

**PLANNING BOARD MEETING
March 20, 2017**

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

Members Present

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

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., expressing appreciation for everyone being present at this second meeting of the month.+ Mr. Zelmanow introduced new Board member Michael Richman, just appointed to the Board by the Town Council. Mr. Richman's appointment brings the Board's membership to its full 7 member strength.

The Clerk called the roll, noting that all members were present.

APPROVAL OF THE MARCH 6, 2017 MINUTES

Scott Herrick MOVED and Lee Pratt SECONDED a motion to approve the minutes of March 6, 2017 as written and distributed. Motion CARRIED, 5 ayes (James Anderson abstaining as not having been present at the meeting; Michael Richman abstaining as not having been a member of the Board at the time of the meeting). [7:05 p.m.]

CONSENT AGENDA

Subdivision/Site Plan Amendment – Design Dwellings, Inc. – request for approval to amend Snowbird Condominiums to add 3 new units with approximately 1.07 acres, located off Connor Drive, Map 26 Lot 7.225 and a portion of Map 108 Lot 4, Office Residential/Urban Residential zoning districts.

Subdivision/Site Plan Review – Susan Duchaine, Inc. – request for approval of Ward Hill Condominiums, a 14-unit condominium project, located at 346 Main Street, Map 108 Lot 4 and a portion of Map 108 Lot 3, Office Residential/Urban Residential zoning district.

There being no Board member or member of the public wishing to remove either item from the Consent Agenda, and the Conditions of Approval having been shared with the applicants,

Scott Herrick MOVED and James Anderson SECONDED a motion to approve the items on the Consent Agenda. Motion CARRIED, 6 ayes (Michael Richman abstaining). [7:06 p.m.]

ITEM 1 Pre-application Discussion – (Continued from March 6, 2017 meeting) – Site Plan Amendment – Flagship Landscaping – request for approval of a 3rd amendment to relocate a landscaping business, located at 298 New Portland Road, Map 12 lot 17.002, Industrial zoning district.

Mr. Poirier said that the lot is currently being operated as a trailer storage facility, and the applicant is proposing to purchase the lot for his landscaping business. There are two non-conforming residential uses on

the lot, and as residential uses are non-conforming in the Industrial district, any kind of change to the lot would require going to the Zoning Board of Appeals for approval to amend the non-conforming use. The project will require site plan amendment.

Andrew Morrell, BH2M Engineers, came to the podium and introduced the applicant Nick Flagg. Mr. Morrell said it is no longer their intention to make a change to the lot size as they were not aware of the non-conforming provision and Lots 1 and 2 will be kept as currently configured. Mr. Morrell said the applicant is proposing to add a walkway to the existing apartment and some associated parking. A fence may be added in the future between the commercial and residential areas of the site. A 38' by 20' building is proposed, to be placed on an existing foundation on site. There will be 6 new parking stalls, and 14 parking spaces will be added along New Portland Road. There is an existing traditional loading dock in the back corner of the existing barn, the applicant proposes to convert that to an at-grade loading dock with some retaining walls. The applicant intends to pave as much of the existing gravel on site as possible during construction. A 120' by 50' building is proposed to be put on lot 2, more in the nature of storage bins used to hold items such as mulch. Utilities for the site are overhead, and the applicant will run them underground from the existing pole. There is public water to the existing apartment, and there may be a water main extension along New Portland Road. A subsurface wastewater disposal system is proposed for the site.

Mr. Morrell commented that there were some violations in the past on this property because of trailer storage within the New Portland Road right-of-way. Some storage trailers will remain on site, and the plans will show where they will be stored outside the setback and meet applicable zoning requirements.

Mr. Zelmanow asked what type of DEP permitting will be required for the impervious area. Mr. Morrell said he did not believe any permitting would be required because most of the site is gravel and any impervious area to be added would probably be 5,000 to 10,000 square feet, under any DEP permit threshold. Mr. Morrell confirmed that both curb cuts into the site will be maintained, hopefully paved. Mr. Anderson confirmed that the existing foundation was approved in the past but never built on. In reply to Mr. Anderson, Nick Flagg said the existing owner has 4 or 5 of the containers rented as rental income and he proposes to continue renting them, but several other containers will be removed. Mr. Flagg said it is his intention to shield the rented ones with additional landscaping. The storage building will probably be concrete block storage with a domed covering such as a tin roof for storing bulk materials.

Mr. Morrell responded to a query from Mr. Fox that there is a large light on the barn; Mr. Flagg said there will be lighting for security purposes on stored equipment, which will be east of the building and not facing any residential uses. In reply to Mr. Zelmanow, Mr. Morrell said that the site will have less than 25 spaces, so it is anticipated that there will be one handicapped space. Mr. Flagg said that the westerly entrance will be for the residential uses, and the easterly entrance will be for trucks and commercial vehicles, and it could be widened if necessary. In reply to Mr. Richman, Mr. Flagg said that he does not anticipate any public retail use of the storage bins in the future. Mr. Flagg confirmed that he proposes to have sign in the same location as the existing sign.

Mr. Zelmanow and Mr. Flagg briefly touched on landscaping. Mr. Flagg said he anticipates putting the trailers that will remain on site further back, toward the wetland area, near the more mature trees on the property, and could possibly add some more trees to screen the trailers. Mr. Anderson asked that the proposed location of the trailers be put on the plans, but if the location changes, it could be done as a de minimis change. Mr. Poirier said there was a requirement for screening with the last approval on the project, some 5 or 6 trees were planted but they are not much of a screen. Mr. Flagg said they are still there, but they are not a species that would have ever blocked the trailers. Mr. Zelmanow said this would be something to check on a site walk. Mr. Zelmanow advised Mr. Morrell that a site walk cannot be set until an application has been received.

PUBLIC COMMENT PERIOD OPENED: None offered.

PUBLIC COMMENT PERIOD ENDED.

ITEM 2 PUBLIC HEARING – Land Use and Development Code – amendment to add landscape and earthwork contractors’ yards as permitted uses with specific performance standards in the Rural zoning district.

Mr. Poirier introduced the item, explaining that it has come before the Board from the Town Council. It was last before the Board on February 6, 2017. The Board’s Ordinance Committee has reviewed the proposed language on 4 separate occasions, and at the request of the Board, notice of tonight’s public hearing was provided to all property owners in the Rural zone. Mr. Poirier explained that while the Town Council adopts ordinances, under State law, public hearings must be held by the Planning Board to review proposed ordinance language and make recommendations to the Town Council. As the Board typically reviews projects under a proposed ordinance, they are the best ones to review proposed language and make recommendations to the Council. The Town Council then adopts either the language as amended by the Planning Board, or the language as written by the Council, or not adopt the ordinance at all. The Planning Board can also recommend against adoption of a proposed ordinance, with a recommendation, however, that should the Council wish to move forward with adoption, it should consider adoption of the language as amended by the Planning Board.

Mr. Zelmanow asked Mr. Poirier to explain the role of the Comprehensive Plan in reviewing proposed ordinances. Mr. Poirier said that the Comprehensive Plan sets ordinances and ordinances should mimic the Comprehensive Plan. Mr. Herrick said he believes that this ordinance is a new use in the Rural zone which could change the character of the Rural zone and does not fall under the definition of allowed uses as outlined in the Allowed Uses in the Rural Area section of the Comprehensive Plan. Mr. Zelmanow agreed, saying that this proposed use does not fit into the allowed uses, even as a “rural entrepreneurial use.” Further discussion among the Board resulted in a consensus that the proposed ordinance does not comport with the Comprehensive Plan.

Mr. Richman said he does not object to the proposed use in the Rural zone, but he does believe it should be scaled back in size. After considerable discussion, in an attempt to tailor the ordinance language to a form the Board felt would be more reasonable, the following changes were made:

“F. PERFORMANCE STANDARDS FOR LANDSCAPE COMPANIES, CONTRACTORS’ YARDS AND SIMILAR AND COMPATIBLE USES

F. 3 b) – “The gross floor area for structures for the use shall be limited to ~~one percent (1%) of the lot area with~~ a maximum gross floor area ~~to not exceed 4,000~~ of 1,000 sq.ft.”

F. 3 f) – “On site business operations shall be limited ~~from~~ to 7:00 a.m. to 6:00 p.m. Monday through Friday and 8:00 a.m. to 6:00 p.m. on Saturday. No business activities shall be permitted on a Sunday.”

F, 3 g) – Change comma after last word in first sentence to a period: “Signs shall not be internally illuminated.”

F. 3 h) – “Outside storage of equipment, materials, and/or commercial vehicle may be permitted ~~providing~~ provided ...” “Outside storage of equipment and/or materials shall be limited to ~~a maximum of ten~~ five (5%) percent of the lot area or ~~20,000~~ 10,000 sq.ft....”

F. 3 j) - :No more than five (5) people ~~not residing on the premises shall~~ may be employed...”

F. 3k) – “On-site service of equipment/vehicles shall be limited to ~~the~~ those vehicles or equipment ~~those~~ associated with the approved business use.”

PUBLIC COMMENT PERIOD OPENED: Susan Duchaine said she believes this ordinance would be inappropriate in the Rural zone and this kind of spot zoning could open other zones for commercial development. She noted that no protection would be afforded to anyone purchasing in the Rural zone if this ordinance goes through. She also commented that the Narragansett Development district, where residences are not allowed, should permit more of this kind of commercial development instead of restricting it as it presently does. Ms. Duchaine asked what would happen to such a business in the Rural zone when the roads are posted – could anyone come and go from the site?

In reply to Ms. Duchaine, Mr. Poirier said that this proposal began as a discussion for a specific applicant, but then became more generalized as the Council considered allowing landscape companies some flexibility to locate somewhere else in town before requiring them to go to the Industrial district.

William Hebert read the following letter into the record:

“Dear Mr. Poirier:

As a 45-year resident of 178 Brackett Road, located in the Rural-Manufactured Housing (R-MH) zone, I wish to state for the record my strong opposition to the proposed amendment to Section 1—8 of the Zoning Regulations.

I question the need and the reasoning for this amendment, when there are suitable locations nearby in the Gorham Industrial Park – where zoning regulations already accommodate similar businesses.

This will pave the way for more commercial and industrial development, which will change the character of this highly residential area in the Town of Gorham.

Please note my opposition against this proposed amendment in the record.

Thank you.

William L. Hebert

178 Brackett Road

Gorham, Maine 04038”

Bob Boylen, Brookdale Drive, said that someone had to have had a personal reason to propose this ordinance change and that such uses would be better on land already zoned for them.

Mr. Poirier asked that the following abutter comments be included in the transcript of the proceedings:

1. “Hi, Tom –

Thank you for taking my call earlier. My question was will the proposed amendment for landscapers’ yard regulations also pertain to lawn care operators in residential areas? Lawn care operations being described as entities who solely apply lawn fertilizer and chemicals and who’s base is in a residential location. I believe these entities should be included in the amendment.

If it is also to pertain to those entities, my understanding is that employee parking on the side of residential street will no longer be acceptable.

I am in full support of this amendment. While I support competition in any industry and the right of any individual to pursue a livelihood any legal way they choose, they must do it in a manner that does not cause distress in others and by following all regulations.

Please feel free to share this among the board. However, I would rather my opinions not be displayed publicly in the interest of maintaining peace.

Thank you.

Fred Daigle”

2. “Hello TPoirier:

I am concerned about the ‘locations’ as described under Performance Standards F.c)

We live at the convergence of Fort Hill Rd., Spiller Rd., and Mighty St. This neighborhood already carries a huge burden of heavy truck traffic. My concern is that this change, adding yards, could further increase that heavy truck traffic. Is there anything that can be done to address the potential ‘population density’ of this type of development? We are already surrounded on 3 sides by large gravel pit operations. Please don’t add to the further industrialization of our neighborhood.

Otherwise the proposed amendment seems very well crafted and thought out, with a lot of concern for the visual impact on abutting properties. If the same care could be taken to potential concentration of truck traffic, I could support this proposal.

Thank you for your consideration, I would be happy to discuss this with any of you.

Jim Jaeger

Vienna Farm”

3. “Hello, Mr. Poirier:

I have concerns about the proposal to expand land use for excavation and landscaping in the rural zone, which includes residential non-commercial property.

Although the proposal would apply to lots of 5 acres or more, my concern is that exceptions may be sought or granted for inclusion of smaller combined lots. Also, while the proposal mentions limits to pollution, I don’t believe it limits hours of operation, and the burden of comparing and reporting impacts may fall upon owners of other affected properties. Some concerns include the following: noise from customer vehicles or large trucks (e.g. while backup up or dumping), loss of privacy, air pollution, loss of rural beauty and eco-system, and a possible safety risk (especially if children’s play areas are not separated by fence, or if trucks are not cautious on the road before or after school.) Also, any of these impacts could affect others’ property value.

Thank you for considering my concerns.

Anonymous”

PUBLIC COMMENT PERIOD ENDED.

Scott Herrick MOVED and George Fox SECONDED a motion to recommend against adoption of the proposed zoning amendment to Chapter 1: Zoning Regulations, Section 1-8, Rural District due to the proposed amendment not being consistent with the Comprehensive Plan, but should the Town Council move to recommend adoption, then the Planning Board recommends the Town Council consider adopting the Planning Board’s amended version. Motion CARRIED, 7 ayes.
[8:11 p.m.]

ITEM 3 DISCUSSION (Continued from March 6, 2017 meeting) – Land Use and Development Code – Amendment to Chapter 1, Zoning Regulations, Section 1-14, Office Residential, by

allowing retail sales having a gross floor area of less than 4,000 sf and a traditional New England Village design, consistent with the recently approved Comprehensive Plan.

Mr. Poirier explained that the Town Council is looking to allow some small scale retail sale uses in the Office Residential zoning district. The Board's Ordinance Committee discussed the item on February 28, 2017 and staff felt that the entire Planning Board should have the opportunity to comment on the item and provide some direction to the Ordinance Committee as they review the proposed ordinance. The Ordinance Committee has some concerns with the proposed 4,000 square foot size; staff has determined that an example of a small retail use in the area is Community Pharmacy at 2,800 square feet.

Mr. Herrick commented that the Ordinance Committee has a concern that this existing zone does not comport with that shown in the Comprehensive Plan, which shows the zone significantly reduced. Mr. Herrick said that the Ordinance Committee's comments are conditioned on the zone being reduced in size to be the same as is shown in the Comprehensive Plan. Mr. Poirier said that the Board can include an amended zoning map as it goes forward with the proposed language.

Mr. Anderson said that Scarborough has a pretty comprehensive zoning requirements for architectural details which could be helpful to apply to this to restrict some odd looking buildings. Mr. Poirier said he would get the information from Mr. Anderson to have for the Board.

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

The Board agreed that the item should be forwarded to the Board's Ordinance Committee for review and recommendations.

OTHER BUSINESS None.

ANNOUNCEMENTS The next Board meeting will be Monday, April 3, 2017.

ADJOURNMENT

Michael Richman MOVED and James Anderson SECONDED a motion to adjourn. Motion CARRIED, 7 ayes. [8:25 p.m.]

Respectfully submitted,



Barbara C. Skinner, Clerk of the Board
March 20, 2017

CONSENT AGENDA

SNOWBIRD CONDOMINIUMS AMENDMENT

CHAPTER 3 - SUBDIVISION, SECTION 3 - PRELIMINARY PLAN

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

C. PRELIMINARY PLAN REVIEW

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

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

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

The Comprehensive Plan identifies this area as Village Residential.

Finding: Snowbird Condominiums 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.

Access to Snowbird Condominiums is via Carnation Drive, which was constructed to the Town's Urban Access road standard. Carnation Drive is a dead end road that exits onto Main Street.

The existing drive has been named Connor Drive, which has been approved under E911 naming requirements.

Finding: Snowbird Condominiums 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 condominium units will be served by underground power, telephone, cable lines, and natural gas as shown on Site Utilities & Grading Sheet: Sheet 2.

The turnaround will be signed and painted to ensure that no parking of vehicles will occur in the turnaround. The Snowbird Condominiums Association is responsible for maintenance of the painting

and signage in the turnaround as shown on the approved plans. The Snowbird Condominiums Association is also responsible for enforcing that there is no parking of vehicles in the turnaround.

Finding: Snowbird Condominiums 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 condominium units will be served by public water from the Portland Water District. An 8" water main is proposed to be located within Carnation Drive which will serve the site. The Snowbird Condominiums units will continue to be served from a 4" water main located under Connor Drive. The water main design and installation are required to meet the requirements of the Portland Water District.

Finding: Snowbird Condominiums amendment 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 condominium units will be served by public sewer from the Portland Water District. An 8" gravity sewer main is proposed to be located in the Carnation Drive right-of-way. An 8" gravity sewer will be located under Connor Drive and connect into the Carnation Drive sewer at sewer manhole #8. The sewer main is required to meet the requirements of the Portland Water District.

The sewer service for the existing single-family house, identified as unit 12, located on the lot area being merged into the existing Snowbird Condominiums, will be served by a gravity sewer stub and connected into Connor Drive.

Finding: Snowbird Condominiums amendment 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.

Stormwater from the site will be treated in stormwater infrastructure meeting the Maine Department of Environmental Protection's and the Town of Gorham's stormwater requirements. The dwellings units' sewage disposal will be treated in the Portland Water District public sewer system.

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

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

The proposed construction of the condominium units and proposed road will not impact any wetlands or waterbodies.

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

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

The lot is not located in any of the Town's Shoreland Overlay Districts.

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

Finding: Snowbird Condominiums 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.

The layout of the buildings and road will not impact any wetlands or other natural features on the site.

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

Finding: Snowbird Condominiums 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.

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

The applicant has provided a letter of intent to fund from Gorham Savings Bank, dated October 3, 2016, from Frederick G. Proctor, Vice President.

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

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

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

Finding: Snowbird 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, stormwater infrastructure, and utilities located on the lot.

Finding: Snowbird 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 3 - SUBDIVISION, SECTION 3 - 4 –FINAL PLAN REVIEW

D. FINAL PLAN REVIEW

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

The 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 4, SITE PLAN REVIEW, SECTION 4 - 9 – Approval Criteria and Standards

The Planning Board, following review of the Site Plan Application, makes these findings based on the Site Plan Review criteria found in Chapter 4, Section 4 - 9 – Approval Criteria and Standards of the Town of Gorham Land Use and Development Code.

CHAPTER 4, Section 9 – Approval Criteria and Standards

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

The proposed road name Connor Drive meets the requirements for E911.

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

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

Vehicular access to the site will be on Carnation Drive, which is approved by the Town as an Urban Access road. Carnation Drive is accessed via Main Street, State Route 25.

The estimated number of trips entering and exiting the site on a daily basis is 63. The total number of trips on Carnation Drive will be 303 average daily trips.

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 intersection of Carnation Drive and Main Street, State Route 25, exceeds the minimum site distance. Connor Drive is located at the end of Carnation Drive. Connor Drive private drive was designed to meet the Town's Urban Access street standards.

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 applicant is proposing to locate the required vehicle turnaround in front of unit 9. The turnaround will be painted with the words, "Fire Turnaround – No Parking". A stop bar will also be painted to delineate where the turnaround ends and the driveway for unit 9 begins. There will also be "No Parking Signs" located on each side of the turnaround.

The enforcement of no parking in the turnaround is the responsibility of the Snowbird Condominium Association. The Condominium Association is also required to maintain the painting and signage located in the turnaround as shown on the approved plans.

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

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

A five foot sidewalk is to be located along the northern side of Connor Drive. The sidewalk will be maintained by the Snowbird Condominiums Homeowners' Association. The sidewalk on Connor Drive connects to the sidewalk located along Carnation Drive.

The applicant is proposing to connect the proposed Snowbird Condominiums with the proposed Ward Hill Condominiums project via a 5' stone dust walkway.

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

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

Stormwater from the western half of the site will continue to be directed into the stormwater infrastructure approved as part of Allen Acres Subdivision. Stormwater from the eastern half of the site will be directed easterly into a reduced forested buffer with a large stone berm.

Infiltration basin #1 is still required to be maintained by the Allen Acres Homeowners' Association. Snowbird Condominiums Homeowners' Association is required to be a member of the Allen Acres Homeowners' Association.

The large stone stormwater berm and all other stormwater infrastructure located on the site will continue to be maintained by the Snowbird Condominiums Homeowners' Association.

Finding: *The site has adequate provisions for the disposal of all stormwater collected on streets, parking areas, roofs or other impervious surfaces through a stormwater drainage system and maintenance plan which 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 Sheet 2: Site Utilities & Grading Plan, with erosion control installation and seeding details being shown on Sheet 3: Details.

Finding: *The project, building, and site designs and roadway layouts will fit and utilize existing topography and desirable natural surroundings to the fullest extent possible.*

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

The condominium units will be served by public water from the Portland Water District. An 8" water main is proposed to be located within Carnation Drive which will serve the site. The Snowbird Condominiums units will continue to be served from a 4" water main located under Connor Drive. The water main design and installation is required to meet the requirements of the Portland Water District.

The water service for the existing single-family house, identified as unit 12, located on the lot area being merged into the existing Snowbird Condominiums, will be served by a waterline from Connor Drive.

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. An 8" gravity sewer main is proposed to be located in the Carnation Drive right-of-way. An 8" gravity sewer will be located under Connor Drive and connect into the Carnation Drive sewer at sewer manhole #8. The sewer main is required to meet the requirements of the Portland Water District.

The sewer service for the existing single-family house, identified as unit 12, located on the lot area being merged into the existing Snowbird Condominiums, will be served by a gravity sewer stub and connected into Connor Drive.

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

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

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

The utilities for the existing single-family house, identified as unit 12, will be served by natural gas from Connor Drive, with underground power, cable, and telephone to be constructed through the Ward Hill Condominiums Development.

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

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

The proposal is to keep a reduced forested buffer along the eastern portion of the site. No wetlands or other naturally significant features are located on the site.

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. The construction of the dwelling units will not impact the groundwater on the site.

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 individual condominium units will have a decorative post light located at the end of the driveway and a decorative porch light located near the front entrance.

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

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

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

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

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

- The applicant is proposing to remove the following landscaping from the approved plans: Condominium units foundation plantings located to the front of the units.
- Twelve trees are proposed to be located along Connor Drive
- Additional buffer plantings are proposed along the southern property boundary.
- A reduction is proposed in the size of the forested buffer located on the eastern edge of the parcel.

The applicant is proposing the following landscaping as part of the revised Snowbird Condominiums units:

- Add eight horse chestnut trees along the south side of Connor Drive.
- Retain existing vegetation in the southwestern edge of the parcel.
- Plant 8 evergreen trees in the forested buffer area located on the eastern edge of the parcel.
- Retain a forested buffer on the eastern portion of the lot.

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.

None of the proposed improvements is located in the Shoreland Overlay District.

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

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

The applicant has provided a letter of intent to fund from Gorham Savings Bank, dated October 3, 2016, from Frederick G. Proctor, Vice President.

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

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

The plans no longer propose to plant 21 arborvitae along the southern edge of the parcel and will remove the proposed trees to the south. The applicant is proposing to reduce the size of the eastern forested stormwater buffer for the eastern end of the parcel. The applicant is proposing to retain trees to the west of the existing single-family home, identified as proposed Unit 12. The applicant is proposing to plant 8 evergreen trees in the buffer.

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

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

The uses at the site are required to meet the A-weighted hourly equivalent sound level limits of 60 dBA daytime (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 any proposed use on the site shall meet the sound level requirements outlined under Chapter 4, Section 9, T. Noise;
5. That Snowbird Condominiums Association is responsible for compliance with the Town of Gorham Stormwater Ordinance, Chapter 2 - Post Construction Stormwater Management;
6. That all site construction shall be carried out in conformance with the Maine Erosion and Sediment Control Best Management Practices, Maine Department of Environmental Protection, latest edition and in accordance with the erosion and sedimentation control information contained in the application;
7. That the driveway names shall be approved by the Police and Fire Chiefs;
8. That the applicant shall obtain an electric permit prior to installation of the underground electric lines;
9. That the underground electric lines shall be inspected by the Code Enforcement Office prior to backfill;
10. 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;
11. 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;
12. That the private driveway shall be properly maintained for access of emergency vehicles year round;
13. That the applicant is responsible for recording the approved Condominium Association documents within 90 days of the date of approval of the subdivision/ site plan amendment 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;
14. That the applicant shall provide a performance guarantee totaling 125% of the costs to complete the site work meeting the approval of Town Staff prior to issuance of a building permit;
15. That prior to the pre-construction meeting the applicant will establish an escrow for field inspection meeting the approvals of Town Staff and the Town's Attorney;
16. That the Planning Board Chairman is authorized by the Planning Board to sign the Findings of Fact on behalf of the entire Board;

17. That the subdivision/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
 18. That once the subdivision/ site 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.
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CONSENT AGENDA

WARD HILL CONDOMINIUMS

CHAPTER 3 - SUBDIVISION, SECTION 3 - PRELIMINARY PLAN

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

C. PRELIMINARY PLAN REVIEW

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

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

The Comprehensive Plan identifies the front of the parcel being in the Village Approach Area and the rear of the parcel being in Village Residential.

Finding: Ward Hill 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 Wards Hill Condominiums is via Stephen G. Ward Drive, which will be constructed to the Town's Urban Access road standard. Steven G. Ward Drive is proposed to be a dead end driveway that exits onto Main Street.

The proposed driveway name Stephen G. Ward Drive has been approved under E911 naming requirements.

Finding: *Ward Hill 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 condominium units will be served by underground power, telephone, cable lines, and natural gas as shown on Site Utilities: Sheet 3.

Finding: *Ward Hill 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 condominium units will continue to be served by an 8" water main extended from the Portland Water District's 8" water main located in the Main Street right-of-way until it reaches the hydrant. The water main reduces to an 4" water main after the hydrant. The water main design 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 2, 2017.

Finding: *Ward Hill 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 condominium units will be served by an 8" gravity sewer which flows to the 24" sanitary sewer located in the Main Street, right-of-way.

The applicant has submitted an ability-to-serve letter from the Portland Water District dated February 2, 2017.

Finding: *Ward Hill 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.

The proposed condominium buildings will have a single-family dwelling unit per building. Stormwater from the site will be treated in stormwater infrastructure meeting the Maine Department of

Environmental Protection's and the Town of Gorham's stormwater requirements. The dwelling units' sewage disposal will be treated in the Portland Water District public sewer system.

Finding: Ward Hill 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 proposed road will not impact any waterbodies.

Finding: Ward Hill 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.

No streams, rivers, or ponds are located on the site. The lot is not located in the Town's Shoreland Overlay District.

Finding: Ward Hill 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 layout of the buildings and road will impact 4,320 sq.ft. of wetlands. No other natural features are proposed to be disturbed on the site.

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

Finding: Ward Hill 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.

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

The applicant has provided a letter of intent-to-fund from Gorham Savings Bank, dated October 3, 2016, from Frederick G. Proctor, Vice President.

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 the building permits for the single-family dwellings.

Finding: Ward Hill 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, stormwater infrastructure, and utilities located on the lot.

Finding: Ward Hill 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 4, SITE PLAN REVIEW, SECTION 9 – Approval Criteria and Standards

The Planning Board, following review of the Site Plan Application, makes these findings based on the Site Plan Review criteria found in Chapter IV, Section 9 – Approval Criteria and Standards of the Town of Gorham Land Use and Development Code.

CHAPTER 4, Section 9 – Approval Criteria and Standards

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

The proposed road name “Stephen Ward Drive” meets the requirements for E911.

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

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

Vehicular access to the site will be on Steven G. Ward Drive, which is a private way drive designed to the Town's Urban Access road standard. Steven G. Ward Drive is accessed via Main Street, State Route 25.

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

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

The proposed private drive of Steven G. Ward Drive will be designed to the Town's Urban Access road standard.

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

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

The western side of Steven G. Ward Drive will have a hammerhead meeting the requirements of the Town.

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

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

A sidewalk will be located on the eastern side of Steven G. Ward Drive. The sidewalk will connect to the existing sidewalk located along Main Street. The applicant is also proposing to connect Ward Hill Condominium Association to Snowbird Condominium Association via a 5' stone dust sidewalk.

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

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

The applicant is proposing to construct an infiltration pond located along the eastern property line. Stormwater from the site will be collected, treated, and discharged into the groundwater.

Finding: *The site has adequate provisions for the disposal of all stormwater collected on streets, parking areas, roofs or other impervious surfaces through a stormwater drainage system and maintenance plan which 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.

Finding: The project, building, and site designs and roadway layouts will fit and utilize existing topography and desirable natural surroundings to the fullest extent possible.

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

The condominium units will be served by an 8" water main extended from the Portland Water District's 8" water main located in the Main Street right-of-way until it reaches the hydrant. The water main reduces to a 4" water main after the hydrant. The water main design 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 1, 2017.

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 an 8" gravity sewer which flows to the 24" sanitary sewer located in the Main Street, right-of-way.

The applicant has submitted an ability-to-serve letter from the Portland Water District dated February 1, 2017.

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

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

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

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

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

The applicant is proposing to retain the existing trees located on each side of Stephen G Ward Drive and along the western edge of the site. The trees shall be flagged prior to the start of construction and protected during construction of the site.

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

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

The applicant is proposing to treat stormwater in an infiltration pond located along the eastern property boundary which provides stormwater an opportunity to infiltrate into the ground. 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 applicant is proposing residential scale lighting on the units. No flood lights or pole lights are proposed as part of the development.

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

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

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

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

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

The applicant is proposing to plant 18 white pine trees along the eastern property boundary and 18' hard wood trees, such as Upright English Oak or Horse Chestnut, trees along Stephen G. Ward Drive. The applicant is also proposing to try to save 9 maple trees currently located on the site which will be located on either side of the access drive.

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

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

None of the proposed improvements is located in the Shoreland Overlay District.

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

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

The applicant has provided a letter of intent-to-fund from Gorham Savings Bank, dated October 3, 2016, from Frederick G. Proctor, Vice President.

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

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

The applicant is proposing to install 18 white pine trees along the eastern property boundary. The applicant is also proposing on keeping existing trees along the western property boundary.

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

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

The uses at the site are required to meet the A-weighted hourly equivalent sound level limits of 60 dBA daytime (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 any proposed use on the site shall meet the sound level requirements outlined under Chapter 4, Section 9, T. Noise;
 5. That Ward Hill Condominiums Association is responsible for compliance with the Town of Gorham Stormwater Ordinance, Chapter 2 - Post Construction Stormwater Management;
 6. That all site construction shall be carried out in conformance with the Maine Erosion and Sediment Control Best Management Practices, Maine Department of Environmental Protection, latest edition and in accordance with the erosion and sedimentation control information contained in the application;
 7. That the driveway names shall be approved by the Police and Fire Chiefs;
 8. That the applicant shall obtain an electric permit prior to installation of the underground electric lines;
 9. That the underground electric lines shall be inspected by the Code Enforcement Office prior to backfill;
 10. 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;
 11. 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;
 12. That the private driveway shall be properly maintained for access of emergency vehicles year round;
 13. That the applicant is responsible for recording the approved Condominium Association documents within 90 days of the date of approval of the subdivision/ site plan amendment 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;
 14. That the applicant shall provide a performance guarantee totaling 125% of the costs to complete the site work meeting the approval of Town Staff prior to issuance of a building permit;
 15. That prior to the pre-construction meeting the applicant will establish an escrow for field inspection meeting the approvals of Town Staff and the Town's Attorney;
 16. That the existing material on site for use in Stephen G. Ward Drive is contingent on approval from Town Staff and the Town's Review Engineer of the test pit locations, review of the test pit results to ensure

material meets the required road specifications, and a soils management plan to ensure the existing material is not compromised by construction activities on the site;

17. That the applicant shall have license professional surveyor stake the foundations for units 1, 8, and 14 to ensure setbacks have been met;
18. That the Planning Board Chairman is authorized by the Planning Board to sign the Findings of Fact on behalf of the entire Board;
19. 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
20. That once the subdivision/ site 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.