

**PLANNING BOARD MEETING
June 20, 2016**

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
RACHEL SUNNELL

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 JUNE 6, 2016 MINUTES

Not available.

COMMITTEE REPORTS

- A. Ordinance Review Committee** – Mr. Zelmanow noted that there has been no meeting of this committee.
- B. Streets and Ways Subcommittee** – Mr. Zelmanow reported that this committee has not met.
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CHAIRMAN'S REPORT – Mr. Zelmanow noted that the draft Comprehensive Plan is available for review on the Town's web site.

ADMINISTRATIVE REVIEW REPORT – Mr. Poirier reported that there is no administrative review report this evening.

CONSENT AGENDA

Mr. Firmin asked that he be recused from voting on the Consent Agenda items because they have had substantial review prior to his becoming a Board member.

17 LAURENCE LLC - SITE PLAN REVIEW – request for approval to add two commercial buildings (8,970 sf and 9,190 sf) and associated parking at 17 Laurence Drive, Lot O of the Gorham Industrial Park, located on Map 12, Lot 18.001, Industrial zoning district.

SHAW BROTHERS GRAVEL PIT AMENDMENT – request for approval to split land out of the existing gravel pit lot and site plan approval to expand the aggregate handling area, stockyard and laydown areas, located at 351, 355, 359, and 363 Mosher Road, Map 31, Lots 9 through 15, and Map 34, Lots 9 and 15.001, Industrial zoning district.

There being no one wishing to take either item off the Consent Agenda,

Rachel Sunnell MOVED and James Anderson SECONDED a motion to approve the items on the Consent Agenda. Motion CARRIED, 6 ayes (Scott Firmin abstaining). [7:08 p.m.]

ITEM 1 PUBLIC HEARING – FINAL SUBDIVISION AND SITE PLAN – PTG INVESTMENT TRUST – request for approval of 3 single family condominium units and 2 commercial units with 2nd floor apartments off Main Street and Garden Avenue, Map109 Lot 11, Urban Residential and Office-Residential zoning districts.

Mr. Poirier said the applicant has submitted revised plan and staff has completed findings of fact and conditions of approval. Some abutter comments have been included in the Board's packets.

Andrew Morrell, BH2M Engineers, appeared on behalf of the applicant and reviewed some of the minor changes in the plans: the road names have both been changed to meet 911 applications; a master sign plan has been submitted; the two commercial buildings along Main Street were both moved closer to Main Street, which allows to make the drive aisle in the parking lot 4 feet wider to 24 feet, and the handicapped ramps were moved to the rear of the buildings.

Stormwater was accepted by both the Town and the review engineer. Portland Water District approval has been approved, and the condo documents have been reviewed and approved by the Town.

Mr. Morrell said that an abutter brought to their attention a private storm drain system which could potentially bisect this parcel. The applicant has agreed to complete a series of test pits prior to the commencement of construction to determine where and what the storm drain is, and the developer will work with the abutters to make sure that this private storm drain system will continue to function as it does presently.

Ms. Sunnell commented that she did not see a landscape plan attached to the plans. Mr. Morrell said the landscape plan is a separate plan done by Keystone Horticulturists; Ms. Sunnell said she believes that the landscape plan is adequate; however, she would like to see it incorporated in the plan set. Mr. Morrell said that the Town's review engineer, Woodard & Curran, asked that the plan be included in the sheet index.

Mr. Herrick confirmed with Mr. Morrell that if the private storm drain system has to be relocated, it will be done at the abutters' expense. Mr. Morrell said that a full title search has been done of the property, as well as a survey, which would show an easement for the system if it was of record. Mr. Morrell said they checked with Public Works, who has no record of the system and has agreed that it is a privately installed system. It is not of either Town of Gorham or Cumberland County public record.

Mr. Zelmanow asked if there will be street signs; Mr. Morrell said they will be added to the plan. Mr. Morrell confirmed to Mr. Zelmanow that the Town's engineer, Woodard & Curran, is satisfied with the stormwater design. Mr. Morrell told Mr. Zelmanow that the electrical lines will cross Main Street, and currently the existing overhead line is from Community Pharmacy across to a pole in the center of the existing parking lot; that line will be kept with the pole moved over. Mr. Morrell pointed out the dumpster enclosure detail on the plan to Mr. Anderson.

Mr. Poirier pointed out that there is an abutter comment in the Board's packet from Dominic Sargent that actually refers to item 5 on the agenda, Snowbird Condominiums.

PUBLIC COMMENT PERIOD OPENED: Amber Burks, 65 Garden Avenue, asked for clarification regarding drainage on her property and how she and her husband could deal with possible future issues because of regrading. Mr. Morrell described the three ways that this parcel drains: it drains to the catch basin in the back, it drains to Main Street, and it drains to the Burks' parcel. Therefore 1/3 of this parcel

drains to the Burks' back yard. Mr. Morrell said that their design eliminates any runoff going to the Burks' back yard, all of that runoff has been re-routed with a new catch basin to the existing catch basin in the back corner of the parcel. After this development is done, Mr. Morrell told Mrs. Burks that runoff to her property from this site will be "zero." Mr. Zelmanow asked about any issues that may come up. Mr. Morrell replied that from what he understands talking to abutters, there are two possibly existing private drainage systems, one that is connected to Ms. Burks' parcel seems to be a separate system from the one that bisects the site, but once they have done the test pits they will have a conversation with Ms. Burks and let her know what they find and what the impact might be.

PUBLIC COMMENT PERIOD ENDED.

Mr. Zelmanow noted that Condition of Approval #9 should read "That the private driveway shall be properly maintained for access by emergency vehicles year round." Mr. Morrell confirmed that the applicant is satisfied with the Conditions.

Scott Herrick MOVED and Lee Pratt SECONDED a motion to grant PTG Investment Trust's request for final subdivision and site plan approval for Garden Place, a project with 3 single-family condominium units and 2 commercial units with 2nd floor apartments, located on 1.35 acres between Garden Avenue and Main Street, Map 109 Lot 11, in the Urban Residential and Office Residential zoning districts based on the Findings of Fact as amended by the Board and Conditions of Approval as written by the Town Planner. Motion CARRIED, 7 ayes. [7:26 p.m.]

ITEM 2 SUBDIVISION AND PRIVATE WAY AMENDMENT – Dean and Dale Cole – request for approval for two additional lots from lot 1 and to upgrade the existing private way with an extension to meet current standards, located on Map 92, Lots 29.002-29.006, Suburban Residential zoning district.

Mr. Poirier noted that the applicant's original representative, Charles Brown with Sebago Technics, has been replaced by Shawn Frank with Sebago Technics. Mr. Poirier said that this is an old family subdivision and when it was approved there were no private way standards. The applicant is now seeking two additional lots and upgrading the existing private way to the Town's 2-6 lot private way standards. The applicant is also seeking two waivers from the private way standards, one for a high intensity soils survey and one from a nitrate plume analysis.

Shawn Frank, Sebago Technics, came to the podium and introduced the Cole family. Mr. Frank said that back in 1978 the Cole family created a 4 lot subdivision serviced by what was basically a driveway in those days. Instead of being a family subdivision, it was actually recorded in the Registry of Deeds, so that has led to the amended subdivision process going through now. Mr. Frank said that the Public Works Director walked the road today. Mr. Frank said there is 14 feet of pavement, that will remain with the shoulders "beefed up" so the width is obtained for firetruck access, appropriate ditching drainage on either side. For the gravel section going forward that will be constructed to the Town's gravel private way standards to serve the additional lots. The Public Works Director was comfortable with not having to revise the profile of the road and was comfortable with the existing gradation for the gravel. A note will be added to the plan that the shed will be relocated in Dale and Terri Cole's lot outside of the 50-foot setback.

Mr. Zelmanow confirmed with Mr. Frank that the 50' by 50' easement will be built out as a hammerhead. Mr. Zelmanow referred to the waivers for the 2% grade at the intersection and one an open space waiver. Mr. Poirier said that open space is required for a clustered development, but one is not needed for this application. The waiver for the 2% grade was discussed with the Public Works Director, who is comfortable with not having to revise the profile.

The Board then considered the applicant's waiver request for a high intensity soils survey. Mr. Pratt said that based on what he saw at the site walk, he is satisfied with a medium intensity survey.

George Fox MOVED and James Anderson SECONDED a motion to grant Dean and Dale Cole's request to waive the submission requirement under Chapter III, Section III, B. 11) High Intensity Soil Survey. Motion CARRIED, 7 ayes.

Mr. Zelmanow, confirming with Mr. Frank that the property has private water and sewer, asked Mr. Poirier if the Board has waived the nitrate plume analysis in the past. Mr. Poirier said that the Board has granted such a waiver for subdivisions that had only a few large lot splits, and on one occasion the requirement was waived because the applicant actually defined well and septic locations on the subdivision plan. Mr. Zelmanow said he is not comfortable with granting the waiver because the locations are marked as "possible" and could be moved, so without a plume analysis it would not be possible to know where they can be moved to. Mr. Herrick discussed creating a condition of approval that the locations be 200 feet away. Mr. Anderson said he would be comfortable with that. Mr. Frank indicated that the applicants would be agreeable to that.

George Fox MOVED and Rachel Sunnell SECONDED a motion to grant Dean and Dale Cole's request to waive the submission requirement under Chapter III, Section III, B. 16) Nitrate Plume Analysis. Motion CARRIED, 7 ayes.

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

Mr. Herrick confirmed that the road maintenance agreement will be divided among four lots. Mr. Frank said that two existing homes have their driveway access off Great Falls Road. Mr. Herrick confirmed that ownership of the right-of-way will remain with Dale and Dean Cole.

Mr. Poirier read new Condition of Approval #10 as follows: "That any new septic systems for lots 25.5 and 29.6 will be a minimum of 200 feet from existing or new wells located on abutting properties."

Rachel Sunnell MOVED and Scott Herrick SECONDED a motion to grant Dean and Dale Cole's request for subdivision and private way amendment approval for the Cole Property Subdivision and Private Way off Great Falls Road located on Map 92, Lots 29.002-29.006, in the Suburban Resident zoning district, based on Findings of Fact and Conditions of Approval as written by the Town Planner and amended by the Planning Board. Motion CARRIED, 7 ayes.

ITEM 3 PRELIMINARY AND FINAL SUBDIVISION – Wilson Field Subdivision – James and Sharon Gregoire – request for approval of a 6-lot subdivision with access from Snowberry lane and Brackett Road, Map 28, Lots 7.001 and 7.002, Rural and Manufactured Housing zoning districts.

Mr. Poirier said the applicant is asking for two waivers: one is for preliminary and final subdivision approval in one meeting, and the other is for the requirement to extend public water into the subdivision. Mr. Poirier said that the Gorham Conservation Commission has asked that the proposed trail be a public trail; staff has added Condition of Approval #11 to address the Commission's request.

Bill Thompson, BH2M Engineers, came to the podium and introduced the applicant, Jim Gregoire. Mr. Thompson said that the waiver for the extension for public water is because public water would cost twice as much as private wells. Regarding the trail system, Mr. Thompson said their proposal has always been for a neighborhood trail, networked with the Peterson Field trail, and said the applicant has no desire to open the

trail to the public, if that is what the Conservation Commission is asking for. Mr. Gregoire does not want to see a condition of approval for the Conservation Commission's trail access request. A suggested trail connector has been shown on the CMP right-of-way, and trail easements within any lot will be referenced on plans and in deeds for the specific lot.

Mr. Thompson said that a high intensity soil survey has been upgraded to a Class A survey, and a nitrate analysis has been done. The turnaround at the end of Snowberry Drive offers 40 feet of existing paved roadway beyond the turns at lots 5 and 6 for snow storage. Underground electric will be provided coming off Snowberry Drive. Wilson Field residents will get their mail at the same location as Peterson Field residents.

Mr. Thompson referred to a letter from the Peterson Field homeowners' association president, Lori Roth, expressing concern that stormwater from this subdivision could impact the Peterson Field stormwater pond. Mr. Thompson said he has advised Ms. Roth that

Mr. Firmin told the Board that while he works for the Portland Water District, he does not feel there is a conflict with his participation in the discussion on this item.

James Anderson MOVED and Scott Herrick SECONDED a motion to permit Mr. Firmin to remain on the dais for the discussion on this item. Motion CARRIED, 6 ayes (Scott Firmin abstaining).

It was made apparent that neither Mr. Thompson nor Mr. Gregoire were aware of the Conservation Commission's June 14, 2016 memo, which requested that the proposed trail be placed in a 20' wide trail easement for the entire trail except that the area in the vicinity of Indian Camp Brook be placed in a 75' wide access and trail maintenance area, with the trail being approximately 4 to 6 feet wide and constructed with a gravel finish layer. The memo went on to request that an additional trail connector be provided and constructed in the northeastern corner of the lot.

After Mr. Thompson and Mr. Gregoire had an opportunity to review the Conservation Commission's memo, a lengthy discussion ensued among the Board members, Mr. Thompson and Mr. Gregoire. Mr. Gregoire acknowledged that he understood that one of the requirements for a clustered subdivision was to provide useable open space, but it has always been his wish that the proposed trail system be exclusively for the use and benefit of the residents of the subdivision and he has no wish to make this trail public. Mr. Gregoire asked if the Wilson Field trail has to be public and is connected to the trail at Peterson Field, would that make that trail public as well, and who would be responsible for liability in the event of misuse of the trail system.

In reply to Mr. Zelmanow, Mr. Poirier said that the Peterson Field trail is an internal trail network. The Conservation Commission has just recently embarked on this program to interconnect trail networks. Mr. Poirier noted that Condition 19 on the applicant's plan says "A part or all of the common open space may, at the option of the Town, be dedicated for acceptance by the Town as a municipal recreational facility." Mr. Herrick noted that the proposed trail does not stay completely within the open space, and suggested that the Town cannot enforce Condition 19 on private property. Mr. Anderson asked if the applicant could restrict mechanized vehicles on the proposed trail. Mr. Zelmanow noted that the Conservation Commission asked for the right, but not the responsibility, to maintain the proposed trail.

Mr. Poirier suggested that one solution would be to re-design the layout of the trail. Ultimately, it was agreed that the trail would be placed completely in the open space, removed from lot one, and have two access points to the CMP trail system, with Condition 11 being revised as follows: "That prior to the Planning Board's endorsement of the final plan the applicant shall amend the final subdivision plan to show

the trail remaining in the open space with one or two connectors to the CMP trail system, to be maintained by the Gorham Conservation Commission at their discretion.”

Mr. Firmin asked staff to follow up with the Conservation Commission on how to handle these requests in the future. Mr. Poirier agreed, and suggested that there be a workshop between the Board and the Conservation Commission to identify to the Board what the Commission is working on. Mr. Zelmanow said that when plans are submitted showing trails through open space the Conservation Commission’s input is obtained early on in the project’s review, perhaps even including a member of the Commission at a pre-application discussion.

PUBLIC COMMENT PERIOD OPENED: Douglas Eaton, 48 Snowberry Drive, said that the Peterson Field homeowners’ association has the right to the trail system; if the Wilson Field trail is proposed to be connected to the Peterson Field subdivision how will that work with public access. Mr. Zelmanow replied that the ordinance provides that Peterson Field trails in the open space would be accessible by the public. Mr. Eaton asked if the homeowners’ association was still required to maintain the trail; Mr. Zelmanow suggested that they speak to the Conservation Commission about them maintaining it at their discretion. Mr. Eaton asked about stormwater impact from the Wilson Field development. He also asked about the 5-year moratorium on the road and that having an impact on extending electrical service to lot six of the development.

Susan Duchaine questioned the Town’s right to declare that a subdivision’s open space can be opened to the public, even without an easement, and that there should be an opinion from the Town’s attorney about the Town’s right to do this.

Gloria Roth, 38 Snowberry Drive, president, Peterson Field Subdivision Homeowners’ Association, told the Board of an informal opinion secured from an attorney, quoting from Note 19 about “...the common open space may, at the option of the Town, be dedicated for acceptance by the Town as a municipal recreational facility; and Note 26, which provides for “... passive recreation.” The attorney believes that unless the Town accepts legal responsibility for the open space as a municipal recreational facility, the association remains the owner of the open and does not need to allow others to use the open space. The attorney also indicated that the association faces legal liability unless the Town takes over the open space.

Mr. Zelmanow said that the Town Attorney will review the ordinance and the intent behind it. Mr. Poirier said he believes that the Town needs to declare its intention as part of the approval, so at this time the Town is declaring its intent to have the open space active and used by the Town. However, in the case of Peterson Field, Mr. Poirier did not clarify that point at the time of approval, so it is too late to declare that retroactively.

Mark Curtis said that when a land owner has granted permission for any recreational use of his property, Maine law is designed to protect the land owner from liability if the trail is properly maintained.
PUBLIC COMMENT PERIOD ENDED.

Addressing Mr. Eaton’s comments, Mr. Thompson said that to bring power from the north side of Snowberry Lane, the conduit will be jacked under the road to this site or go around the end of the turnaround in the shoulder. Mr. Thompson said that no stormwater will leave these lots, all contours go from north to south, the lots and the knoll will be graded, and as he said earlier this evening, all surface water in this development will pass through proposed buffers on the rear of all six lots and the Peterson Field stormwater pond will not receive stormwater from this project.

In discussing the provision for providing public water, Mr. Poirier said that if the cost for providing public water is greater than the cost for private water, based on specific calculations, the Board must grant an

exemption from the requirement to provide public water. Staff did a more conservative estimate, based on no ledge being present, and the cost of public water still exceeds that of private.

George Fox MOVED and Rachel Sunnell SECONDED a motion to grant James and Sharon Gregoire's request for exemption to provide public water supply to the subdivision. Motion CARRIED, 7 ayes.

Mr. Zelmanow summarized the question of the trail issue that there will be no trail over lot 1, that the lot will be contained within the open space, with one or possibly two connectors to the CMP trails. Finding of Fact 4, dealing with open space, the paragraph reading "A 20' trail access and maintenance easement to the Town of Gorham over a majority of the trail..." will be deleted.

Mr. Zelmanow said the applicant will update the plans and condition of approval #11 will be revised.

George Fox MOVED and Rachel Sunnell SECONDED a motion to grant James and Sharon Gregoire's request to receive preliminary and final subdivision approvals at one meeting. Motion CARRIED, 7 ayes.

Scott Herrick MOVED and James Anderson SECONDED to grant James and Sharon Gregoire's request for preliminary and final subdivision approvals for Wilson Field Subdivision on Brackett Road and Snowberry Drive located on Map 28, Lots 7.001 and 7.002, in the Rural and Manufactured Housing zoning districts, based on Findings of Fact and Conditions of Approval as written by the Town Planner and amended by the Planning Board. Motion CARRIED, 7 ayes.
[8:49 p.m.]

TEN MINUTE BREAK

ITEM 4 PUBLIC HEARING – Preliminary Subdivision and Site Plan – STJ, Inc. – request for approval of Brackett Brook Condominiums, consisting of six duplex buildings, plus an existing duplex, for a total of 14 units in 7 buildings, on property located on 3.45 acres of 210 Huston Road, Map 111, Lot 46, Urban Residential and Manufactured Housing zoning districts.

Mr. Poirier said this is on for both subdivision and site plan amendment because it is a condominium development. Items of note include pedestrian connection and road extensions. Mr. Poirier said the applicant has constructed the first two units off Huston Road prior to coming forward without tripping any kind of site plan or subdivision review; however, now they are looking to move the project forward and will require review. Mr. Poirier said that the applicant has already installed a fire hydrant at the intersection of the proposed new road and Huston Road.

Shawn Frank, Sebago Technics, came to the podium and introduced Tom Shaw and Mark Curtis for STJ. A duplex was constructed after the original building on site was demolished. Public water and sewer will be extended into the development being proposed now, which is for six more duplex units, a total of 14. The units will be served by 600 feet of roadway, which is proposed to be constructed to Town standards, 22 feet of pavement, curbing, esplanade and side walk on one side. The storm drain system will consist of catch basins and a ditch on one side to collect runoff and divert it into an underdrain filter. Mr. Frank said he will request a waiver at the next submission for a high intensity soils survey because the development will be served by public sewer and water.

Mr. Frank described the units as two story, 3 bedrooms, 2-1/2 bathrooms with walkout basements and decks out to the back, and driveway access to each one. Mr. Frank said an initial landscaping plan has been submitted. Lighting will be building-mounted lighting fixtures on the side and front doors of each unit.

Mr. Frank said that they will meet on site with the Public Works Director about any potential work required on Huston Road. He said that sidewalks would have to be extended 1,400 feet in one direction and 1,600 feet in another to make sidewalk connections either along Huston Road or along 237, which will be a big hit for 7 duplex units. They will try to align the last two units so that a right-of-way could be provided off the hammerhead to the easterly property line. There will be open space on the west side of the road that will be leveled for use by the homeowners.

In reply to Mr. Zelmanow's question about a clustered mailbox, Mr. Curtis replied that there would be individual mail boxes on each house. Concerning the matter of sidewalks, Tom Shaw said he couldn't find anything in the Ordinance requiring sidewalks but it isn't worth doing anything on Huston Road until the whole road gets re-built, the drainage would not be possible. Mr. Zelmanow said that something is anticipated from the Public Works Director about what he would like to see. Mr. Shaw said that coming up 237 the drainage would be alright and that would work easily.

Ms. Sunnell asked that street trees be provided, not magnolias, and that they be sized by caliper and not by gallon. Mr. Poirier said that the two items still open at this time are access to abutting property and pedestrian access, which can be addressed with the next submission.

Mr. Zelmanow summarized that Mr. Frank will make the changes so far, there will be a memo from the Public Works Director regarding site walks, the last two units will be re-aligned to put in a 50-foot connector, the changes to the trees will be made, and a road name will be provided with the next submission. Staff was directed to schedule a site walk.

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

George Fox MOVED and Rachel Sunnell SECONDED a motion to grant STJ, Inc.'s request for preliminary subdivision approval for a 14-unit residential condominium project located on 3.45 acres off Huston Road, Map 111, Lot 46, in the Urban Residential and Manufactured Housing zoning districts based on Findings of Fact as written by the Town Planner. Motion CARRIED, 7 ayes. [9:15 p.m.]

ITEM 5 PUBLIC HEARING – SUBDIVISION AND SITE PLAN AMENDMENT – Design Dwellings – request for approval to amend Snowbird Condominiums to add 3 new units with approximately 1.07 acres, located off Connor Drive in Allen Acres off Main Street, Map 26, Lot 7.225 and Map 108, Lot 4 in the Urban Residential and Office Residential zoning districts.

Mr. Poirier said this application is a subdivision amendment for Allen Acres Subdivision to add land to that approved, and a site plan amendment to Snowbird Condominiums. The applicant is proposing to merge land to the existing lot 26 in Allen Acres to increase the number of units allowed in that Condominium, as well as merge the existing house on the abutting lot into the Snowbird Condominiums.

Andrew Morrell, BH2M Engineers, introduced the applicant, Susan Duchaine. Mr. Morrell pointed out the units in Snowbird Condominiums which have been constructed, and units 9, 10 and 11 which are the additional new units being proposed. He showed the existing house on the abutting parcel which is part of the lot to be conveyed to the Allen Acre Subdivision and will become the 12th unit in the Snowbird

Condominiums. Mr. Morrell said that one side of the driveway around the existing house will be eliminated with a new driveway coming in off Connor Drive. They will work with DEP to determine the level of permitting required, they are still waiting for their ability-to-serve letter from the Portland Water District, proof of technical and financial capacity will be provided, the applicant will be requesting a waiver from high intensity soils, and a site walk has been held.

Mr. Herrick confirmed that the southerly portion of the driveway around the house will be removed and asked if there will be access to Main Street from Connor Drive on the driveway to be constructed. Mr. Morrell said the applicant would like to do that. Susan Duchaine said that until the project for the front portion of Map 108 Lot 4 is approved, access for this would be in the back but she suspects that there will be a gate to prevent through traffic, but the drive going down to Main Street is the most practical. Mr. Morrell said that Connor Drive is 24 feet wide with the turn-around constructed. Ms. Duchaine confirmed to Mr. Fox that unit 12 will pay double condominium fees.

Ms. Sunnell confirmed that street trees in front of each of the new units will continue the same pattern that already exists. Utilities will come in from Connor Drive and are already in.

Mr. Morrell told Mr. Zelmanow that the Town Attorney has reviewed and approved the revised Condominium documents.

The Board discussed postponing the item to a consent agenda, but that would not be possible if there is a waiver request outstanding for a high intensity soils waiver.

Rachel Sunnell MOVED and Lee Pratt SECONDED a motion to postpone further review of Susan Duchaine's request for final subdivision and site plan approval pending responses to remaining issues and finalizing revisions to the plan.

Discussion: The applicant asked if the Board could grant the waiver this evening because it had been granted earlier for Allen Acres. The waiver request is based on there being public sewer and public water.

Ms. Sunnell withdrew her motion to postpone.

Scott Herrick MOVED and George Fox SECONDED a motion to grant the applicant's waiver request for a high intensity soils survey since the project will be served by both public water and public sewer. Motion CARRIED, 7 ayes.

Mr. Morrell asked if the application could be placed on the Board's next Consent Agenda. Mr. Poirier said that provided everything else is submitted, the only remaining item of note would be Woodard & Curran's note on traffic on Carnation.

Mr. Zelmanow stressed once more that all outstanding Planning Department and Woodard & Curran issues will have to be addressed to the satisfaction of staff within the next week if the item is to be placed on the Board's July 11 meeting Consent Agenda.

Scott Herrick MOVED and George Fox SECONDED a motion to continue this item to the Planning Board's July 11, 2016 Consent Agenda. Motion CARRIED, 7 ayes.

OTHER BUSINESS

None

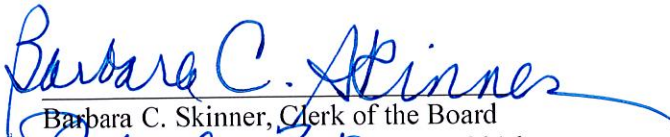
ANNOUNCEMENTS: Meetings of the Comprehensive Plan Update Committee will begin on June 21, 2016 to continue weekly; the draft Comprehensive Plan is on the Town's website, as well as a survey for

those interested. The Board's Ordinance Subcommittee will meet in early July to discuss Jon Smith's contract zone request, ordinance changes for contractor's yards and home occupations, and the Shaws Mill rezone request.

ADJOURNMENT

10:00 P.M.

Respectfully submitted,


Barbara C. Skinner, Clerk of the Board
June 20, 2016

CONSENT AGENDA

17 LAURENCE LLC – SITE PLAN REVIEW

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 sizes of the building conforms to the requirements of the Land Use and Development Code.

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

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

Access to the site is via Laurence Drive, which is classified as an industrial/commercial road by the Town. The driveway going to Laurence Drive is located along the western portion of the parcel. The site does not have street frontage on Laurence Drive. The site abuts a Central Maine Power parcel located on the northern edge. The driveway crosses the Central Maine Power parcel and then exits onto Laurence Drive.

The driveway

Finding: Laurence 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 in the western third of the lot. The existing site distance on Laurence Drive exceeds the minimum requirements. The driveway will extend 320' into the site to serve the proposed buildings, new parking lot, and outside storage area. Between the buildings the access driveway increases to 40' for 170' +/-.

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

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

The site provides for two way vehicle access to the site. The size of the parking lot and paved storage area allows for vehicles to turn around without needing to back out of 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.

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

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 the park approval stormwater treatment was provided for through the construction of a stormwater pond located in the southeastern corner of the lot.

Stormwater from the impervious areas will be collected in a series of catch basins and will discharge into the stormwater pond located on the southeastern corner of the parcel.

The site is subject to the Town's Storm Water Ordinance, Chapter 2 Post Construction Stormwater Management provisions. The owner of the site is required to provide yearly Annual Stormwater Management Facilities Certification to the Town and required to maintain the stormwater management system per the Stormwater Management Report's Inspection, Maintenance, and Housekeeping Plan provided as part the site plan review.

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 5 of 8, illustrates the locations and type of erosion control devices to be installed during construction. The "Details" plan, sheet 6 of 8, 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 Laurence Drive. The proposal is to extend an 8" watermain and a 2" watermain into the site. Each building will have a 2" and an 8" water stub run into the buildings.

The applicant has received an ability to serve public water letter, dated March 25, 2016, from Gordon Johnson P.E., Engineering Services Manager, with the Portland Water District.

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 Laurence Drive. The applicant is proposing a gravity sewer from the two buildings to a privately maintained pump station located on the site. A 2" force main will be pump the sewer up to a sewer manhole located in Laurence Drive.

The applicant has received an ability-to-serve public sewer service letter, dated March 25, 2016, from Gordon Johnson P.E., Engineering Services Manager, with the Portland Water District.

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 will be served by under-ground power/utilities from an existing pole located on the south side of Laurence Drive. Natural gas is located on the north side of Laurence Drive and a gas main will be installed on the site to serve the buildings.

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 site is currently undeveloped. Some fill material was brought in by the previous owner of the site but no other construction has occurred. A large scrub/shrub wetland is located on the parcel; the proposal will impact 13,803 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.

The stormwater management report identifies treatment and maintenance for the site's stormwater infrastructure. 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 buildings. 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 fully enclosed dumpster and dumpster pad at the southwestern corner of the parking and outdoor storage area. Adequate circulation has been provided to ensure access for emptying of the dumpster. A private waste hauler will empty the dumpster 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 applicant is proposing two landscaped areas on the site. One landscaped area is located between the northern-most building and Laurence Drive with the second landscaped area being located on the eastern side of the proposed parking lot. The landscaped areas are proposed to be a mix of trees and shrubs. A majority of the front of the site is wetland area with numerous shrubs that will remain undisturbed.

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

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

The improvements will impact 13,803 sq.ft. The wetland impacts are limited to the greatest extent practicable.

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 Frederick G. Proctor, Vice President, Gorham Savings Bank, dated March 1, 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 developed area is surrounded by scrub/shrub wetland area. The applicant is also proposing to plant two landscaped beds to break up the view of the development from Laurence Drive.

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 the owner of the site is required to meet requirements of the Town's Storm Water Ordinance, Chapter 2 Post Construction Stormwater Management, and provide yearly Annual Stormwater Management Facilities Certification to the Town and required to maintain the stormwater management system per the Stormwater Management Report's Inspection, Maintenance, and Housekeeping Plan provided as part the site plan review;
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 all relevant conditions of approval from the past approval shall remain in effect;
9. 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;
10. That the Sprinkler test papers must be provided before any certificate of occupancy is issued;

11. That the building shall meet all applicable sections of the NFPA 101 Life Safety Code and Fire Prevention Code 1;
 12. That each building shall have a sprinkler control room with an outside door labeled sprinkler control room and the sprinkler control room shall hold the sprinkler controls as well as the main fire control panel for each building;
 13. That should the buildings be supplied with natural gas then all gas meters shall be protected with bollards;
 14. That the fire alarm system shall meet all requirements of NFPA 72;
 15. That a list of all hazardous materials on site will be supplied to the Fire Department with the MSDS Sheets
;
 16. That the buildings alarm system shall be a multiple zone panel that allows the alarm monitoring company to determine which facility a trip is coming from;
 17. That a complete set of building construction plans shall be sent to the State Fire Marshal's Office and the Gorham Fire Department for review;
 18. That each unit shall be properly numbered with the numbers being visible from the front and rear parking areas;
 19. That the Planning Board Chairman is authorized by the Planning Board to sign the Findings of Fact on behalf of the entire Board; and
 20. That these conditions of approval must be added to the site plan and the site plan shall be recorded at the Cumberland County Registry of Deeds within thirty (30) days of the date of written notice of approval by the Planning Board, and a dated mylar copy of the recorded site plan shall be returned to the Town Planner.
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CONSENT AGENDA

SHAW BROTHERS – SITE PLAN/GRAVEL PIT AMENDMENT

CHAPTER II, SECTION I – ENVIRONMENTAL, C. MINERAL EXPLORATION, EXCAVATION, AND GRAVEL PITS – 5) OPERATION REQUIREMENTS FOR NEW AND EXISTING PITS

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 proposal has provided the required plan set for the development to ensure compliance with the Town's ordinances.

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

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

The site is accessed by Mosher Road, State Route 237. Mosher Road is identified as an arterial road by the Town of Gorham. The applicant is not anticipating an increase in traffic with the new laydown area.

The applicant is proposing to pave a 4' shoulder on the eastern side of Mosher Road to allow traffic to pass trucks turning into the site.

Finding: Mosher Road, State Route 237 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.

Currently the site is accessed by two driveways near the Shaw Brothers' construction office. The proposal is to add a new 30' paved driveway into the new laydown area. The driveway will be located directly across from Olde Canal Way.

The applicant will need to receive a driveway permit from the Maine Department of Transportation.

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 gravel laydown yard will be a large open area to allow vehicles to maneuver around the site. A driveway connection is proposed to be constructed between the existing quarry road and the laydown yard.

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 pedestrian improvements are proposed on or off the site.

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 site is subject to the Town's Storm Water Ordinance, Chapter 2 Post Construction Storm water Management provisions. The owner of the site is required to provide yearly Annual Storm water Management Facilities Certification to the Town and required to maintain the storm water management

system per the Stormwater Management Report's Inspection, Maintenance, and Housekeeping Plan provided as part the site plan review.

The stormwater infrastructure and maintenance meets the requirements of the Maine Department of Environmental Protection.

Finding: *The storm water 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 5 of 8, illustrates the locations and type of erosion control devices to be installed during construction. The "Details" plan, sheet 6 of 8, identifies parameters for erosion control and winter erosion control measures to be utilized on site. The applicant will also comply with the "Maine Erosion and Sediment Control Handbook for Construction: Best Management Practices," Maine Department of Environmental Practices.

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

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

The applicant is proposing to locate 1-3 wells on the site for the washing of aggregate.

The existing Shaw Brothers' buildings located on Mosher Road are served by public water from the Portland Water District watermain located in Mosher Road. No new water services are proposed for the existing buildings.

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

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

No sewage disposal systems are proposed for the laydown yard.

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.

Electricity will be run along the earthen berm on the southern edge of the parcel for use by the pole mounted lights. No other utilities are proposed to serve the laydown yard.

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 applicant is proposing to utilize the eastern portion of the site around the three existing single-family residences to buffer the laydown yard from Mosher Road. The applicant is also proposing to keep a 100' setback from the western property line and leave the existing trees and wetlands located in the southwestern corner of the lot adjacent to the Portland Water District's transmission water main.

The applicant has received approval from the Maine Department of Environmental Protection and the Army Corps of Engineers for the impacts to the wetlands.

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

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

The applicant is proposing to locate 1-3 wells on the site for the washing of aggregate. The applicant is proposing to recycle dirty water through a series of ponds to drain out sediment and then to re-use the water. The reuse of the water used to wash aggregate will reduce the amount of water required to be pumped out of the ground.

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

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

The applicant is proposing to locate five pole mounted lights located just north of the landscaped berm in the gravel storage area. The lighting is required to be full cut-off style lights.

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 utilize the storage yard for stockpiled material and demolition/construction debris when required. No hazardous waste is proposed to be stored onsite.

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

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

The applicant is proposing to provide an earthen berm along the southern and western edge of the gravel storage area. The first 220' of the earthen berm is proposed to be landscaped with a mix of tree species with the remaining berm to be loamed and seeded.

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

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

The wetlands located along the western portion of the site near the Portland Water District's water main are not proposed to be impacted. The applicant is proposing to disturb 11,625 sq.ft. of wetlands as part of the project.

The project is not located in any Shoreland Protection 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 applicant has submitted a letter from Gorham Savings Bank, Fredrick G. Proctor, Vice President, dated January 5, 2016. Shaw Brothers is a construction firm with 22 years of experience with large scale site plan and road construction experience.

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

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

The applicant is proposing to buffer the proposed laydown and stockyard area with the following:

- The eastern property boundary will be buffered by a berm and the existing single-family dwellings and associated trees and shrubs.
- The southern property boundary will be buffered by a 15' high earthen berm along the southern property line. The eastern 220' feet of the berm is proposed to be landscaped through a mix of trees and shrubs.
- The western property boundary is proposed to be buffered from a 100' undisturbed forested buffer and through the existing woodlands located on the west side of the Portland Water District right-of-way.
- The northern property line will have an earthen berm located on the northeastern corner. No buffer is proposed between the existing quarry operation and the laydown yard.

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) for the abutting industrial zone lots.

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

The applicant will comply with the use of the site as identified in the Bodwell EnviroAcoustics LLC noise study.

Finding: *The development will comply with the A-weighted hourly equivalent sound level limits identified under Chapter IV, Site Plan Review and the requirements of the Bodwell EnviroAcoustics LLC noise study.*

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 requirements identified in the Bodwell EnviroAcoustics LLC noise study and 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 wetlands and the 100' undisturbed buffer located on the western portion of the site shall be flagged prior to the start of clearing operations on the site;
9. That the construction along the western portion of the site shall be completed meeting all the requirements of the Portland Water District's requirements and per report completed by S.W. Cole Engineers and the protocol of blasting in that area;
10. That the owner of the site is required to meet requirements of the Town's Storm Water Ordinance, Chapter 2 Post Construction Stormwater Management, and provide yearly Annual Stormwater Management Facilities Certification to the Town and required to maintain the stormwater management system per the Stormwater Management Report's Inspection, Maintenance, and Housekeeping Plan provided as part the site plan review;
11. That the Planning Board Chairman is authorized by the Planning Board to sign the Findings of Fact on behalf of the entire Board; and
12. 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 1 PTG INVESTMENT TRUST – FINAL SUBDIVISION AND SITE PLAN

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 required local, state, and federal permits for the proposed development.

The Comprehensive Plan identifies this area as Village Residential. The plans meet the requirements of the Urban Residential and Office Residential zoning districts for residential and commercial density.

Finding: Garden Place Condominiums conform 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 three residential units will be via Garden Avenue, which is designated as an Urban Access road by the Town. Garden Avenue exits onto Libby Avenue and Lawn Avenue.

Access to the two mixed-use use buildings will be via Main Street, State Route 25, which is designated as an arterial road by the Town of Gorham.

The private driveway for the residential units has been named Keverin Way and the private driveway for the mixed-use use units has been named Commerce Way. Both have been approved under E911 naming requirements.

Finding: Garden Place Condominiums 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 residential condominium units will be served by underground power, telephone, cable lines, and natural gas from the Main Street right-of-way through the mixed-use use portion of the site.

The mixed-use use condominium units will be served by underground power, telephone, cable, and natural gas from the Main Street right-of-way.

Finding: Garden Place Condominiums 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 residential condominium units will be served by three 1" private water services extended from the Portland Water District's 8" watermain located in the Garden Avenue right-of-way. The water main services and installation must meet the requirements of the Portland Water District.

The mixed-use use condominium units will be served by two 1" private water services extended from the Portland Water District's 8" watermain located in the Main Street right-of-way. The water main services and installation must meet the requirements of the Portland Water District.

The applicant has submitted an ability-to-serve letter from the Portland Water District dated February 16, 2016 from Gordon Johnson, Engineering Services Manager.

Finding: Garden Place Condominiums 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 residential condominium units will be served by three 6" private sewer services extended from the Portland Water District's 8" sewer main or sewer manhole located in the Garden Avenue right-of-way. The sewer services and installation must meet the requirements of the Portland Water District.

The mixed-use use condominium units will be served by two 6" private sewer services extended from the Portland Water District's 8" sewer main located in the Main Street right-of-way. The sewer services and installation must meet the requirements of the Portland Water District.

The applicant has submitted an ability-to-serve letter from the Portland Water District dated February 16, 2016, from Gordon Johnson, Engineering Services Manager.

Finding: Garden Place Condominiums 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.

Storm water from the site will be directed into storm water infrastructure located on the site. The proposed development will disturb over an acre and is located within the Urbanized Area as defined in the Town's Storm Water Ordinance, Chapter 2, Post-Construction Storm Water Management. This requires that the site meet the provisions of the Post-Construction Storm Water Management Ordinance

and will require the condominium association to conduct yearly storm water inspections as outlined in the Ordinance.

The dwelling units' sewage disposal will be directed into the public sewer system and treated by the Portland Water District.

Finding: Garden Place Condominiums 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 condominium units and private driveways will not impact any wetlands or waterbodies.

Finding: Garden Place Condominiums 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 lot is not located in any of the Town's Shoreland Overlay Districts.

Storm water maintenance has been designed in accordance with state, Federal, and local requirements prior to discharge into existing storm water management infrastructure.

Finding: Garden Place Condominiums 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 lot had been previously developed and the applicant is proposing to remove the existing trees located on the northern third of the site.

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

Finding: Garden Place Condominiums 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 of Intent to Fund dated April 28, 2016, from Jim Stone, President, with Casco Federal Credit Union. The applicant has also provide a cost estimate for the project from Woods Excavating, LLC.

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 VIII.

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

Finding: Garden Place Condominiums 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 is required to form a condominium association for the development. The condominium association will maintain the land located outside of the individual condominium units.

Finding: Garden Place Condominiums will have common space within the subdivision in accordance with the Planning Board requirements and the condominium association shall be required to provide for the perpetual care of commonly owned 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 applicant is requesting a waiver from the Planning Board's policy to grant preliminary and final subdivision approval in one meeting.

Finding: Not applicable.

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

The applicant is requesting a waiver from the Planning Board's policy to grant preliminary and final subdivision approval in one meeting.

Finding: Not applicable.

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 three individual single-family residential condominium buildings located on the northern half of the lot. The southern half of the lot is proposed to have two mixed-use buildings with commercial uses on the first floor and residential uses on the second floor.

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 three residential units will be via Garden Avenue, which is designated as an Urban Access road by the Town. Garden Avenue exits onto Libby Avenue and Lawn Avenue.

Access to the two mixed-use buildings will be via Main Street, State Route 25, which is designated as an Arterial road by the Town of Gorham.

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 three residential houses will be accessed from a 20' wide driveway located off Garden Avenue. The two mixed-use buildings will be accessed from a 20' wide driveway located off Main Street.

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.

The three single-family residential units will be accessed from a single 18' driveway located off of Garden Avenue.

The two mixed uses buildings will be accessed from a single 20' driveway located off Main 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.

The proposal includes the following pedestrian circulation:

- A walkway along the mixed-use entrance driveway will connect the development to the sidewalk located along Main Street.
- Walkways from the front of the buildings will direct pedestrians to the sidewalk along the driveway.
- Walkways along the southern edge of the parking lot will allow pedestrian to safely leave the parking area and enter into the proposed buildings.

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.

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 storm water 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 Grading Plan: Sheet 4. The applicant will also comply with the "Maine Erosion and Sediment Control Handbook for Construction: Best Management Practices," Maine Department of Environmental Practices and the Erosion Control Details shown on the Details plan: Sheet 5.

Finding: *The project, building, 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. Each condominium unit will have a 1" water service extended into the site from the existing 8" water main located in a Town or State right-of-way. The water service installations 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. Each condominium unit will have a 6" sewer service extended into the site from the existing 8" sewer main located in a Town or State right-of-way. The water service installations are required to meet the requirements of the Portland Water District.

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 majority of the site had been previously developed with a multi-family building and a large barn structure and associated impervious area. No wetlands or waterbodies are located on the site. The applicant is proposing to save a large existing tree located in the front of the parcel.

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 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 three residential units will have typical single family residential lighting. The two mixed-use use units are proposed to have two lights per building. The applicant is proposing to have one light located on the north side of the parking lot. All proposed lighting is required to be full cut-off style lighting.

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.

The three residential units located off of Garden Avenue would be served by the Town's licensed waste disposal contractor. Each of the mixed uses buildings will have a dumpster located on the eastern edge of the parking lot. The waste disposal from the dumpster will be from a licensed private waste disposal contractor hired by each building owner.

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 landscaping details showing the locations of trees, shrubs, and plants throughout the site, recommended by Keystone Horticulturists. The applicant is also proposing to keep the large existing tree located on the southeastern portion of 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.

The lot is not located in a Shoreland Overlay District.

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 applicant has identified that it has a 40-year entrepreneurial career in professional business and residential development and has completed several projects similar to the one proposed.

The applicant has submitted a letter of financial capacity from Casco Federal Credit Union dated February 16, 2016, from James R. Stone, President.

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 install a 35' landscaped and fenced buffer between the site's residential use and mixed-use area. The applicant has provided proposed buffering around the buildings, parking lots, and driveways of the lot to buffer the site from the abutting properties.

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, 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 the driveway names shall be approved by the Police and Fire Chiefs;
5. That the underground electric lines shall be inspected by the Code Enforcement Office prior to backfill;
6. That the driveways shall be properly named and signed with Town approved signs and signs shall be in place as soon as the driveway is constructed;
8. That prior to the 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;
9. That the private driveway shall be properly maintained for access by emergency vehicles year round;
10. That the applicant is responsible for recording the approved Condominium Association documents within 90 days of the date of approval of the subdivision by the Planning Board and a recorded copy of the Condominium Association documents shall be returned to the Planning Department prior to a preconstruction meeting behind held;
11. That the Planning Board Chairman is authorized by the Planning Board to sign the Findings of Fact on behalf of the entire Board;
12. That the subdivision/site 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
13. 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.

ITEM 2 DEAN AND DALE COLE – SUBDIVISION AND PRIVATE WAY

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 single-family lots range in size from 60,645 square feet to 111,583 square feet with street frontage for the lots ranging in size from 203.93 ft. to 528.94 ft.

The Comprehensive Plan identifies the future land use designation of this lot as being in a neighborhood with a center.

Finding: Cole Property Subdivision amendment 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 Cole Drive private way. The private way is being designed to the Town's 2-6 lot/dwelling unit gravel private way standards. The private way is accessed off Great Falls Road.

The proposal is to upgrade the existing grandfathered private drive to the Town's 2-6 lot gravel private way standards.

Finding: Cole Property Subdivision amendment 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 located in the subdivision will be served by underground power, electric and telephone lines, and the Town's contracted waste disposal contractor.

Finding: Cole Property Subdivision amendment 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 existing houses on lots 29-1, 29-2, 29-3, and 29-4 have existing private water supply wells. Lots 29-5 and 29-6 are proposed to be served by private water supply wells as part of the construction of the single-family homes on the lots.

Finding: Cole Property 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 existing houses on lots 29-1, 29-2, 29-3, and 29-4 have private septic systems for sewage waste disposal. Lots 29-5 and 29-6 are proposed to be served by private septic systems as part of the construction of the single-family homes on the lots.

The locations of the septic systems are located on passing soil tests and the septic systems will be designed by a licensed State of Maine site evaluator.

Finding: Cole Family 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 wooded areas. Sewage disposal from the site will be treated in subsurface disposal systems designed by a Maine Licensed Site Evaluator.

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

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

All existing residential house lots are loamed and seeded to prevent soil erosion. Lots 29-5 and 29-6 will utilize erosion and sedimentation control practices during the construction of the single-family homes. The construction of the private way will also utilize erosion and sedimentation best management practices during construction.

Finding: Cole Property 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.

Gary Fullerton, soil scientist with Sebago Technics, has inspected the site and no wetlands, vernal pools, streams, or other waterbodies were located on the site.

Finding: Cole Property Subdivision amendment 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 irreplaceable natural or manmade assets have been identified on the site.

Finding: Cole Property Subdivision amendment 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 bank statement from TD bank that identifies the applicant has the funds to complete 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.

Lots 29-5 and 29-6 will be required to pay the Recreational Facilities and Open Space Impact Fee prior to the issuance of building permits for the two (2) new lots within the subdivision.

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

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

The applicant is not proposing to create any open space or recreational land as part of the subdivision.

Finding: Cole Property Subdivision amendment is not proposing to create open space and recreational land and facilities within the subdivision.

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 an amendment to an approved subdivision, so final and preliminary subdivision approvals are not required.

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 an amendment to an approved subdivision, so final and preliminary subdivision approvals are not required.

Finding: Not applicable.

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 private way will serve four lots within the subdivision. Lots 3 and 4 have existing single family homes on the lots. Lots 5 and 6 are currently undeveloped and are proposed to have single-family homes on them.

Finding: *Cole 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 6 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 Sebago Technics to prepare the private way plan which has been prepared by a registered land surveyor, Charles Brown, Jr., P.L.S. #1205, and sealed by a registered professional engineer, Shawn Frank, P.E. # 6396.

The Plan title block reads "Amended Private Way Plan"

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 on the ground the exact location, direction, width and length of the private way.

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

Plan note #12 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 for Cole Drive has been prepared by a by a registered land surveyor, Charles Brown, Jr., P.L.S. #1205, and sealed by a registered professional engineer, Shawn Frank, P.E. # 6396. 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 2-6 lots/dwelling units and the applicant has provided a maintenance agreement prepared for the lots accessed by the private way. The private way maintenance agreement has been reviewed and approved by the Town Attorney and staff.

The private way maintenance agreement is 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.

The private way right-of-way width is proposed to be 50'. The private way is proposed to have a paved apron from Great Falls Road.

Finding: The private way right-of-way width for Cole Drive is 50' and a paved apron has already been designed that conforms 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 1,015' private way to the 2-6 lot/ dwelling unit private way standard. The private way plan shows the required 2-6 lot/dwelling unit private way standard cross section. The private way will have the required turnaround located at station number 9+50.

Finding: Cole Drive 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 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 private way to serve four lots. Two lots have existing homes and two undeveloped lots are proposed to be developed with single-family homes.

Finding: Cole Drive private way will serve a maximum of 6 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 13.7 acres in size. All lots within the subdivision exceed the required minimum lot size of 60,000 sq.ft. in the Suburban Residential District.

The ownership of the right-of-way for Cole Drive will remain with lot Dean and Dale Cole.

Finding: The land area of Cole Drive private way is 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.

The private way is served by Great Falls Road which is classified as a rural access road by the Town of Gorham. The condition of Great Falls Road can handle the additional traffic from two new lots.

Finding: That Cole Drive private way is served by Great Falls Road which is suitable to serve the proposed private way.

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 private way year around;
4. The street name shall be approved by the Police and Fire Chiefs;
5. That the underground electric lines shall be inspected by the Code Enforcement Office prior to backfill;
6. 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;
7. That the private way shall be properly maintained for access of emergency vehicles year round;
8. That the private way maintenance agreement will be recorded in the Cumberland County Registry of Deeds within 90 days of the date of approval of the private way by the Planning Board and a recorded copy of the private way maintenance agreement shall be returned to the Planning Department prior to a preconstruction meeting being held;
9. That the Planning Board Chairman is authorized by the Planning Board to sign the Findings of Fact on behalf of the entire Board;
10. That any new septic systems for lots 25.5 and 29.6 will be a minimum of 200 feet from existing or new wells located on abutting properties;
11. That the private way plan(s) 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;
12. That the subdivision and private way 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
13. That once the subdivision and private way plans have been recorded at the Cumberland County Registry of Deeds, a dated mylar copy of the recorded subdivision and private way plans shall be returned to the Town Planner prior to a pre-construction meeting being held.

**ITEM 3 JAMES AND SHARON GREGOIRE - WILSON FIELD SUBDIVISION –
PRELIMINARY AND FINAL APPROVAL**

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 single-family lots range in size from 27,544 square feet to 128,938 square feet with street frontage for the lots ranging in size from 100 ft. to 183.44 ft.

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

The applicant has provided Clustered Development and Conventional Development Concept Plans. The Net Acreage Calculation provided shows that the lot can support 6 single-family house lots.

Finding: Wilson Field 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 Brackett Road and Snowberry Lane. Brackett Road is classified as a collector road by the Town of Gorham. Snowberry Lane has been designed and built to the Town's Rural Access road standards.

No new roads or private ways are proposed as part of the development.

Finding: Wilson Field 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 located on lots 3, 4, 5, and 6 will be served by underground power, cable, and telephone lines from Snowberry Drive. The Town's contracted waste disposal contractor will pick up trash and recyclables. The homes are required to have a residential home sprinkler systems.

The existing single-family home located on lot 2 will be served by overhead power, cable, and telephone lines from Brackett Road. The Town's contracted waste disposal contractor will pick up trash and recyclables. The home is not required to have a residential home sprinkler system.

The single-family home located on lot 1 will be served by overhead power from Brackett Street. The Town's contracted waste disposal contractor will pick up trash and recyclables. The home is not required to have a residential home sprinkler systems.

A clustered mailbox will serve lots in the subdivision.

Finding: Wilson Field 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 drilled bedrock wells with steel casings. The bedrock well casings shall be a minimum of 15 feet into competent bedrock and annular space between bedrock boreholes and steel casings will be sealed with grout. Final Subdivision Plan: Sheet 1: identifies the acceptable well zone on each lot within the subdivision.

Finding: Wilson Field 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.

Final Subdivision Plan: Sheet 1: identifies the locations for septic systems as well as the nitrate plume flows. Each lot will have its septic system located as shown on the plan, unless the applicant can provide the Code Enforcement Officer with a report from a licensed hydro-geologist stating that the new location will not impact any drinking supply wells or negatively impact the abutting lots' ability to locate drinking supply wells as shown on Sheet 1.

Finding: Wilson Field 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 directed to the rear of the site and treated through a 75' forested buffer area. Sewage disposal from the site will be treated in subsurface disposal systems designed by a Maine Licensed Site Evaluator.

Finding: Wilson Field 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.

All the residential house lots and the open space will be loamed and seeded to prevent soil erosion. The majority of the storm water from the subdivision will be directed to the forested buffer to the rear of the lot.

Finding: Wilson Field 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.

Indian Camp Brook and associated wetlands are located on the southern corner of lot 7.002. No building construction or removal of vegetation is proposed within the 75' stream setback. The applicant is proposing to locate a trail within the 75' stream setback area with removal of vegetation and construction for the trail being no more than 5' wide and reduced to the greatest extent practical.

The Erosion Control Notes and Details: Sheet 3 identifies how erosion control measures will be implemented on the site.

Storm water from the site flows eventually into Indian Camp Brook, which then flows into the Stroudwater River and discharges to Casco Bay.

Finding: Wilson Field 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 proposing to protect 3.71 acres of open space which will remain in its natural state. No scenic vistas, historic sites or irreplaceable natural or manmade assets have been identified on the site.

Finding: Wilson Field 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 is proposing to post a cash performance guarantee for the proposed improvements to the development.

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 prior to the issuance of building permits for the five (5) lots within the subdivision that will have new single-family homes constructed on them. The existing single-family home does not have to pay the Open Space Impact Fee.

Finding: Wilson Field 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 create 3.71 acres of open space with a 4-6' wide walking trails. The remaining open space will be utilized as a buffer both visually and for storm water purposes. The Wilson Field Subdivision homeowners' association shall be required to take care of the common open space, hiking trails, and the storm water buffer.

Finding: Wilson Field Subdivision is proposing to create open space and recreational land and facilities within the subdivision in accordance with the Planning Board requirements and the Wilson Field 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 applicant has requested preliminary and final subdivision approval at the same meeting.

Finding: Not applicable.

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

The applicant has requested preliminary and final subdivision approval at the same meeting.

Finding: Not applicable.

Conditions of Approval

1. That this approval is dependent upon, and limited to, the proposals and plans contained in this application and supporting documents submitted and affirmed by the applicants and that any variation from the plans, proposals and supporting documents is subject to review and approval by the Planning Board, except for minor changes which the Town Planner may approve;
2. That the applicant shall provide property line information and site information in auto-cad format to the Town Planner;
3. That the 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. That the underground electric lines shall be inspected by the Code Enforcement Office prior to backfill;
8. 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 well in the approved acceptable well zone;
9. That the individual wells for lots will be located in the acceptable well zone and the wells shall be drilled bedrock wells with a steel casing that has been installed a minimum of 15' into competent bedrock with annular space between the bedrock boreholes and steel casings being sealed with grout unless the applicant can provide the Code Enforcement Officer with a report from a certified Hydro-Geologist stating that the new location and well installation is suitable for drinking water supply;
10. That the applicant is responsible for recording the approved Wilson Field 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;
11. That prior to the Planning Board's endorsement of the final plan the applicant shall amend the final subdivision plan to show the trail remaining in the open space with one or two connectors to the CMP trail system, to be maintained by the Gorham Conservation Commission at their discretion.
12. That the Planning Board Chairman is authorized by the Planning Board to sign the Findings of Fact on behalf of the entire Board;
13. That the Maine DEP required wooded storm water buffers be permanently marked on the ground prior to the start of construction;
14. 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
15. That once the subdivision and private way plans have been recorded at the Cumberland County Registry of Deeds, a dated mylar copy of the recorded subdivision and private way plans shall be returned to the Town Planner prior to a pre-construction meeting being held.