

**PLANNING BOARD MEETING
July 11, 2016**

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

Members Present

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

Members Absent

SCOTT FIRMIN

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 Scott Firmin was absent..

APPROVAL OF THE JUNE 6, 2016 MINUTES

George Fox MOVED and Lee Pratt SECONDED a motion to approve the minutes of June 6, 2106 as written and distributed. Motion CARRIED, 5 ayes (Scott Firmin absent; Scott Herrick abstaining as not having been present at the meeting).

APPROVAL OF THE JUNE 20, 2016 MINUTES

George Fox MOVED and James Anderson SECONDED a motion to approve the minutes of June 20, 2016 as written and distributed. Motion CARRIED, 6 ayes (Scott Firmin absent).

COMMITTEE REPORTS

A. Ordinance Review Committee – Mr. Zelmanow noted that there had been a meeting of this Committee prior to this evening’s meeting to discuss the Shaws Mill rezone, 17 Railroad Avenue contract zone, and the ordinance changes relating to home occupations and landscape companies and contractors’ yards in the Rural district. Mr. Poirier noted that staff has been asked to send certified letters to the two Shaws Mill Road abutters who have yet to be heard from, notifying them of another Ordinance Committee workshop in August. There was not time to discuss the ordinance changes relating to home occupations and contractors’ yards at this evening’s workshop, so they also will be discussed at the next workshop.

B. Streets and Ways Subcommittee – Mr. Zelmanow reported that this committee has not met.

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

ADMINISTRATIVE REVIEW REPORT – Mr. Poirier reported that there is one new administrative review for V&M Rentals, which has relocated across from Phinney Lumber and added some outbuildings, which is now under review.

ITEM 1 PUBLIC HEARING (CONTINUED) PRELIMINARY SUBDIVISION AND SITE PLAN REVIEW – Bramblewood LLC – request for approval of Glenwater Village Subdivision, a residential subdivision with 20 single family lots and 10 apartment units located off Glenwood Avenue, Map29, Lot 61, and off Water Street, Map 101, Lot 21, Urban Residential and Development Transfer Overlay zoning districts.

Mr. Poirier reminded the Board that it had asked the Public Works Director, Robert Burns, and the traffic review engineer to review the applicant's proposed connection with Water Street and Dogwood Lane and provide recommendations. The Public Works Director is recommending a 20-foot wide road. The applicant was required to go before the Town Council and get permission to build a road in the Town's easement on Water Street; this permission was granted by the Council on July 5, 2016.

In previous meetings there was considerable discussion concerning pollution of the site by a dry cleaning establishment dumping chemicals. A site visit was conducted by 2 representatives of the DEP, the Town Planner, the applicants and the applicants' engineer to inspect the site for contamination. DEP asked the applicants to conduct a limited Phase II Environmental Site Assessment, which was done by Sevee & Maher Engineers, Inc. Subsequent to that Assessment, the applicants have received a response from DEP that no further investigation is required at this time.

The applicants have received both their Maine DEP and Army Corps of Engineers' approvals of Stormwater Permit, Natural Resources Protection Act Permit, and a Construction General Permit.

A meeting was held with the applicants, staff and the peer review engineer on July 5, 2016 to review the Town's review engineer's comments, which have been addressed and will be incorporated on a plan to be forthcoming.

Regarding pedestrian safety, the Town's traffic peer review engineer has reviewed the missing sidewalk link between Church Street and Main Street; his recommendations are included in the Board's packets.

Dustin Roma, D.M. Consulting Engineers, introduced Greg McCormack and Amy Mulkerin, developers of the project doing business as Bramblewood, LLC. Mr. Roma said they believe they have addressed all outstanding issues and are ready for preliminary and final approval at this meeting. They have met with CMP on site to establish locations for take-off poles for underground utilities and relocating utilities as necessary for the offsite sidewalk improvements, and have CMP approval on how the project will be served. They have met with Public Works and the Town's traffic engineer and agreement has been reached on how to design the sidewalks on Glenwood Avenue. They have their DEP and Army Corps permits for wetlands fill and work adjacent to the streams. Environmental concerns have been addressed with the DEP. The Town's review engineer Woodard & Curran comments have been addressed. Plans have been submitted which document what was discussed and agreed to at the July 5 meeting mentioned by the Town Planner.

Mr. Roma pointed out additional open space which will be conveyed to the Town, based on discussions with the Gorham Conservation Commission. The Commission would like to have in the future the opportunity to make a trail connection from existing Town-owned land through this parcel to connect into the abutting retirement community. Mr. Roma said there are no trails proposed in this area now; however, the 100 feet provided will allow a trail to meander in the shoreland zone.

Mr. Roma said the applicants have agreed to construct a paved, 20-foot wide public roadway at the end of Water Street to connect into the subdivision. The applicants remain opposed to constructing a sidewalk along Church Street into Main Street.

Greg McCormack, applicant, came to the podium and said they do not want to extend the sidewalk further than what the Code requires, citing the expense involved and the difficulties that would be encountered, and

said they do not believe they should be responsible for what they believe is the responsibility of the Town of Gorham. Mr. McCormack asked for both preliminary and final approval this evening so they can start construction on the project now.

Ms. Sunnell and Mr. Roma discussed the problems inherent with trying to build a sidewalk along Water Street to Main Street. In reply to Mr. Herrick, Mr. Poirier said that the Code requires the extension of sidewalks along arterial roads; however, the Town's traffic peer review engineer believes that in this case there could be a safety concern, which is part of the Board's consideration in subdivision review regarding pedestrian safety. Mr. Roma told Mr. Zelmanow said that the applicants will extend a sidewalk all the way down Glenwood Avenue, around the corner, down to Church Street, but do not want to go further on Water Street down to Main Street. Mr. Roma replied to Mr. Anderson that the section of sidewalk on Water Street could cost from \$12,000.00 to \$20,000.00, depending on what circumstances could be encountered. The Board discussed the question at length, and ultimately resolved that safety issues already exist on that section of Water Street, a new hazard is not being created, and the developer should not be held responsible for improving a situation not of its making.

Ms. Sunnell noted that burning bush and barberry listed as street trees are invasive species and asked that they be removed from the landscaping plan and that something else be installed. Mr. Roma said that the Public Works Director has requested that the street trees be placed behind the sidewalk, basically on individual lots, so the species listed are designed as a variety of what would be appropriate, depending on circumstances on a case by case basis. Mr. Roma told Mr. Anderson that Woodard & Curran is satisfied with the proposed stormwater run-off.

The Board and Mr. Roma discussed the proposed open space, with Mr. Fox confirming that access to the open space will involve sharing lot 20's driveway. Mr. Roma said that the deed prior to conveying the lot will indicate that the driveway is also a public trail and will also serve as the maintenance route should the pond require attention. .

Mr. Roma said that a wetland delineation and a medium intensity soil survey have been performed on the site.

Mr. Roma said the subdivision will be done in two phases: phase 1 is the creation of the lots, including lot 20, and the second phase is the development of Cottage Court Condominiums.

Regarding the applicants' waiver request for a Class A high intensity soil survey, Mr. Poirier said the applicant is considering the maximum amount of poorly drained soils in order to maximize the amount of open space, and the Board agreed to classify the site as having zero poorly drained soils to maximize the amount of open space. It was agreed that should be provided in the Finding for open space. In reply to Mr. Fox, Mr. Roma said that the open spaces consists of approximately 3 acres. Mr. Roma said he would provide the calculations showing that the open space requirement has been met. Mr. Roma said that the open space will be dedicated to the Town.

PUBLIC COMMENT PERIOD OPENED: Aaron Hill, 17 Water Street, spoke about the traffic this development will create, with resulting pedestrian safety issues along Church Street. Mr. Hill said that the existing trails are not in good condition.

Benjamin Gowdy, 30 Water Street, spoke about the increase in traffic which will result from this development, and said that ultimately the citizens of Gorham will have to pay for the missing sidewalk connection, instead of the developer.

Robert Berks, 14 Glenwood Avenue, spoke about traffic and safety issues, and referred to the comments about safety made by the Town's traffic peer review engineer. Mr. Berks suggested that the Town make a financial commitment to address the safety issues or make the developer do it.

Mr. Zelmanow said that there is a dangerous condition already existing, requiring the developer to install the sidewalk is more than the Board can ask of it, and the issue should be addressed by the Town. He suggested that the residents go to the Town Council to ask for Town help to install a sidewalk on that section of Water Street.

PUBLIC COMMENT PERIOD ENDED.

Mr. Roma told Mr. Poirier that Cottage Court will be built to the Urban Access road standard.

Mr. Roma said that the applicants have reviewed and are satisfied with the Conditions of Approval.

George Fox MOVED and James Anderson SECONDED a motion to allow preliminary and final approval in one meeting. Motion CARRIED, 6 ayes (Scott Firmin absent). [8:07 p.m.]

Scott Herrick MOVED and George Fox SECONDED a motion to grant Bramblewood LLC's request for preliminary and final subdivision approval for Glenwater Village Subdivision with 20 single family lots and 10 apartment units, located off Glenwood Avenue on Map 99, Lot 61, and off Water Street, Map 101, Lot 21, in the Urban Residential zoning district and Development Transfer Overlay district, with Findings of Fact and Conditions of Approval as written by the Town Planner and revised by the Planning Board. Motion CARRIED, 6 ayes (Scott Firm absent). [8:09 p.m.]

George Fox MOVED and James Anderson SECONDED a motion to grant Bramblewood LLC's request for site plan approval for Cottage Court on lot 21 in the Glenwater Village Subdivision with 10 apartment units located off Glenwood Avenue, Map 99, Lot 61, and off Water Street, Map 101, Lot 21, in the Urban Residential zoning district and Development Transfer Overlay district, with Findings of Fact and Conditions of Approval as written by the Town Planner and revised by the Planning Board. Motion CARRIED, 6 ayes (Scott Firm absent). [8:10 p.m.]

Ten Minute Break

ITEM 2 PUBLIC HEARING (CONTINUED) SITE PLAN AMENDMENT – Foreside Enterprises – a request for approval to construct a 5,200 square foot one-story building addition for service equipment and supplies to the existing ServPro facility, located at 9 Hutcherson Drive, Map 12, Lot 23.003, Industrial zoning district.

Mr. Poirier advised the Board that since the applicant was last before it in June, they have submitted a revised plan addressing required items.

Scott Herrick asked that he be recused from participating in the discussion on this event due to a potential conflict of interest.

George Fox MOVED and James Anderson SECONDED a motion to recuse Mr. Herrick. Motion CARRIED, 5 ayes (Scott Firmin absent, Scott Herrick abstaining).

Shawn Frank came to the podium and advised the Board that this application is an amendment to an approved site plan. He said that the building sits back from Hutcherson Drive, and at the request of the Assessor and the Fire Chief, the address of "9 Hutcherson Drive" has been added to the project sign at the driveway entrance. The parking spaces that had been shown, not part of the original approval, have been reworked and the limits of pavement have been defined. Four wall-pack full cutoff light fixtures will be the only new lighting. All utilities will be extended from the building itself.

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

Mr. Frank said that the applicant is satisfied with the Conditions of Approval.

George Fox MOVED and Lee Pratt SECONDED a motion to grant Foreside Enterprises and Development LLC's request for site plan amendment approval for a building expansion and associated site improvements located at 9 Hutcherson Drive, Map 12, Lot 23.003, in the Industrial zoning district with Findings of Fact and Conditions of Approval as written by the Town Planner. Motion CARRIED, 5 ayes (Scott Herrick abstaining, Scott Firmin absent). [8:31 p.m.]

Mr. Herrick returned to the podium.

ITEM 3 PUBLIC HEARING – SUBDIVISION/SITE PLAN REVIEW – Susan Duchaine, Inc. –
a request for approval of Snowbird II, a 14-unit condominium located at 346 Main Street,
Map 108, Lot 4, and a portion of Map 108, Lot 3, Office Residential/Urban Residential
zoning districts.

Mr. Poirier noted that this application was before the Board as a pre-application on April 4, 2016, and a site walk was held on April 20, 2016. He reminded the Board that the applicant proposes to split off the back part of the lot and the single family dwelling on it to merge it into the existing lot 25 of Allen Acres Subdivision, utilized as part of Snowbird Condominiums. The rest of the lot will be a separate condominium development.

Andrew Morrell, BH2M Engineers, introduced the applicant, Susan Duchaine. Mr. Morrell described the two projects the applicant is proposing, and reminded the Board that the 3 additional units being added to the Snowbird community were discussed at the Board's June meeting, at which time that project was put on a Consent Agenda.

Mr. Morrell described the current project as a 3.22 acre parcel zoned OR and UR. The applicant is proposing to reconstruct the existing driveway as it comes in off Main Street, add a sitewalk, and construct 14 condominium units served by public sewer and water, underground electric and gas, all from Main Street. There will be no utility connections between the two projects. The existing trees along the driveway will be preserved as best as possible. Mr. Morrell said the Allen Acres and Snowbird Condominium projects received a stormwater permit; the amendment to Snowbird, as well as this project, which will be known as Ward Condominiums, will require amendments to those permits. A financial capacity letter will be provided. They are working with the Portland Water District with an ability to serve letter.

Mr. Morrell asked about the requirement for an Urban Access road width and what triggers that requirement. Mr. Poirier replied that the requirement is based on the number of trips served by the development. Mr. Poirier said that if ten units were being proposed, the private way would need to be built to the minimum standards of a paved private way. However, if more than 10 units are being proposed, then the road needs to be built to the Urban Access standards. All condominium projects need to handle the trips generated by the

proposed development. Ms. Duchaine, Mr. Morrell, Mr. Poirier and Mr. Zelmanow all discussed the Urban Access standards for this project, that once more than 10 units are proposed, the Urban Access standard must be met as a minimum.

The Board agreed that the test pits and the results shown are satisfactory.

Mr. Anderson said he has no issue waiving the requirement for a high intensity soils survey; the rest of the Board concurred.

George Fox MOVED and Rachel Sunnell SECONDED a motion to grant Susan Duchaine's request to waive the submission requirement for a high intensity soil survey. Motion CARRIED, 6 ayes (Scott Firmin absent).

Mr. Herrick asked about the restriction on the deed on the first parcel and asked that some kind of evidence be provided that the restriction is no longer relevant. Ms. Sunnell asked whether an auto-turn has been provided; Mr. Zelmanow asked for confirmation that a ladder truck could make the turn. Ms. Sunnell confirmed with Mr. Morrell that the next submittal will address landscaping and street trees. Mr. Anderson asked about the finished floor elevation on some of the buildings being above grade and if those units would have daylight basements. Mr. Morrell replied that units 3 and 4 would have partial daylight basements, and units 5, 6 and 7 would have full daylight elevations. Mr. Morrell said that the next submission will show any decks being proposed. In reply to Mr. Zelmanow, Ms. Duchaine said they do not propose to change the grade, that is why a lot of the units will be done on 4-foot slab foundations to minimize blasting. Ms. Sunnell asked if screening or fencing will be shown where the units are very close to the property line, especially unit 6. Mr. Morrell said that they will look into the issues expressed by one of the abutters asking for some kind of fence. Mr. Morrell said it is the applicant's intent to keep some wooded buffer on the back of the parcel and limit the cutting of trees.

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

Ms. Duchaine said that receiving preliminary approval this evening would be a help in their closing on the property next week. Mr. Zelmanow noted that there is insufficient information as yet to complete all of the Findings of Fact, and that if everything is in complete order at the next submission, the Board will consider granting preliminary and final approvals at the same meeting. Mr. Zelmanow confirmed with the rest of the Board that a letter of intent from DEP regarding approval of the required amended permits would be sufficient.

ITEM 4 SUBDIVISION AMENDMENT REVIEW – Bartlett Subdivision – Linda Rojecki – a request for approval to divide Lot G of the Bartlett Subdivision into two lots, Lot G and Lot G-1, located at 40 Longmeadow Drive, Map 48, Lot 14.007, Suburban Residential zoning district.

Mr. Poirier explained that this application is a lot split off Longmeadow Drive in the existing Bartlett Subdivision. The proposed lot split, dividing lot G into lots G and G-1, are required to have 60,000 square feet of lot area and at least 200 feet of road frontage. This item was not sent to the Town's review engineer. The applicant has requested a waiver submission for a nitrate plume analysis.

Regarding the abutter comments, Mr. Anderson said that if the abutter is concerned about drainage, the abutter is located on the opposite side of the street, he knows this lot and believes that stormwater drains toward the back of the lot and will not impact the abutter.

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

Concerning the applicant's waiver request from the nitrate plume analysis requirement, Mr. Anderson said he believes there is ample distance from the existing well to the proposed property line to eliminate issues on Lot G-1 if a septic system is put in. Further discussion resulted in a new Condition of Approval #4 stating "That the septic system shall be located a minimum of 200 feet from residential water supply wells or the applicant will provide a nitrate plume analysis showing no impact to abutting properties' water supply wells."

Rachel Sunnell MOVED and James Anderson SECONDED a motion to grant Philip and Lindsay Rojecki's request to waive the submission requirement under Chapter III, Section III, B. 16) for a Nitrate Plume Analysis. Motion CARRIED, 6 ayes (Scott Firmin absent).

The applicant concurred with the Conditions of Approval.

Scott Herrick MOVED and James Anderson SECONDED a motion to grant Lindsay Rojecki's request for Bartlett Subdivision amendment approval to split lot G into two lots, located in the Suburban Residential zoning district, Map 48, Lot 14.007, based on Findings of Fact and Conditions of Approval as written by the Town Planner and amended by the Planning Board. Motion carried, 6 ayes (Scott Firmin absent). [9:13 p.m.]

ITEM 5 PRIVATE WAY REVIEW – Kerrmez Development, LLC – request for approval of Aviana Lane, a one-lot gravel private way off Burnham Road, located on Map 3, Lot 24, Suburban Residential zoning district.

Mr. Poirier said that this is an application for a one-lot private way. Mr. Poirier noted that the applicant needs to select a road name.

Andrew Morrell, BH2M, came to the podium and advised the Board that this parcel of land has 352 feet of frontage which the applicant is proposing to split, requiring the construction of a one-lot private way to serve lot 2. The lots will be served by septic, drilled wells and underground electric. The plans will represent the applicant's choice of "Aviana Lane" for the name of the private way.

PUBLIC COMMENT PERIOD OPENED: None offered.

Mr. Morrell confirmed that the applicant is in agreement with the Conditions of Approval.

Scott Herrick MOVED and Rachel Sunnell SECONDED a motion to grant Kerrmez Development, LLC's request for approval of a 162 foot private way designed to the Town's one-lot dwelling unit private way standard, located on Map 3, Lot 24, situated in the Suburban Residential zoning district, based on Findings of Fact and Conditions of Approval as written the Town Planner. Motion CARRIED, 6 ayes (Scott Firmin absent). [9:15 a.m.]

ITEM 6 PRE-APPLICATION DISCUSSION – Subdivision – John Peters, LLC – request for approval of a 7-lot residential development on 12.14 acres, located off Clay Road, Map 54, Lot 19.101, Rural zoning district.

Mr. Poirier advised the Board that the applicant has provided the Board with both conventional and clustered subdivision plans for the Board's review. Because this is a pre-application discussion, staff has not circulated the plans for review.

Andrew Morrell, BH2M Engineers, explained that the applicant is looking to construct a 7-lot single family residential clustered subdivision which results in approximately a 600' road, septic systems, wells and underground electric serving each lot. The clustered proposal results in about 200' less of road and approximately 6.26 acres of open space.

Mr. Zelmanow suggested that the houses be sprinkled. Mr. Morrell said that a clustered mailbox is the intent. Mr. Anderson asked if there will be sidewalks in the development; Mr. Morrell said he will discuss that with the applicant. The road is proposed to be built to the Rural Access standard, 22 feet wide; Mr. Zelmanow asked if the width could be made 24 feet. Mr. Morrell said he will discuss that with the applicant.

Ms. Sunnell asked what is proposed for the open space. Mr. Morrell replied that there are no wetlands on this parcel and therefore the open space proposed is usable land, but they have not yet considered any open space options. Ms. Sunnell suggested a loop trail system. Mr. Poirier said staff will get comments in early from the Gorham Conservation Commission.

Mr. Zelmanow suggested that street trees be provided.

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

The Board concurred that the clustered subdivision plan is preferred to the conventional plan.

Mr. Poirier said that a private way would not have to provide a connection to abutting undeveloped land; however, if the road is developed to the Rural Access standard, that connection will have to be provided or request a waiver from the Planning Board.

ITEM 7 PRE-APPLICATION DISCUSSION – Subdivision – W.W. Wood Properties, LLC – a request for approval of an 11-lot subdivision off Dingley Springs Road, Map 75, Lot 9, Suburban Residential zoning district.

Mr. Poirier said each lot needs 200' of road frontage and 60,000 square feet of lot area. The frontage can either can be on a public road or a private way; in this case the applicant is proposing a bit of both. As a reminder, pre-application discussions are just between the Board and the applicant

Mark Carpenter, Nadeau Land Surveying, told the Board he is representing Ronnie Gray, doing business as W.W. Wood Properties. Mr. Carpenter said there is almost 2100 feet of frontage, which will be utilized to meet all the minimum road frontage requirements. The majority of the lots will be considerably oversized, and there will be a one-lot private way to serve lot 11. The lots will be served by private wells and septic systems. A wetlands delineation survey is currently under way.

Mr. Zelmanow asked if the houses are proposed to be sprinkled as there does not seem to be a hydrant nearby. Mr. Poirier said if the applicant does not build a fire pond meeting the requirements, then the houses have to be sprinkled.

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

Mr. Zelmanow said that it is possible that the Board can grant preliminary and final approval in one meeting; however, that would depend on the completeness of what is submitted. Mr. Poirier advised the applicant that a nitrate plume analysis will be required and commented that a member of the public, who had been present earlier, said that he is concerned that his abutting parcel may be landlocked. Mr. Carpenter replied to Mr. Poirier that they are utilizing a portion of lot 9, the remaining land has the stream protection designation on it but it is not a part of this application.

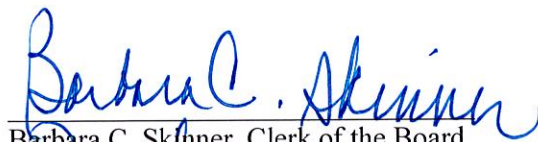
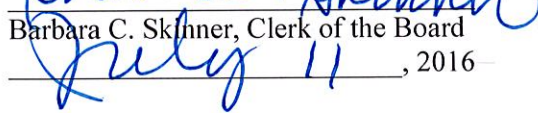
ANNOUNCEMENTS None.

OTHER BUSINESS The next Planning Board meeting is August 1, 2016. Staff will try to set up a meeting with the Gorham Conservation Commission for that same evening.

ADJOURNMENT

James Anderson MOVED and Rachel Sunnell SECONDED a motion to adjourn. Motion CARRIED, 6 ayes (Scott Firmin absent). [9:40 p.m.]

Respectfully submitted,


Barbara C. Skinner, Clerk of the Board
 July 11, 2016

ITEM 1 GLENWATER VILLAGE SUBDIVISION

CHAPTER III - SUBDIVISION, SECTION III - PRELIMINARY PLAN

The Planning Board, following review of the Subdivision Application, makes these findings based on the Subdivision Review criteria found in Chapter III, Subdivision, Section III – 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 II.

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

The Comprehensive Plan identifies this area as Village Residential. The plans meet the requirements of the Urban Residential zoning district for density.

Finding: Glenwater Village 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.

Access to the subdivision is from Glenwood Avenue, which is classified as an Urban Access Road. Glenwood Avenue is a dead end road that exits onto Water Street.

Dogwood Lane and Grove Street will be constructed to the Town's Urban Access Standard. The applicant is proposing a connection from Dogwood Lane into Water Street through the Town's public access easement over the abandoned portion of Water Street.

Finding: Glenwater Village 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 lots will be served by underground power, telephone, cable lines, and natural gas. A clustered mailbox is proposed to be installed to serve the lots within the subdivision.

Finding: Glenwater Village 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 an 8" water main extended from the Portland Water District's 8" water main located in the Glenwood Avenue right-of-way. The water main design and installation must meet the requirements of the Portland Water District.

Finding: Glenwater Village 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 subdivision lots 1-3 and lots 6-17 will be served by an 8" gravity sewer mains draining to the Portland Water District's pump station located at the end of Glenwood Avenue.

The subdivision lots 4-5 and 18-20 will be served by low pressure sewers systems. The low pressure pumps and lines located on the lots are the responsibility of the lot owners. The low pressure sewer lines located in the proposed road right-of-way will be turned over to the Portland Water District.

Finding: Glenwater Village 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 site will be treated in storm water infrastructure meeting the Maine Department of Environmental Protection's and the Town of Gorham's storm water requirements. The lots' sewage disposal is through the public sewer system and treated by the Portland Water District.

The applicant has received approvals from the Maine Department of Environmental Protection and the Army Corp of Engineers.

Finding: Glenwater Village 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 proposed construction of the subdivision lots will impact 3,885 sq.ft. of wetlands. The wetlands on the northern third of the site will be located in common space and protected from development.

Finding: Glenwater Village 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.

Two unnamed streams are located on the lot. One stream is located on the western portion of the site and flows northerly the other stream is located on the eastern edge of the site and flows northerly.

A large wetland system is located on the northern edge of the site. The wetland is large enough to require protection under the Town's Shoreland Overlay district. Both Streams flow into the large wetland

system. Only minor impacts are proposed to the edge of the streams with no impacts proposed to the large wetlands located on the northern end of the site.

Finding: Glenwater Village 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 proposed revised layout of the buildings will impact 7,209 sq. ft. of wetlands.

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

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

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

The applicant has submitted a letter dated April 4, 2016 from Andrew C. Dorr, Vice President Business Banking, Machias Savings Bank, 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 VIII.

The applicant is proposing 2.0 acres of open space located on the northeastern corner of the lot. The open space is proposed to be utilized for a walking trail and to remain wooded. The applicant is proposing to deed the open space to the Town of Gorham for use as open space and for trails.

The Board agreed to classify the site as having zero poorly drained soils to maximize the amount of open space.

Each lot and condominium unit is also required to pay into the Town's Recreation Facilities and Open Space Impact Fee.

Finding: Glenwater Village 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 proposes to deed the open space to the Town of Gorham for use as open space and for recreational uses.

Finding: Glenwater Village Subdivision is proposing to create open space and recreational land and facilities within the subdivision in accordance with the Planning Board requirements and the Glenwater Village Subdivision homeowners' association shall be required to provide for the perpetual care of commonly owned recreation land.

CHAPTER III - SUBDIVISION, SECTION IV –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 Planning Board has waived the requirement that final and preliminary approval occur at separate meetings.

Finding: The applicant has submitted the required subdivision plan and accessory documentation showing that the required changes requested by the Planning Board at Preliminary Subdivision approval have been completed.

- 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 Planning Board has waived the requirement that final and preliminary approval occur at separate meetings.

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 there shall be one new hydrant installed at the corner of Grove & Dogwood, the location of the hydrant shall be approved by the Fire Chief at the time it is installed;
5. That the water main and hydrants shall be installed and in service before building permits are issued per NFPA 1;
6. That the streets shall be named and signed meeting the approvals of the Town's Fire and Police Chiefs;
7. That the underground electric lines shall be inspected by the Code Enforcement Office prior to backfill;

8. That the easement deeds and homeowners' association documents shall be reviewed and approved by the Town Attorney and Town Staff prior to the Planning Board signing the final plan;
9. That the hydrant locations shall be approved by the Fire Chief at the time the hydrant is installed;
10. That the applicant shall establish an inspection escrow meeting the approval of Town Staff and the applicant shall have a pre-construction meeting with Town staff, the Town's inspecting engineer, design engineer, and earthwork contractor prior to the start of construction for each phase of the development;
11. That the applicant is responsible for recording the approved Glenwater 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;
12. That during the construction of Glenwater Village Subdivision the developer is responsible for off-site improvements as outlined by the Gorham Public Works Director and identified in his April 29, 2016 memo;
13. That the Glenwater Village Subdivision Homeowners' Association is responsible for maintenance and compliance of the stormwater infrastructure meeting the requirements of the Town of Gorham's Stormwater Ordinance, Chapter 2 Post-Construction Stormwater Management;
14. That the off-site improvements shall have a performance guarantee meeting the approval of Town Staff equaling 125% of the costs to complete the improvements prior to release of phase 1 of the subdivision plan;
15. That the Planning Board Chairman is authorized by the Planning Board to sign the Findings of Fact on behalf of the entire Board;
16. That the subdivision plans shall not be released for recording at the Cumberland County Registry of Deeds until the required performance guarantee for each phase has been posted meeting the approval of Town Staff, and the subdivision plan for Phase 1 is required to be recorded within one year of original approval and the subdivision plan for Phase 2 and 3 are required to be recorded within five years of the original approval or the approvals become null and void; and
17. That once the subdivision has been recorded at the Cumberland County Registry of Deeds, a dated mylar copy of the recorded subdivision plans shall be returned to the Town Planner prior to a pre-construction meeting being held.

CHAPTER IV, SITE PLAN REVIEW, SECTION IX – Approval Criteria and Standards

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

CHAPTER IV, Section IX – Approval Criteria and Standards

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

The proposal is to construct five two-unit buildings located on the southern half of the lot. The northeastern half of the lot is mostly wetland and steep slopes and is not proposed to be impacted.

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.

Vehicular access to the site will be on Grove Street, which is being designed to the Town's Urban Access road standard. Grove Street is a dead end road that exits onto Glenwood Avenue.

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

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

The proposed Cottage Court is designed to the Town's Urban Access standard.

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.

Cottage Court is proposed to be a looped road to allow vehicles to drive through the development without the need to back out onto Grove Street.

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

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

A privately maintained sidewalk will be located on the northern side of Cottage Lane to serve units 1 through 5. Lots 6 through 10 do not have a sidewalk located to the front of their units. The private sidewalk will connect into the sidewalks proposed on Grove 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.

A storm water pond is proposed to be located along the western property boundary. Storm water will be collected into a series of three catchbasins and directed into a rip rap swale that flows into the storm water pond.

The project has received Maine Department of Environmental Protection and Army Corps. of Engineers approvals for the project.

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.

During construction a filter berm or silt fence will be installed along the edge of the disturbed area, as shown on the Site Plan: Sheet S-1. The applicant has also proved Erosion and Sedimentation Control Notes and Details on the Detail Plan: Sheet D-1. 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 condominium units will be served by public water from the Portland Water District. A private 8" water main will be extended into the site from the existing 8" water main located in the Glenwood Avenue right-of-way. The water main design and installation are required to meet the requirements of the Portland Water District.

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

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

The condominium units will be served by public sewer from the Portland Water District. A private gravity sewer system will collect sewerage from the 10 units and will flow into a private low pressure pump station and be pumped up through the low pressure sewer main located in the Grove Street right-of-way. The maintenance and operation costs of the sewer system located on the lot are the responsibility of the lot 21 owners.

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

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

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

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

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

The proposal requires clearing of trees to construct units, stormwater infrastructure, and proposed roadway. The project will not impact any wetlands or streams located on lot 21.

The trees and wetlands located on the northeastern portion of the site will remain undisturbed.

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

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

The applicant is proposing direct stormwater into a stormwater pond for treatment. The condominium dwelling units will not utilize groundwater for use by the occupants of the units.

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

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

The plans do not identify the location of any type of outdoor lighting on the site.

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.

Trash removal will be through the Town's solid waste provider.

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 Landscaping & Signage Plan: Sheet L-1 showing the location of 7 trees along the driveway and foundation plantings around the duplex units. The applicant is also proposing to install seven trees along the edge of the drive.

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

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

The lot is located in a Shoreland Overlay District.

The proposed clearing of trees will be located outside of the Shoreland Overlay District boundaries shown on the plan.

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

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

The applicants have experience in real estate sales and development and has completed several projects similar to the one proposed.

The applicant has submitted a letter dated April 4, 2016 from Andrew C. Dorr, Vice President Business Banking, Machias Savings Bank, regarding the applicant's ability to fund the project.

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

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

The proposal is to keep existing trees located around the edge of the parcel to buffer the duplex units from the proposed single family house lots.

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

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

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

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

Conditions of Approval

1. That this approval is dependent upon, and limited to, the proposals and plans contained in this application and supporting documents submitted and affirmed by the applicants and that any variation from the plans, proposals and supporting documents is subject to review and approval by the Planning Board 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 the water main and hydrants shall be installed and in service before building permits are issued per NFPA 1;

5. That any proposed use on the site shall meet the sound level requirements outlined under Chapter IV, Section IX, T. Noise;
 6. That prior to the pre-construction meeting, the applicant will establish the following: a performance guarantee totaling 125% of the costs to complete the construction and an escrow for field inspection meeting the approvals of Town Staff and the Town's Attorney;
 7. 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;
 8. That the Planning Board Chairman is authorized by the Planning Board to sign the Findings of Fact on behalf of the entire Board; and
 9. That these conditions of approval must be added to the site plan and the site plan shall be recorded at the Cumberland County Registry of Deeds within thirty (30) days of the date of written notice of the recording of phase 4 of Glenwater Village Subdivision, and a dated mylar copy of the recorded site plan shall be returned to the Town Planner.
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ITEM 2 FORESIDE ENTERPRISES AND DEVELOPMENT LLC –SERVPRO BUILDING ADDITION

CHAPTER IV, SITE PLAN REVIEW, SECTION IX – Approval Criteria and Standards

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

CHAPTER IV, Section IX – 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. The color of the building expansion will be light blue with white trim.

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

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

Access to the site is via Hutcherson Drive, which is classified as an industrial/commercial road by the Town. The driveway currently serving the site is located along the southeastern corner of the parcel. The site does not have street frontage on Hutcherson Drive.

Finding: *Hutcherson Drive has adequate capacity to accommodate the traffic generated by the development.*

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

Access into the site is from a 20' +/- wide paved driveway located on the eastern third of the lot. The existing site distance on Hutcherson Drive exceeds the minimum requirements. No changes are proposed to the existing driveway.

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

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

The applicant is proposing to remove two of the southern parking spots located on the eastern side of the pavement to allow access for two vehicles at one time. The proposal is to increase the impervious area on the site to the north of the existing parking and maneuvering area. The new impervious area is to allow access to the eastern side of the proposed building addition.

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.

No sidewalks are located along Hutcherson Drive and no sidewalks are proposed within the development. The majority of the parking areas are located adjacent to the existing building.

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

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

The lot was approved as part of the Gorham Industrial Park subdivision. As part of that approval, stormwater treatment was provided for through the construction of a stormwater pond.

Stormwater from the site will be directed to the northeastern corner from a ditch located around the building and through a culvert located under the paved parking area.

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

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

The “Grading and Utility Plan”, sheet 4 of 6, illustrates the locations and type of erosion control devices to be installed during construction. The “Details” plan, sheets 5 of 6, and 6 of 6, identifies parameters for erosion control and winter erosion control measures to be utilized on site. The applicant will also comply with the “Maine Erosion and Sediment Control Handbook for Construction: Best Management Practices,” Maine Department of Environmental Practices.

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

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

A public water main is currently located within Hutcherson Drive. The site is served by a 12” water main located in the private driveway. The existing building is served by a 1” water service and a 6” sprinkler service.

No changes to the site’s existing water supply are proposed.

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

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

A gravity sewer line is currently located within Hutcherson Drive. The site is served by a 12” gravity sewer main located in the private driveway. The existing building is served by a 4” sewer service.

No changes to the site’s existing sewage disposal are proposed.

Finding: *The development provides for sewage disposal for the anticipated use of the site.*

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

The lot is served by overhead power/utilities from an existing pole located on the southeastern corner of lot.

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

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

The southern half of the site is currently developed. The majority of the area to be expanded is an area previously developed. Some forested area is proposed to be impacted along with 1,117 sq.ft. of wetland area.

Finding: The development of the site will preserve the existing vegetation to the greatest extent practical during construction.

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

Any storage of hazardous materials must be in compliance with federal, state, and local requirements.

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

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

The proposal is to have wall-pack lighting installed on the building expansion above the overhead door. The wall-pack lighting is required to be full cut-off style.

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

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

The applicant is proposing to locate a dumpster on the eastern side of the building when needed. Adequate circulation has been provided to ensure access for emptying of the dumpster, which will be done by a private waste hauler on a regular basis.

Finding: The proposed development provides for adequate disposal of solid wastes and hazardous wastes.

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

The existing building has some trees located along the front of the building and along the southern edge of the building. No new landscaping is proposed as part of the development.

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

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

Site improvements are proposed to affect 1,117 sq.ft. of forested wetland.

The lot is not located in the Shoreland Overlay District.

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

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

The applicants have provided a letter from Mathew W. Early, Senior Vice President, Gorham Savings Bank, dated May 2, 2016, identifying the applicant's financial capacity to complete the project.

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

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

The western and northern portions of the lot are wooded to buffer the site from the abutting properties. The area along the southern portion of the building is landscaped to break up the proposed developed area. The area on the eastern property line is a mix of scrub bushes and small trees.

No additional buffering is proposed.

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 70 dBA daytime (7am-7pm) and 60 dBA nighttime (7pm-7am).

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

Conditions of Approval

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

from the plans, proposals and supporting documents is subject to review and approval by the Planning Board or Site Plan Review Committee, except for minor changes which the Town Planner may approve;

2. That prior to the commencement of construction of the site plan, the applicant is responsible for obtaining all required local, state and federal permits;
3. That all site construction shall be carried out in conformance with the Maine Erosion and Sediment Control Best Management Practices, Maine Department of Environmental Protection, latest edition and in accordance with the erosion and sedimentation control information contained in the application;
4. That any proposed use on the site shall meet the sound level requirements outlined under Chapter IV, Section IX, T. Noise;
5. That prior to the pre-construction meeting, the applicant will establish the following: a performance guarantee totaling 125% of the costs to complete the construction and an escrow for field inspection meeting the approvals of Town Staff and the Town's Attorney;
6. 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;
7. That all relevant conditions of approval from the past approval shall remain in effect;
8. That the buildings shall be sprinkled meeting all applicable sections of the Town of Gorham's Sprinkler Ordinance and the sprinkler plans shall be submitted to the Gorham Fire Department and the State Fire Marshal's Office for review and permitting at least two weeks prior to the start of installation of the system;
9. That the Sprinkler test papers must be provided before any certificate of occupancy is issued;
10. That the building shall meet all applicable sections of the NFPA 101 Life Safety Code and Fire Prevention Code 1;
11. That the sprinkler control room will have a separate outside door marked sprinkler control room and the main Fire Alarm panel shall also be located in this room;
12. That all natural gas or propane meters shall be protected by bollards and the propane tank shall be placed on a cement slab and protected by bollards;
13. That a complete listing and MSDS sheets on a disk of all hazardous products shall be supplied to the Fire department;
14. That if a fire alarm system is required, the designer of the system shall meet with Gorham Fire Department for the review of the system;
15. That a complete set of building construction plans covering both the renovations as well as the new construction shall be supplied to the Gorham Fire Department at or before a building permit is issued;
16. That the building construction plans shall be reviewed and approved by the State Fire Marshal's Office with a copy of the permit being provided to the Fire Department;

17. That the Planning Board Chairman is authorized by the Planning Board to sign the Findings of Fact on behalf of the entire Board; and
18. That these conditions of approval must be added to the site plan and the site plan shall be recorded at the Cumberland County Registry of Deeds within thirty (30) days of the date of written notice of approval by the Planning Board, and a dated mylar copy of the recorded site plan shall be returned to the Town Planner.

ITEM 4 PHILIP AND LINDSAY ROJECKI – BARTLETT SUBDIVISION AMENDMENT

CHAPTER III - SUBDIVISION, SECTION III - PRELIMINARY PLAN

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

The 2 new single-family lots will range in size from 60,719 square feet to 70,675 square feet, with street frontage for the lots ranging in size from 432.04 square feet to 433.26 square feet.

The Comprehensive Plan identifies the future land use designation in this area as Moderate Density Residential.

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

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

The subdivision lots will have legal road frontage on Longmeadow Drive, and Gray Road, State Route 202.

Lot G has an existing driveway to a single-family house that will remain in its current state. Lot G-1 will have a new driveway located off Longmeadow Drive.

Longmeadow Drive and Gray Road, State Route 202, have sufficient capacity to handle the increased traffic from a new single-family dwelling.

Finding: Amendment to Bartlett 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 new single-family home proposed on lot G-1 will be served by underground power, electric and telephone lines from overhead power lines located in the Gray Road right-of-way, and the Town's contracted waste disposal contractor.

Lot G is currently served by underground utilities from the Longmeadow Drive right-of-way.

Finding: Amendment to Bartlett 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 single-family dwelling located on Lot G has an existing connection to the public water main located in the Longmeadow Drive right-of-way.

The new single family dwelling proposed for lot G-1 will have a water service connected into the 12" water main located in Gray Road right-of-way.

Finding: Bartlett Subdivision amendment has sufficient water supply available for present and future needs as reasonably foreseeable.

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

The single-family dwelling located on Lot G has an existing subsurface waste disposal field.

The new single family dwelling proposed for lot G-1 will be served by a new subsurface waste disposal field located in the southeastern corner of the lot.

Finding: Bartlett Subdivision amendment 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.

No wetlands or natural features are located on the lot. The applicant has provided a soil test pit completed by a licensed soil scientist and soil evaluator identifying that soils can support a subsurface waste disposal field. The waste disposal field is required to be designed by a licensed site evaluator as part of the single-family building permit process.

Finding: Amendment to Bartlett 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.

During construction of the new single family dwelling located on lot G-1, the applicant shall utilize erosion and sedimentation best management practices meeting the requirements of Maine DEP

Maine Erosion and Sediment Control Practices Field Guide for contractors. The lot area around the new residential dwelling will be loamed and seeded to prevent soil erosion.

No changes are proposed to the single-family dwelling located on lot G.

Finding: Amendment to Bartlett 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 improvements are proposed to any wetland or waterbody.

Finding: Amendment to Bartlett 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.

Lots G and G-1 have already been developed with a single-family residence with a large lawn area. The improvements to lot G-1 for the single-family dwelling are located in an area that was previously disturbed as part of the development of lot G. No natural features are proposed to be disturbed and tree cutting will be limited to the greatest extent practical. No scenic vistas, historic sites or irreplaceable natural or manmade assets have been identified on the site.

Finding: Amendment to Bartlett 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 provided a letter from Franklin American Mortgage Company regarding its ability to fund the improvements.

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 VIII.

The applicant will be required to pay the Recreational Facilities and Open Space Impact Fee for the building permit on lot G-1.

Finding: The applicant 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 development did not detail any proposed open space as part of the subdivision. A homeowners' association is not required to be formed because there are no common elements in the subdivision requiring maintenance.

Finding: Bartlett Subdivision is not proposing to create open space and recreational land and facilities 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 recreation land.

CHAPTER III - SUBDIVISION, SECTION IV –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 proposal is for a subdivision amendment approval which does not require a preliminary approval prior to final approval.

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 proposal is for a subdivision amendment approval which does not require a preliminary approval prior to final approval.

Finding: Not applicable.

Conditions of Approval

1. That this approval is dependent upon, and limited to, the proposals and plans contained in this application and supporting documents submitted and affirmed by the applicants and that any variation from the plans, proposals and supporting documents is subject to review and approval by the Planning Board, except for minor changes which the Town Planner may approve;
2. That all relevant conditions of approval from the subdivision approval shall remain in effect;
3. That the approved drainage easement deed shall be signed and submitted to the Town of Gorham prior to a final occupancy permit being granted for lot G-1;
4. That the septic system shall be located a minimum of 200 feet from residential water supply wells or the applicant will provide a nitrate plume analysis showing no impact to abutting properties' water supply wells;
5. That the subdivision plan shall be recorded within 90 days of the subdivision approval; and

6. That the Planning Board Chairman is authorized by the Planning Board to sign the Findings of Fact on behalf of the entire Board; and
7. 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 building permit being issued for lot G-1.

ITEM 5 KERRMEZ AVIANA LANE PRIVATE WAY

CHAPTER II, SECTION V, H., Standards for Private Ways

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

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

The lot served by the private way is required to meet the requirements of the Suburban Residential zoning district. The lot served by the private way will be for a single-family dwelling. The maximum number of lots/dwelling units allowed to be served by the private way is one lot with a single-family dwelling.

No changes are proposed to the existing lot size or to the private way construction.

Finding: The private way is designed to the one-lot private way standard and no more than one dwelling unit can be located on the lot served by the private way.

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

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

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

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

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

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

The street plan and profile, and street cross sections are in accordance with Chapter II, Section V., E., 3.

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

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

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

The proposal is for a one lot private way, so a private way maintenance agreement is not required as part of the private way review.

No changes are proposed to the number of lots to be served by the private way.

Finding: *Not applicable.*

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

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

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

The private way right-of-way is proposed to be 50' and sheet 2 has a detail for a paved apron.

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

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

The applicant is proposing to construct the 162' private way to the one-lot private way standard. The private way plan shows the required one-lot private way standard cross section. The private way will have the required turnaround located at station number 1+03.

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

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

The applicant is proposing a one-lot private way to serve a single-family dwelling.

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

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

The total lot area with the private way right-of-way is 82,379 sq.ft. The right-of-way area is 10,000 sq.ft., leaving the remaining lot with 72,379 sq.ft. The remaining lot area is enough to meet the lot sizes in the Suburban Residential zoning district.

The ownership of the right-of-way will remain with lot 2 shown on the private plan.

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

Conditions of Approval

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

8. That the applicant shall provide an escrow for field inspection based on costs for improvements shown on the plan and meeting the requirements of Gorham's Land Use and Development Code;
9. That the private way shall be maintained to allow access for emergency vehicles year round;
10. That the houses shall be property numbered with numbers being visible from the street;
11. That the private way shall be properly signed and named with a Town approved street sign with the name of the road being approved by the Police and Fire Chiefs;
12. That prior to commencement of construction, the applicant, applicant's engineer and earthwork contractor shall have a pre-construction meeting with the Town's Engineer, Town Planner, Code Enforcement Officer, Public Works Director and Fire Chief;
13. That all construction and site alterations shall be done in accordance with the "Maine Erosion and Sediment Control: Best Management Practices," Department of Environmental Protection, latest edition;
14. That the Planning Board Chairman is authorized by the Planning Board to sign the Findings of Fact on behalf of the entire Board; and
15. That these conditions of approval must be added to the private way plan and the private way plan shall be recorded in the Cumberland County Registry of Deeds within thirty (30) days of endorsement of the plan by the Planning Board, and that a recorded mylar copy of the private way plan shall be returned to the Town Planner prior to the Pre-construction Meeting.