

**Town of Gorham  
Planning Board Meeting  
August 2, 2021**

**ITEM 1 – Preliminary Subdivision Review** -- a request for preliminary subdivision review of. A proposed industrial park. The parcels are currently zoned Industrial (I). The lots are shown on Map 29, Lot 1 and Map 30 Lot 1. The property totals approximately 136.8 acres and currently contains wetlands, streams, 100 year floodplain, vernal pools, open field, canopy trees and understory. Applicant/owner is the Town of Gorham. Applicant is represented by Michael Zarba, P.E. of SLR Consulting.

<b>INDEX OF PACKET ENCLOSURES</b>	
<b>DESCRIPTION</b>	<b>PAGE NUMBER</b>
<b>1. Overview</b>	<b>1</b>
<b>2. Waiver Request</b>	<b>2</b>
<b>3. Items of Note</b>	<b>2</b>
<b>4. Staff Comments</b>	<b>2-7</b>
<b>5. Findings of Fact</b>	<b>8 -17</b>
<b>6. Proposed Motions</b>	<b>17</b>
<b>7. Minutes</b>	<b>17-18</b>

**PROJECT TRACKING**

<b>DESCRIPTION</b>	<b>COMMENTS</b>	<b>STATUS</b>
Pre-Application/ Sketch (optional)		<b>February 1, 2021</b>
Preliminary Plan Review	Landscaping reviewed, Class A soils waiver approved	<b>April 12, 2021</b>
Preliminary Plan Review		<b>August 2, 2021</b>

The following staff notes are written to assist the Applicant with compliance to the Town of Gorham Land Use Development Code and may not be all inclusive of project requirements. Staff notes are review comments and recommendations prepared by the Town Planner and, if applicable, the Town’s peer review consultant, regarding applicability to The Gorham Land Use Development Code and standard engineering practices.

The Planning Board refers to staff notes during the review process; however it shall be noted that staff recommendations are non-committal and all final decisions are those of the Planning Board and not Town Staff.

*Molly Butler Bailey, Chairwoman, Gorham Planning Board*

**Town of Gorham – Main St., New Portland Rd, and Libby Ave. – M29 L1 and M30 L1 Subdivision Plan Review**

---

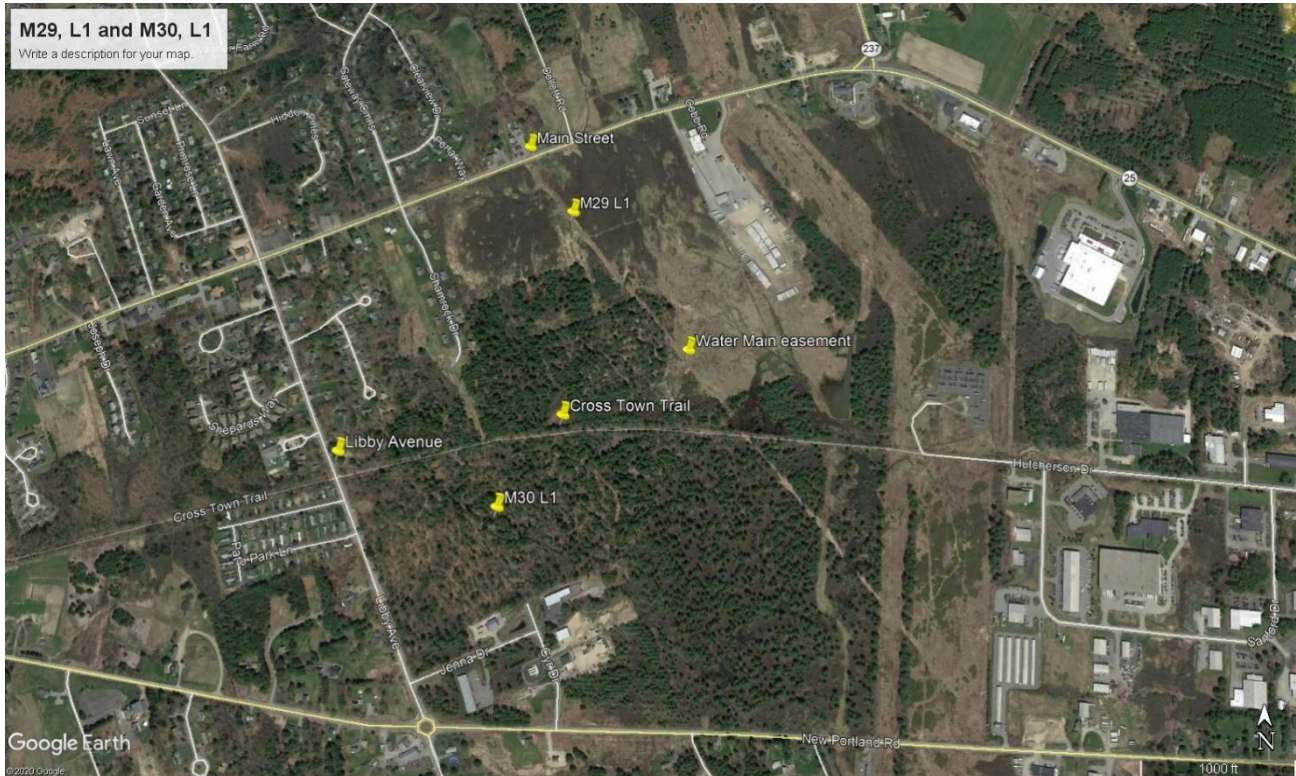
**1. Waiver granted**

- a. The Board granted a waiver from Chapter 3 Section 3-3, B.11 Class A Soil Survey because the entire subdivision will be served by public water and sewer.

**2. ITEMS OF NOTE**

- a. The applicant should utilize the subdivision application for further reviews.

Google earth image taken in May, 2018.



**Assessing Department: July 9, 2021**

At some point I would need a more detailed plan of the individual lots. No other comment.

**Code Department: No comments received**

**Fire Department: July 13, 2021**

I have reviewed the plans for Gorham Industrial Park West.

1. The Hydrant located at station “27” needs to be relocated to station “28.5”
2. All Hydrants final location shall be reviewed and approved by the Fire Chief before Installation.
3. The hydrant at station “30.5” can be eliminated.
4. The fire hydrant(s) shall have a final height of not less than 2 inches and no greater than 4 inches from break away flange to grade and no obstruction shall be located within 10 feet of the perimeter. The initial installation of the fire hydrant(s) shall be inspected and accepted/ approved by the GFD AHJ. And the Portland Water District. The hydrant(s) shall be inspected for final compliance and flow tested by the Portland Water District prior to street acceptance by the town or prior to issuance of the final Certificate of Occupancy whichever occurs first. See Page 2 for a Diagram.

**Town of Gorham – Main St., New Portland Rd, and Libby Ave. – M29 L1 and M30 L1  
Subdivision Plan Review**

---

5. The current fire service stubs are 6”, they may not be adequate for a high demand fire suppression systems and /or if a private fire hydrants are required. The Fire service main size will not be determined until the building plans are submitted.
6. I will have more comments as this project goes forward.

**Planning Department:** July 26, 2021

1. The subdivision plan with responses to the subdivision requirements in Chapter 3 Section 3-3 B needs to be submitted for review.
2. A traffic impact study may be warranted; a review of the traffic impacts may be warranted.
3. Site distances need to be shown on each main road including New Portland Road and Libby Road.
4. For the sake of closure or clarity, Cobb Road should be developed or extinguished by formal action.
5. The applicant is required to pay the Recreational Facilities and Open Space Impact Fee. The Board might consider a waiver from this requirement.
6. The following state permits are required: Site Location of Development, and Maine DOT Traffic Movement.
7. The final survey plans are required to be sealed by a registered surveyor or engineer.
8. The lot numbers do not make sense on sheet “PH.”
9. The planting schedule on sheet LA -3 should be checked for spelling.
10. The applicant does not discuss if historic sites, rare or irreplaceable natural or manmade assets are located on the site.
11. Covenants and restrictions for dedicated open space needs to be submitted for review.
12. The applicant has not provided a maintenance plan for the landscaping buffer area.
13. A utility plan with existing and proposed structures is required.
14. The applicant has provided for open space and a trail within this development. The applicant should be clear about any association and the rights and responsibilities for payments for maintenance of the recreational opportunities.
15. Proposed means of snow removal, garbage and trash collection, and facilities necessary thereto is required.
16. Submissions for preliminary subdivision approval shall include evidence that affirmatively demonstrates that the developer has the financial capacity to undertake the proposed development that includes:
  - a. Accurate and complete cost estimates of the development;
  - b. Time schedule for construction;
  - c. One of the following three items: 1. A letter from a financial institution, governmental agency, or other funding agency indicating a commitment to provide a specified amount of funds and the purposes for which the funds may be utilized; or 2. In cases where funding is required but there can be no commitment of money until approvals are received, a letter of “intent to fund” from the appropriate funding institution indicating the amount of funds and their specified uses; or 3. Copies of bank statements or other evidence indicating availability of funds when the developer will personally finance the development.

**Police Department:** No comments received.

**Public Works Department/Stormwater Compliance:** July 14, 2021 and February 27, 2021

- 1 cascade style grates on roadway catch basins
- A sign detail to match our current sign program

**Town of Gorham – Main St., New Portland Rd, and Libby Ave. – M29 L1 and M30 L1  
Subdivision Plan Review**

---

- Street trees to be outside ROW
- The upper headwaters of Indian Camp Brook cross under the proposed access road off Hutcherson Dr. No sediment migration or erosion is permitted into the stream.
- A double row of sediment barriers is required if within 75' of a stream and 250' of a vernal pool.
- Extensive wetlands, vernal pools, and poorly drained soils will provide challenges for design parameters, grading, and BMP design.
- All BMP's need to be installed based on the site plans and the standards set in the Maine Erosion Control Manual.
- No sediment migration is permitted off-site and a stabilization construction entrance is required at the entrance/exits.

**Wright Pierce:** July 26, 2021

As requested, Wright-Pierce has reviewed the Site Plan Application for the proposed Gorham Industrial Park West Campus, which we understand is scheduled for review by the Planning Board on August 2, 2021. The Applicant, the Town of Gorham, is submitting for a site plan determination. The project proposes to subdivide 2 industrial zoned lots into 16 lots with a minimum lot size of 2.29 acres per lot. Approximately 420,000 SF of building square footage on these lots is proposed. The focus of the review for the initial submittal is related to general conformance, stormwater drainage, utility layout and design, and sedimentation and erosion controls.

**Documents Reviewed by Wright-Pierce:**

- Preliminary Site Plan Application Package - prepared by SLR International Corporation (June 29, 2021)

**Comments:**

- 1) Subdivision Review - Project is subject to subdivision review. It is our understanding a Site Plan Application has been submitted, but is requested to be reviewed against both the Subdivision and Site Plan Standards.
  - a. Pertinent information specific to subdivision ordinance should be provided in future submittals.
- 2) Site Plan Application Review
  - a. Town to confirm overall fee for this effort.
  - b. Maximum building height, number of stories, and volume of building space are marked as "n/a". Parking calculations are based on 1 space per 1,000 SF. Parking spaces are typically use-dependent; please confirm how the applicant is meeting the required number of parking spaces.
    - i. Please provide a use-specific chart indicating current and proposed buildings, required parking spaces/building
  - c. New signage is proposed. Please provide a Sign Application Packet for this sign.
  - d. Property acreage in site description different from application (143.8 vs. 136.8 acres).
  - e. Applicant has provided a Class B soil survey. Town to confirm Class A soil survey waived, as stated.
  - f. Private trash hauler has not been identified. Please clarify.
  - g. Only a portion of vernal pool buffer is shown on Sheet LA-4. If the buffer continues as shown on a portion of the vernal pool, it appears the proposed roadway is would be constructed where the other half would be. Please clarify the intent of the vernal pool buffer.

- h. Please confirm if the project been submitted for historic review to the appropriate agencies.
  - i. Business hour information is not completed on the application.
  - j. Pedestrian circulation information was not observed on the proposed plans. Please clarify the location of this information, or provide more complete information on pedestrian circulation in future submittals.
  - k. Evaluation of conformance to traffic standards to be performed in a later review.
  - l. Proposed industrial park is an approved use in the Industrial District.
  - m. According to the performance standards of the Gorham Land Use and Development Code, a 100-foot perimeter setback must be maintained where the industrial zoned land abuts non-industrial zoned land. A 50-foot setback from non-industrial zoned land is provided, as shown on Sheet IN in purple. Please revise or clarify the intent of the 50-foot setback.
  - n. A landscaped buffer prepared by a landscaped architect is required in the 100-foot perimeter setback. Applicant to clarify if this requirement has been met.
  - o. Plans are not stamped by a Professional Engineer licensed in Maine. Please provide stamped plans for future submittals.
  - p. According to Section 2-11 of the Gorham Land Use and Development Code, where a public water system and hydrants are available for fire protection, a developer shall install a fire protection water supply. Applicant to clarify how the requirements of this section are met. Approval from the Gorham Fire Chief is also required and has not been submitted.
- 3) State Permitting
- a. Subject to Site Location and Development Application (SLODA) review by MEDEP.
  - b. Subject to Natural Resources Protection Act (NRPA) review by MEDEP.
  - c. Traffic Movement Permit will be required from MDOT.
  - d. We recommend incorporating these approvals into the conditions of approval of this application.
  - e. Prior to construction, a Construction General Permit will also be required due to the disturbance exceeding one acre.
- 4) Stormwater Management Plan and Design
- a. Storm drain and catch basins are proposed to capture and convey stormwater to stormwater detention basins for peak flow attenuation. R-Tank stormwater management systems are also proposed.
  - b. The Stormwater Management Plan does not discuss how the project meets the standards set forth by the MEDEP’s Chapter 500 Stormwater Management Rules. The Applicant should clearly state how the project is complying with the general, basic, phosphorus, discharge to wetlands, redistribution of concentrated flows, and/or flooding standards.
  - c. Town Post-Construction Stormwater Management Ordinance
    - i. Chapter 2 Post-Construction Stormwater Management of the Town’s Stormwater Ordinance is applicable to this project, since the project will disturb greater than one acre and is located within the MS4 Urbanized Area. The submitted materials should reference this ordinance and indicate how its requirements are met.
    - ii. Approval of the Post-Construction Stormwater Management Plan is required. At a minimum, we recommend the Applicant add the following information to the Stormwater Management Plan or develop a stand-alone Post-Construction Stormwater Plan:

1. Project contact information (project name, location, watershed, owner/developer, design engineer, responsible party for inspection and maintenance of stormwater BMPs/facilities, etc.)
  2. Description of project
  3. Stormwater management, including summary of required permits and summary of compliance with applicable stormwater standards (Chapter 500, Municipal, etc.)
  4. Description of stormwater facilities, including a listing of each stormwater facility and where it discharges (i.e. wetland, stream, MS4, buffer)
  5. Site specific inspection and maintenance for BMPs and stormwater facilities, including recommended maintenance procedures, schedule for maintenance, responsible party, etc.
  6. Reference to compliance (the requirement for annual inspection and certification of the stormwater management facilities as well as any corrective action to address deficiencies, Section 6 of Post-Construction Stormwater Management Ordinance).
- iii. The ordinance requires the Applicant notify the Municipal Permitting Authority if its Post-Construction Stormwater Management Plan includes any BMP(s) that will discharge to the Municipality's MS4 and shall include in this notification a listing of which BMP(s) will so discharge. This information is not in the submitted application package.
- d. HydroCAD Output Reports only show the WS1 and WS2 drainage areas. Each of these drainage area nodes are routed to one pond node with a level of storage that requires additional detailing. Detention ponds, R-Tanks, and other proposed practices were not included in the model, according to these reports. Pre- and post-development models and reports should include each drainage area and accurately model the proposed stormwater practices. For example, the peak runoff rate from WS4 increases from 23.04 cfs to 46.02 cfs in the 25-year, 24-hour storm. We believe this does not meet the discharge to wetlands standard set forth in the MEDEP Chapter 500 rules, which states discharges into wetlands must not be altered significantly, must not change the function/value of wetlands, and provides specific limitations on the change in surface runoff to wetlands. New or increased flows to wetlands should also include a level of surface runoff treatment.
- e. Applicant to clarify if all catch basin manholes are to be Type F, including the proposed sump depth for structures. A standard catch basin manhole detail is not provided.
- f. Applicant to clarify the use of Manhole Top "D", as detailed on Sheet SD-5.
- g. A level spreader detail has been provided but they are not identified on the plans.
- h. The Stormwater Management Plan indicates some increases in peak runoff rates in certain areas under reported interval storm events. This requirement should be reviewed and resubmitted, especially important considering the number of wetlands and natural resources on the site which may be impacted.
- i. Applicant should confirm infiltration rates and groundwater separation requirements for the proposed stormwater practices are met, as applicable.
- j. Please note that detention basins may be used for reducing peak discharge rates but are not considered to provide water quality treatment according to MEDEP. It is unclear if the proposed basins are intended for water quality treatment. Applicant should clarify the intended use of all proposed stormwater practices.

- k. Outlet protection, such as riprap aprons, should be used at stormwater discharge locations. Details on the plans show riprap is proposed for various uses, but site plans do not show the locations. Please provide additional clarification.
  - l. The D<sub>50</sub> size of proposed riprap is not provided, which should be shown on the plans. A basis of design for sizing the stone and dimensions of outlet protection should be provided by the Applicant.
- 5) Utility Layout and Design
- a. Sewer, storm, water, and underground electric/telecommunications are proposed throughout the site and to connect public utilities.
  - b. Need written approval from the Portland Water District of use of the public water supply for connection to public water and sewer.
  - c. The following details are recommended to be added to the plan:
    - i. Electrical conduit/bedding
    - ii. Water service
    - iii. Hydrant assembly
  - d. Additional discussion as to how proposed underground infrastructure meets Town requirements is requested in future submittals.
- 6) Construction-Related Sedimentation and Erosion Controls
- a. An Erosion Control Plan has been provided.
  - b. A construction entrance where the proposed roadway meets Main Street is proposed to minimize tracking of sediment outside of the project area.
  - c. A combination of silt fence, temporary diversion berm, water bars, and staked hay bales are proposed downgradient of disturbed areas.
    - i. All locations where development is occurring up-slope of natural resources shall have a double-layer of perimeter erosion and sedimentation control.
  - d. Silt fence and staked hay bales are proposed along the roadway corridor.
  - e. Temporary diversion berms are proposed to divert stormwater runoff to temporary sediment basins for sediment removal before discharge.
  - f. Erosion control matting is proposed along slopes at or exceeding 3:1 slopes for stabilization.
  - g. We recommend that straw bales be used in place of hay to avoid the introduction of invasive species to the wetlands on site. Reed Canary Grass, an invasive species, was noted as dominating two of the wetlands in the submitted wetland delineation report.
    - i. We also recommend that notes be added to the plans specifying practices to minimize the spread of Reed Canary Grass and other invasive species to and throughout the site, particularly in respect to the wetlands.
  - h. Temporary sediment basin locations are identified.
  - i. Siltation fence is proposed downgradient of slopes and around stockpile locations to reduce sediment migration.
  - j. Erosion control maintenance activities and intervals are provided on the plans.

**Portland Water District:** Review pending

**AND FINDINGS OF FACT**

**For**

**TOWN OF GORHAM – GORHAM INDUSTRIAL PARK – WEST CAMPUS**

**August 2, 2021**

Applicant/ Property Owner: The property owner is the Town of Gorham, 75 South Street, Gorham ME 04038.

Property: The lot is identified as Tax Maps 29 and 30, Lot 1, and is located at Libby Avenue and Main Street.

Consultants: Milone & MacBroom, 121 Market Street, 5<sup>th</sup> floor, Portland, ME 04101; SLR Consulting

Project Description: The applicant is proposing to subdivide one (1) lot into sixteen (16) lots.

Site Description: The property totals approximately 136.8 acres and currently contains wetlands, streams, 100 year floodplain, vernal pools, open field, canopy trees and understory.

Applicability: Subdivision Plan regulations identify the Planning Board as having review and approval authority.

Zoning: Industrial (I) District.

Variances: None required.

Waiver granted: from Chapter 3 Section 3-3, B.11 Class A Soil Survey because the entire subdivision will be served by public water and sewer

Pursuant to the Application:

A Sketch Plan application discussion was held on February 1, 2021.

Subdivision Plan Review was held on April 12, 2021 and August 2, 2021

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:

Plans consist of the following:

**Design Plan Set:**

**Title**, received 6/29/2021

**Sheet 1 - Boundary & Existing Conditions Survey**, dated 05/29/2020; received 06/29/2021

**Sheet 2 - Boundary & Existing Conditions Survey**, dated 05/29/2020; received 06/29/2021

**Sheet 3 - Boundary & Existing Conditions Survey**, dated 05/29/2020; received 06/29/2021

**Sheet 4 - Boundary & Existing Conditions Survey**, dated 05/29/2020; received 06/29/2021

**Sheet 5 - Boundary & Existing Conditions Survey**, dated 05/29/2020; received 06/29/2021

**IN - Index Plan**, dated 06/29/2020; received 06/29/2021

**PH - Phasing Plan**, dated 06/29/2020; received 06/29/2021



**Town of Gorham – Main St., New Portland Rd, and Libby Ave. – M29 L1 and M30 L1  
Subdivision Plan Review**

---

**EX-1 - Existing Conditions**, dated 06/29/2021; received 06/29/2021  
**EX-2 - Existing Conditions**, dated 06/29/2021; received 06/29/2021  
**EX-3 - Existing Conditions**, dated 06/29/2021; received 06/29/2021  
**EX-4 - Existing Conditions**, dated 06/29/2021; received 06/29/2021  
**EX-5 - Existing Conditions**, dated 06/29/2021; received 06/29/2021  
**EX-6 - Existing Conditions**, dated 06/29/2021; received 06/29/2021  
**LA-1 - Site Plan - Layout Landscaping & Grading**, dated 06/29/2020; received 06/29/2021  
**LA-2 - Site Plan - Layout Landscaping & Grading**, dated 06/29/2020; received 06/29/2021  
**LA-3 - Site Plan - Layout Landscaping & Grading**, dated 06/29/2020; received 06/29/2021  
**LA-4 - Site Plan - Layout Landscaping & Grading**, dated 06/29/2020; received 06/29/2021  
**LA-5 - Site Plan - Layout Landscaping & Grading**, dated 06/29/2020; received 06/29/2021  
**LA-6 - Site Plan - Layout Landscaping & Grading**, dated 06/29/2020; received 06/29/2021  
**SE-1 - Sediment and Erosion Control Plan**, dated 06/29/2021; received 06/29/2021  
**SE-2 - Sediment and Erosion Control Plan**, dated 06/29/2021; received 06/29/2021  
**SE-3 - Sediment and Erosion Control Plan**, dated 06/29/2021; received 06/29/2021  
**SE-4 - Sediment and Erosion Control Plan**, dated 06/29/2021; received 06/29/2021  
**SE-5 - Sediment and Erosion Control Plan**, dated 06/29/2021; received 06/29/2021  
**SE-6 - Sediment and Erosion Control Plan**, dated 06/29/2021; received 06/29/2021  
**PR - Roadway Plan and Profile - Index**, dated 06/29/2021; received 06/29/2021  
**PR-1 - Roadway Plan and Profile**, dated 06/29/2021; received 06/29/2021  
**PR-2 - Roadway Plan and Profile**, dated 06/29/2021; received 06/29/2021  
**PR-3 - Roadway Plan and Profile**, dated 06/29/2021; received 06/29/2021  
**PR-4 - Roadway Plan and Profile**, dated 06/29/2021; received 06/29/2021  
**PR-5 - Roadway Plan and Profile**, dated 06/29/2021; received 06/29/2021  
**PR-6 - Roadway Plan and Profile**, dated 06/29/2021; received 06/29/2021  
**PR-7 - Roadway Plan and Profile**, dated 06/29/2021; received 06/29/2021  
**SD-1 – Sediment and Erosion Control Details and Specifications**, dated 06/29/2021;  
received 06/29/2021  
**SD-2 - Site Details**, dated 06/29/2021; received 06/29/2021  
**SD-3 - Site Details**, dated 06/29/2021; received 06/29/2021  
**SD-4 - Site Details**, dated 06/29/2021; received 06/29/2021  
**SD-5 - Site Details**, dated 06/29/2021; received 06/29/2021  
**SD-6 - Site Details**, dated 06/29/2021; received 06/29/2021  
**SD-7 - Site Details**, dated 06/29/2021; received 06/29/2021  
**SD-8 - Site Details**, dated 06/29/2021; received 06/29/2021  
**SW-1 - Existing Watersheds**, dated 06/29/2021; received 06/29/2021  
**SW-2 - Proposed Watersheds**, dated 06/29/2021; received 06/29/2021  
**Soil Survey:**  
**001 - Class B High-Intensity Soil Survey North**, dated 02/04/2021; received 06/29/2021  
**002 - Class B High-Intensity Soil Survey South**, dated 02/04/2021; received 06/29/2021

Other documents submitted consist of the following:

Site Plan Review Application & Plans – received 06/29/2021  
Stormwater Modeling Reports, Existing Conditions - received 06/29/2021  
Stormwater Modeling Reports, Proposed Conditions – received 06/29/2021  
Gorham Assessor Comments – 07/09/2021  
Gorham Fire Chief Comments – 07/14/2021  
Gorham Public Works Director Comments – 02/27/2021; 07/14/2021

Wight Pierce – 07/26/2021

**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 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 Industrial. The subdivision and individual lots shall meet the requirements of the Industrial zoning district.

*Finding: Industrial Park West Campus conform to 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 Industrial Park West Campus is via New Portland Road, Libby Avenue, and Main Street, which has been constructed to withstand the additional traffic proposed. Site distances along Main Street is 1,200 feet to the east and 1,700 feet to the west. **A review of the traffic impact may be warranted.**

The estimated number of vehicle trips entering the site is 2672. The estimated number of vehicle trips exiting the site is 2710. The busiest am hour is between 7:00am and 8am and is estimated to produce 136 entering and 32 exiting. The busiest pm hour is between 4:15pm and 5:15pm and is estimated to produce 35 entering and 133 exiting

*Finding: Industrial Park West Campus 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.

**A utilities plan should be submitted for review. Information needs to be submitted for review of the rest of the performance standards.**

Finding: *Industrial Park West Campus 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.

All utilities are underground. **A utilities plan needs to be submitted for review.**

**An ability-to-serve letter from Portland Water District needs to be submitted.**

Finding: *Industrial Park West Campus 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.

All utilities are underground. **A utilities plan needs to be submitted for review.**

**An ability-to-serve letter from Portland Water District needs to be submitted.**

Finding: *Industrial Park West Campus 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 subdivision will have 16 lots. Each lot will be reviewed separately as a site plan for undue pollution of air. Storm water from the site will be treated in storm water infrastructure meeting the Maine Department of Environmental Protection's and the Town of Gorham's storm water requirements. Each lot will be treated in the Portland Water District public sewer system.

Finding: *Industrial Park West Campus 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 will directly impact 21,625 sq. of wetlands or waterbodies. The proposed construction will impact the setbacks of 52,320 sq. of wetlands or waterbodies. The proposed construction will directly impact 215 linear feet of a water course. The erosion control plan meets the Maine Department of Environmental Protection's and the Town of Gorham's erosion control requirements.

Finding: *Industrial Park West Campus 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.

Eighteen wetlands, two vernal pools, and five streams were delineated on the property. Eight wetlands are significant due to their association with a river, stream or brook. One is significant due to the presence of significant wildlife habitat including a significant vernal pool, one contains a significant vernal pool and has 20,000 square feet or more of open water or emergent marsh. The proposed construction will directly impact 21,625 sq. of wetlands or waterbodies. The proposed construction will impact the setbacks of 52,320 sq. of wetlands or waterbodies. The proposed construction will directly impact 215 linear feet of a water course. Any impacts will require permits from Maine Department of Environmental Protection or Army Corp. of Engineers.

Storm water maintenance has been designed in accordance with state, Federal, and local requirements prior to discharging into groundwater or into abutting wetland and stream.

*Finding: Industrial Park West Campus 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.

A discussion of the scenic or natural beauty should be added to the application materials. The landscaping plan, LA-1 to 6, shows various canopy trees.

The applicant does not discuss if historic sites, rare or irreplaceable natural or manmade assets are located on the site.

*Finding: Gorham Industrial Park – West Campus 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 needs to provide proof of financial capacity.

*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 is required to pay the Recreational Facilities and Open Space Impact Fee. The Board might consider a waiver from this requirement.

*Finding: Industrial Park West Campus 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 has provided for open space and a trail within this development. The applicant should be clear about any association and the rights and responsibilities for payments for maintenance of the recreational opportunities.

*Finding: Industrial Park West Campus 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.*

## SECTION 1-12- INDUSTRIAL DISTRICT

### E. PERFORMANCE STANDARDS

2) Except where it abuts existing industrial zoned land, all land zoned industrial after November 30, 1998 shall have a "perimeter setback" of one hundred feet (100'), which shall be subject to the restrictions set out below. The Planning Board may reduce the perimeter setback by up to 50% if it finds that doing so would result in a better plan of development for the project site.

a) No portion of the "perimeter setback" shall be used for storage of equipment or inventory, service and loading, parking or any buildings or structures. Subject to Paragraph 1) above, access roads and utilities may cross the "perimeter setback" to provide access to and from a street but shall be designed to minimize the disruption of the "perimeter setback." No direct access to parking stalls shall be provided from an access road located within the "perimeter setback."

b) A landscaped buffer area, as provided in Subparagraph 2) c) below, shall be designed and maintained within the "perimeter setback."

c) A detailed landscaping plan, prepared by a landscape architect, shall be prepared for the landscaped buffer area and submitted as part of Site Plan Review, for all lots, with a perimeter setback." The landscaped buffer area shall be designed to provide effective visual and auditory buffering from abutting residential properties, create an attractive appearance for the proposed new development and maintain an attractive gateway to Gorham consistent with the goals and objectives of the Town of Gorham

Comprehensive Plan. Existing natural features and vegetation may be incorporated into the plan for the buffer area if they are found to create an effective visual and auditory buffer by the Planning Board. All such buffer areas shall be maintained for the life of the project. 3) Fencing, screening, landscaped berms, natural features, or combination thereof, shall be utilized to shield from the view of abutting residential properties and public ways, along the perimeter setback of the Industrial District, all loading and unloading operations, storage and repair work areas, commercial vehicle parking, and waste disposal and collection areas.

The applicant has provided a landscape plan that suggests that landscaping be added as each building is constructed, which may soften the appearance of the project when construction of the buildings occur. In addition, the applicant provides for landscaping within a 50 and 100 foot buffer for those residences on Shamrock Drive.

*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.*

**Chapter 2: General Standards of Performance  
Section 2-1 Environmental**

**I. BUFFER AREAS**

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

The applicant has provided a landscape plan that suggests that landscaping be added as each building is constructed, which may soften the appearance of the project when construction of the buildings occur. In addition, the applicant provides for landscaping within a 50 and 100 foot buffer along those residences on Shamrock Drive.

*Finding: The applicant has provided a buffer strip that will eliminate any adverse effects upon abutting properties.*

2) Natural features shall be maintained wherever possible to provide a break between the proposed development and abutting properties.

The proposal will require clearing of trees to construct the proposed road and storm water infrastructure. The applicant should discuss the entire parcel and potential tree removal for construction of the road and stormwater infrastructure.

*Finding: The applicant has provided a plan that shows the existing natural features that will be maintained.*

3) When natural features such as topography, gullies, stands of trees, shrubbery, rock outcrops do not exist or are insufficient to provide a buffer, the developer shall landscape or otherwise provide fencing or screening.

The applicant has provided a landscape plan that suggests that landscaping be added as each building is constructed, which may soften the appearance of the project when construction of the buildings occur. In addition, the applicant provides for landscaping within a 50 and 100 foot buffer along those residences on Shamrock Drive.

*Finding: The applicant has provided a landscape plan that provides for a buffer.*

4) Fencing, screening or natural features, or combination thereof, shall be sufficient to shield from the view of abutting residential properties, and otherwise prevent any kind of nuisance: all loading and unloading operations, storage areas, commercial vehicle parking, waste disposal and collection areas.

The applicant has provided a landscape plan that suggests that landscaping be added as each building is constructed, which may soften the appearance of the project when construction of the buildings occur. In addition, the applicant provides for landscaping within a 50 and 100 foot buffer along those residences on Shamrock Drive.

*Finding: The applicant has provided a landscape plan that provides for a buffer for abutting residential properties.*

5) Fencing and screening shall be durable and properly maintained at all times by the owner.

The applicant has provided a landscape plan that suggests that landscaping be added as each building is constructed, which may soften the appearance of the project when construction of the buildings occur. In addition, the applicant provides for landscaping within a 50 and 100 foot buffer along those residences on Shamrock Drive.

*Finding: The applicant has provided a landscape plan that provides for a buffer for abutting residential properties*

6) Fencing and screening shall be so located within the developer's property line to allow access for maintenance on both sides without intruding upon abutting properties.

The applicant has provided a landscape plan that suggests that landscaping be added as each building is constructed, which may soften the appearance of the project when construction of the buildings occur. In addition, the applicant provides for landscaping within a 50 and 100 foot buffer along those residences on Shamrock Drive.

Finding: *The applicant has provided a landscape plan that provides for a buffer that is within the developer's property line.*

7) All buffer areas shall be maintained in a tidy and sanitary condition by the owner.

**The applicant has not provided a maintenance plan for the landscaping buffer area.**

Finding: *The applicant has provided a landscape plan that discusses maintenance.*

### **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 any proposed use on the site shall meet the sound level requirements outlined under Chapter IV, Section IX, T. Noise;
4. That prior to the pre-construction meeting, the applicant will establish the following: an escrow for field inspection meeting the approvals of Town Staff;
5. 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;
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 subdivision/site plan shall not be released for recording at the Registry of Deeds until the required performance guarantee for that phase has been posted meeting the approval of Town Staff, and the subdivision/ site plan is required to be recorded within one year of original approval or the approval becomes null and void;
8. That the Planning Board Chairman is authorized by the Planning Board to sign the Findings of Fact on behalf of the entire Board; and
9. That once the subdivision/site amendment plan has been recorded at the Cumberland County Registry of Deeds, a dated copy of the recorded subdivision/site amendment plan shall be returned to the Town Planner prior to the pre-construction meeting.



**PRELIMINARY SUBDIVISION APPROVAL:**

**Move to grant preliminary subdivision and site plan approval for Gorham Industrial Park – West Campus located at New Portland Road, Libby Avenue and Main Street on Map 29 Lot 1 and Map 30 Lot 1 in the Industrial (I) zoning district, based on the Findings of Fact as written by the Town Planner (and modified and conditioned by the Planning Board).**

**TO POSTPONE APPROVAL:**

**Move to postpone further review of Gorham Industrial Park – West Campus’ request for preliminary subdivision, and major site plan approval pending further review by peer reviewers and responses to remaining issues (and revisions to the plans).**

**April 12, 2021 Minutes**

**For reference only**

**ITEM 5 Subdivision – Town of Gorham Industrial Park – West Campus** – a review of proposed landscaping features and request for a waiver from a Class A Soils Survey. Zoned I, Map 30, Lot 1, Map 29, Lots 20 and Lot 1.

Ms. Eyerman said what is before the Board this evening is a partial submission for the proposed landscaping features and to consider a request for a waiver from the Class A Soils Survey.

Mr. Poirier, Director of Community Development, representing the Town, explained that this parcel was not zoned Industrial after 1998, so it does not have the requirement for a 100 foot buffer. What is required a 30 foot buffer minimum, and currently what is being proposed is a 50 foot setback. Additional buffering can be required as each lot is developed. A landscape architect has been retained to prepare some landscape plans. In addition, Mr. Poirier said that a Class B soils survey has been done and a waiver is being requested from the Class A requirement because the site will be served by public water and sewer. Mr. Poirier said that stormwater management plans will be submitted within the next month or so.

Mike Zarba, SLR Consulting, introduced Kevin Fuselier, landscape architect. Mr. Zarba said basically what has been discussed is the buffer between the residential zone and the lot, saying that the requirements are a bit less stringent because the lot is an older one. Initially the scope of the project is to develop the infrastructure and then eventually sell off the lots and have them individually built upon. The Town will not be building out the individual lots out, and buffering for neighborhood areas is better served when they are built out, rather than at the stage where the infrastructure is being built.

Mr. Zarba referred to the waiver request from a Class A Soils Survey to a Class B because the entire lot will be served by public water and sewer.

Kevin Fuselier of SLR discussed the proposed landscaping along Main Street, noting that it was not proposed to completely screen off the site from Main Street. Rather, being proposed is more of a boulevard look with a series of large shade trees with clustered shrubs and evergreens between them along a 30-50 foot wide strip. Masonry features could also be incorporated in this area.

Mr. Fuselier presented three different views for the buffering of Shamrock Drive depicting the current existing conditions for the properties. The buffer line is proposed to be focused closer to the

**Town of Gorham – Main St., New Portland Rd, and Libby Ave. – M29 L1 and M30 L1  
Subdivision Plan Review**

---

proposed development, not on the property line, and will be impacted by the existing conditions of the Shamrock Drive properties, such as the presence of wetlands along some of the properties.

PUBLIC COMMENT PERIOD OPENED: None offered

PUBLIC COMMENT PERIOD ENDED

Mr. Anderson said he likes the approach of the different views showing what people have in their back yards, so long as the Board can address how the rear of abutting buildings will be treated and buffered. Mr. Fox asked what setbacks will apply to the residences on Shamrock Drive. Mr. Zarba replied that a 30 foot buffer was felt to not be adequate, and the minimum appropriate buffer zone between residential and industrial zones is 50 or 100 feet. What has been shown this evening is the option of a 50 foot buffer or 100 foot buffer. Mr. Zarba said that from a landscape standpoint, they feel a 50 foot buffer along the property line is an appropriate buffering to screen the subdivision in the whole, but additional buffers in the future directly adjacent to the development would serve a better purpose. Mr. Zarba said they would like to know what the Board feels is appropriate for a buffer for the subdivision.

Mr. Poirier said if the Board is comfortable with the proposed buffering concept as presented this evening, they will move forward with finalizing the landscaping. In reply to Mr. Fox, Mr. Poirier said that the Board would review a proposed lot development under Chapter 4 of the Land Use Code, which has more stringent buffering requirements based on the proposed use. Ms. Molly Butler-Bailey said she is comfortable with the buffering concept depending on the use. Mr. Fox concurred. In reply to Ms. Butler-Bailey, Mr. Poirier said they have received the direction they need from the Board this evening. Mr. Zarba said they will move forward with preparing a landscape plan based on the buffering concept.

**George Fox MOVED and Thomas Hughes SECONDED a motion to grant the applicant's request for a waiver from the submission requirement in Chapter 3, Section 3-3, B.11 Class A Soils Survey, because the entire subdivision will be served by public water and sewer. Motion GRANTED, 6 ayes (Scott Firmin absent).**