights-of-way for Shiers Meadows Drive and Grassland Drive will remain with the subdivision homeowners' association.

Finding: *The land area of Shiers Meadows Drive and Grassland Drive private way rights-of-way are not being used to satisfy the minimum lot area requirements for the existing lot or any proposed future lot.*

- 10) The Planning Board shall have the ability to require improvements to both public roads and private ways serving any proposed private way to ensure off-site access is suitable to serve the proposed private way.

Shiers Meadows Drive is proposed to be upgraded from the existing 2-6 lot gravel private way to the Town's 7-10 lot paved private way standard to handle the additional traffic from Grassland private way and new lots along the extension of Shiers Meadows Drive.

Both private ways are served by County Road, State Route 22, which is classified as an arterial road by the Town of Gorham. The condition of County Road can handle the additional traffic from six new single-family dwelling units.

Finding: *Shiers Meadows Drive and Grassland Drive private ways are served by County Road which is suitable to serve the proposed private ways.*

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 roads shall be properly named and signed with a Town approved street signs with the road signs being installed as soon as the roads are completed;
4. That the road names shall be approved by the Police and Fire Chiefs;
5. That the private ways shall be maintained year around to allow access to emergency vehicles;

6. 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;
 7. That the subsurface wastewater disposal systems for the lots will be located as shown on the Final Subdivision Plan for Shiers Meadows, Sheet 1 of 7, 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;
 8. That the individual wells for the lots will be located in the acceptable well zone as shown on Final Subdivision Plan for Shiers Meadows, Sheet 1 of 7, and the wells shall meet the requirements of Sevee and Maher Engineers' Inc. Groundwater Nitrate Evaluation, dated September 1, 2016, but the well zone may be altered if 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 and safe for drinking water supply;
 9. 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;
 10. All houses shall be properly numbered with the numbers being visible from the private ways year around;
 11. That all underground power must be inspected by the Code Enforcement Office before backfilled;
 12. That each building within the subdivision must have its lowest floor, including basement, a minimum of one foot above the 100 year flood elevation and must have this elevation certified by a professional engineer, surveyor or architect prior to start of construction;
 13. That the Planning Board Chairman is authorized by the Planning Board to sign the Findings of Fact on behalf of the entire Board;
 14. That the private ways plans shall be recorded in the Cumberland County Registry of Deeds within 30 days of the establishment of the performance guarantee; if the plan is not recorded within this period, the approval of the Planning Board shall be void;
 15. That the subdivision and private ways 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
 16. That once the subdivision and private ways plans have been recorded at the Cumberland County Registry of Deeds, a dated mylar copy of the recorded subdivision and private ways plans shall be returned to the Town Planner prior to a pre-construction meeting being held.
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ITEM 3 STJ, INC. – JANE'S WOODS 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 60,000 square feet to 86,906 square feet with street frontage for the lots ranging in size from 200 ft. to 526 ft.

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

Finding: Jane's Woods 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.

Eight of the subdivision lots will have legal road frontage on Burton Drive which is proposed to be constructed to the Town's Rural Access road standard. One lot will have legal road frontage from Files Road.

The applicant shall complete the improvements to Files Road identified in the Public Works Director's memo dated January 9, 2017 and emailed to the Town Planner.

Finding: Jane's Woods 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 underground power, cable, and telephone lines. The Town's contracted waste disposal contractor will pick up trash and recyclables. The homes are required to have residential home sprinkler systems.

A clustered mailbox will be located on the south side of Burton Drive at approximate station number 1+25.

Finding: Jane's Woods 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.

The applicant has provided a Groundwater Impact Assessment for the subdivision. The subdivision plan also identifies a well exclusion zone.

Finding: Jane's Woods 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 subdivision plan identifies the locations for septic systems with passing soil tests. The plan also shows the locations of nitrate plume analysis as well as the well exclusion zones around septic systems.

Finding: Jane's Woods 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. The applicant is also proposing to direct road stormwater into 2 forested buffers via ditches and level lip spreaders. Sewage disposal from the site will be treated in subsurface disposal systems designed by a Maine Licensed Site Evaluator.

Finding: Jane's Woods 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. Storm water from the subdivision will be treated in 2 forested buffers. One of the forested buffers is located on the northeastern corner of the lot and the other is located on the southeastern corner of the lot. The forested buffers will be protected by deed restrictions as required by the Maine Department of Environmental Protection.

Stormwater drainage facilities maintenance shall be the responsibility of the homeowners' association.

Finding: Jane's Woods 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.

No wetlands or streams are located on the site.

Sheet 6, Erosion Control Details, and Sheet 7, Standard Details, identify how erosion control measures will be implemented on the site.

Finding: Jane's Woods 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.

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

Finding: Jane's Woods 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.

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

The applicant has submitted a letter, dated December 5, 2016 from Gorham Savings Bank regarding the applicant's financial capacity.

The applicant submitted a letter of intent to fund dated, dated January 9, 2017, from Gorham Savings Bank.

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

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

The applicant will be required to pay the Recreational Facilities and Open Space Impact Fee prior to the issuance of building permits for the nine (9) lots within the subdivision that will have new single-family homes constructed on them.

Finding: Jane's Woods 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 required to form a homeowners' association to maintain the stormwater infrastructure for the project.

Finding: Jane's Woods Subdivision will have common elements, such as the forested buffer area easements, within the subdivision in accordance with the Planning Board requirements and the homeowners' association shall be required to provide for the perpetual care of commonly owned elements.

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 requirement from the Planning Board's policy to grant preliminary and final approvals at separate meetings.

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 preliminary and final approvals at the same meeting.

Finding: The plan is approved by the Planning Board within 12 months of Preliminary subdivision approval.

Conditions of Approval

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

- variation from the plans, proposals and supporting documents is subject to review and approval by the Planning Board, except for minor changes which the Town Planner may approve;
2. That the applicant shall provide property line information and site information in auto-cad format to the Town Planner;
 3. That the houses shall be properly numbered with the numbers being visible from the street year around;
 4. That all the buildings shall be sprinkled meeting all applicable sections of the Town's sprinkler ordinance;
 5. That the building sprinkler plans shall be submitted to the Gorham Fire Dept. and the State Fire Marshal's Office for review and permitting with the plans being submitted to the Fire Dept. at least two weeks prior to the start of installation of the system;
 6. That Sprinkler test papers must be submitted to the Gorham Fire Dept. prior to the Certificate of Occupancy being issued;
 7. The street name shall be approved by the Police and Fire Chiefs;
 8. That the underground electric lines shall be inspected by the Code Enforcement Office prior to backfill;
 9. The streets shall be properly named and signed with Town approved Street Signs and street signs shall be in place as soon as the roads are constructed;
 10. That the subsurface wastewater disposal systems for the lots will be located as shown on the approved 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 wells;
 11. That the individual wells for the lots will be located in the acceptable well zone as shown on Final Subdivision Plan for Jane's Woods Subdivision, Sheet 1 of 7, and the wells shall meet the requirements of Marc Cenci Geologic, Inc., dated November 17, 2016, but the well zone may be altered if 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 and safe for drinking water supply;
 12. That the applicant is responsible for recording the approved Jane's Woods Homeowners' Association documents within 90 days of the date of approval of the subdivision by the Planning Board and a recorded copy of the Homeowners' Association documents shall be returned to the Planning Department prior to a preconstruction meeting being held;
 13. That the Maine DEP required stormwater buffers shall be permanently marked on the ground prior to the start of construction;

14. That the applicant shall complete improvements to Files Road meeting the approval of the Gorham Public Works Director;
15. That the applicant shall replace the 12 inch culvert under Files Road meeting the approval of the Public Works Director, should increased stormwater warrant the proposed replacement, based on the recommendation of Woodard & Curran;
16. That the Planning Board Chairman is authorized by the Planning Board to sign the Findings of Fact on behalf of the entire Board;
17. That the subdivision plan shall not be released for recording at the Cumberland County Registry of Deeds until the required performance guarantee has been posted meeting the approval of Town Staff; and the subdivision plan is required to be recorded within one year of original approval or the approval becomes null and void; and
18. That once the subdivision plan has been recorded at the Cumberland County Registry of Deeds, a dated mylar copy of the recorded subdivision plan shall be returned to the Town Planner prior to a pre-construction meeting being held.