

**TOWN OF GORHAM PLANNING BOARD  
SITE PLAN AMENDMENT REVIEW AND FINDINGS OF FACT  
For  
Chick Property, Skate Park**

---

**WHEREAS, Town of Gorham,** applicant, proposes a 10,000 sq. ft. community skate park.

**Pursuant to the Application:**

Pre-Application discussion was held December 6, 2021

Public Hearing and Project approval granted April 4, 2022.

Consent Agenda and approval granted to amend the Conditions of Approval to add #13, June 6, 2022.

**Project Description:**

This is a request for approval of a 10,000 sq. ft. community skate park located on the existing Chick property, off Chick Drive.

The lot is approximately 85.38 acres with open fields, recreational fields and playgrounds, canopy trees, understory, trail networks, elementary school, parking lots, driveways, and public safety buildings.

**Variations:** None requested.

**Waiver:** None requested.

The projects and plans and other documents considered to be a part of the approval by the Planning Board in this ruling consist of the following:

- |   |
|---|
| Sheet 1 of 7 – Cover Sheet – Dated, 02/10/2022; Revised through 03/14/2022; Received, 03/14/2022                            |
| Sheet 2 of 7 – Overall Master Plan – Dated, 02/10/2022; Revised through 03/14/2022; Received, 03/14/2022                    |
| Sheet 3 of 7 – Site Development Plan – Dated, 02/10/2022; Revised through 03/14/2022; Received, 03/14/2022                  |
| Sheet 4 of 7 – Grading Plan – Dated, 02/10/2022; Revised through 03/14/2022; Received, 03/14/2022                           |
| Sheet 5 of 7 – Grading Plan – Dated, 02/10/2022; Revised through 03/14/2022; Received, 03/14/2022                           |
| Sheet 6 of 7 – Erosion Control Notes and Details – Dated, 02/10/2022; Revised through 03/14/2022; Received, 03/14/2022      |
| Sheet 7 of 7 – Details 1 – Dated, 02/10/2022; Revised through 03/14/2022; Received, 03/14/2022                              |
| Sheet 3 of 13 – Overall Site Plan – Dated, 06/27/2014; Revised through 02/24/2015; Signed, 03/02/2015; Received, 03/14/2022 |

Sheet 1 of 1 – Master Plan – Dated 08/03/2021; Revised through 08/03/2021; Received, 03/14/2022  
Sheet 1 of 13 - AS-01 Cover Sheet– Dated, 02/25/2022; Received, 03/14/2022  
Sheet 2 of 13 – AS-02 Master Plan – Dated, 02/25/2022; Received, 03/14/2022  
Sheet 3 of 13 – AS-03 3 Dimensional Images – Dated, 02/25/2022; Received, 03/14/2022  
Sheet 4 of 13 – AS-04 Rough Grading Plan – Dated, 02/25/2022; Received, 03/14/2022  
Sheet 5 of 13 – AS-05 Layout Plan – Dated, 02/25/2022; Received, 03/14/2022  
Sheet 6 of 13 – AS-06 Surface Grading & Drainage Plan – Dated, 02/25/2022; Received, 03/14/2022  
Sheet 7 of 13 – AS-07 Coping Plan – Dated, 02/25/2022; Received, 03/14/2022  
Sheet 8 of 13 – AS-08 Concrete Plan – Dated, 02/25/2022, Received, 03/14/2022  
Sheet 9 of 13 – AS-09 Cross Sections – Dated, 02/25/2022; Received, 03/14/2022  
Sheet 10 of 13 – AS-10 Cross Sections – Dated, 02/25/2022; Received, 03/14/2022  
Sheet 11 of 13 – AS-11 Construction Details – Dated, 02/25/2022; Received, 03/14/2022  
Sheet 12 of 13 – AS-12 Construction Details – Dated, 02/25/2022; Received, 03/14/2022  
Sheet 13 of 13 – AS-13 Construction Details – Dated, 02/25/2022; Received, 03/14/2022  
Existing Conditions Plan – Dated, 12/06/2000; Received, 03/14/2022  
Existing Conditions Plan – Dated, 12/06/2000; Received, 03/14/2022

Other documents submitted consist of the following:

Sketch/Pre-Application Plan Application – 11/05/2021  
Site Plan Application – 03/14/2022  
Plans – Received; 11/05/2021, 03/14/2022  
Community Support Letter – 11/05/2021  
Gorham Town Planner Comments – 11/22/2021, 03/29/2022  
Gorham Assessor Comments – No Comments Received  
Gorham Fire Chief Comments – 11/09/2021, 03/17/2022  
Gorham Code Enforcement Officer – No Comments Received  
Gorham Police Chief – No Comments Received  
Gorham Public Works Comments – 04/01/2022  
Portland Water District Comments – No Comments Received  
Wright Pierce Comments – 03/25/2022

**NOW THEREFORE**, based on the entire record before the Planning Board and pursuant to the applicable standards set out in the Land Use and Development Code, the Board makes the following findings:

### **FINDINGS OF FACT**

#### **CHAPTER 4, SITE PLAN REVIEW, SECTION 9 – 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 4, Section 9 – Approval Criteria and Standards of the Town of Gorham Land Use and Development Code.

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

The applicant is proposing to construct a 2 phase 10,000 square foot skate park with associated infrastructure on a site that is zoned Urban Residential and Office Commercial, which has been recommended with the town's Comprehensive Plan as a place appropriate for this type of construction.

The plans and written materials describe the location for construction as a location that is consistent with the general character of the area. The area is open field that is relatively flat.

*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 Chick Drive off Main Street. There will be limited vehicle trips per day proposed; it is anticipated that most of the users will arrive on foot or by bicycle. Both streets have the capacity to accommodate this level of increase in traffic.

*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.

Access to the site is via Chick Drive off Main Street, which has been designed with the current and future users in mind.

*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 current access is via Chick Drive and an existing parking lot near the proposed skate park. No new roads or access ways are anticipated with this phase.

*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.

As shown on Sheet 2 of 7, an existing system of sidewalks and trails provides adequate circulation to this phase of the master plan.

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

F. Stormwater 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.

Stormwater is currently collected via overland sheet flow, drainage swales, and closed drainage system and directed to the wet pond on the property. The proposed improvements will maintain the current system.

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

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

Sheet 6 of 7 shows erosion control details that will include, but are not limited to, blankets, berms, catch basin protections, silt fencing, and hay bales.

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.

This project phase does not require a water supply.

Finding: *This project phase does not require water. Therefore, this section does not apply.*

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.

This project does not require sanitary sewer.

Finding: *This project phase does not require sanitary sewer. Therefore, this section does not apply.*

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

This phase does not anticipate the addition of electric or telephone service.

Finding: *This phase does not anticipate the addition of electric or telephone service. Therefore, this section does not apply.*

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.

Grading and filling is kept to a minimum for this phase. Trees will not be disturbed since this is the open field portion of the property.

Finding: *The development of the site will preserve 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.

Test pits found that no groundwater will be encountered and the soils are fine to coarse sand. The construction and the skate park itself should not adversely impact groundwater.

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.

Lighting was previously approved for the current master plan. A new plan is proposed for a subsequent phase that will be submitted for review at that time.

Finding: *Lighting was previously approved and additional lighting is pending design. Therefore, this section does not apply at this time.*

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

No hazardous waste will be generated at this site. The site is considered a carry in- carry out facility for solid waste. However, Town staff will monitor the site for solid waste and remove it.

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

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.

Canopy trees are proposed for the easterly side of the park for shading over time, appearance, and a separation between the park and the multi-purpose fields.

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.

This development is not located near the shoreline of a water body.

Finding: *This development is not located near the shoreline of a water body. Therefore, this section does not apply.*

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 Town has procured the services of Sebago Technics for the technical expertise for site/civil engineering and permitting for the project and has been through the RFP process to select the design professional who is well versed in the creation of such parks nationwide.

The Town has budgeted for the project through capital improvement planning and recreational impact fees.

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 uses in this area are compatible with each other inasmuch as this area is designed as a neighborhood that includes housing, schools, and recreational amenities that are purposefully positioned to be near and within walking distance of each other.

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 project will not generate noise that exceeds the standards of this section.

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

**NOW THEREFORE**, on June 6, 2022, the Gorham Planning Board adopts each of the foregoing Findings of Fact and based on these Findings determines that the proposed project will have no significant detrimental impact, and the Gorham Planning Board hereby votes to grant Site Plan Amendment approval to the Town of Gorham with the Conditions of Approval as shown below.

**Vote of \_\_\_ in favor; \_\_\_ nays; \_\_\_ absent/abstain**

---

**JIM ANDERSON, PLANNING BOARD CHAIR**

**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 the applicant shall provide property line information and site information in auto-CAD format to the Town Planner prior to the pre-construction meeting;
4. That the map and lot numbers shall be listed in the bottom right corner of all pages of the plan set;
5. That all staff and peer review comments will be addressed prior to the Planning Board's signature;
6. That all relevant conditions of approval from past Site Plan approvals shall remain in effect;
7. That any proposed use on the site shall meet the sound level requirements outlined under Chapter 4, Section 9, T. Noise;
8. 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;
9. 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;

10. 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;
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 copy of the recorded site plan shall be returned to the Town Planner prior to the pre-construction meeting.
13. Drainage pipes shall be installed with a minimum of 2 feet of cover.

**SO APPROVED BY THE GORHAM PLANNING BOARD**

**Vote of \_\_\_ in favor; \_\_\_ nays; \_\_\_ absent/abstain**

---

**JIM ANDERSON, PLANNING BOARD CHAIR**