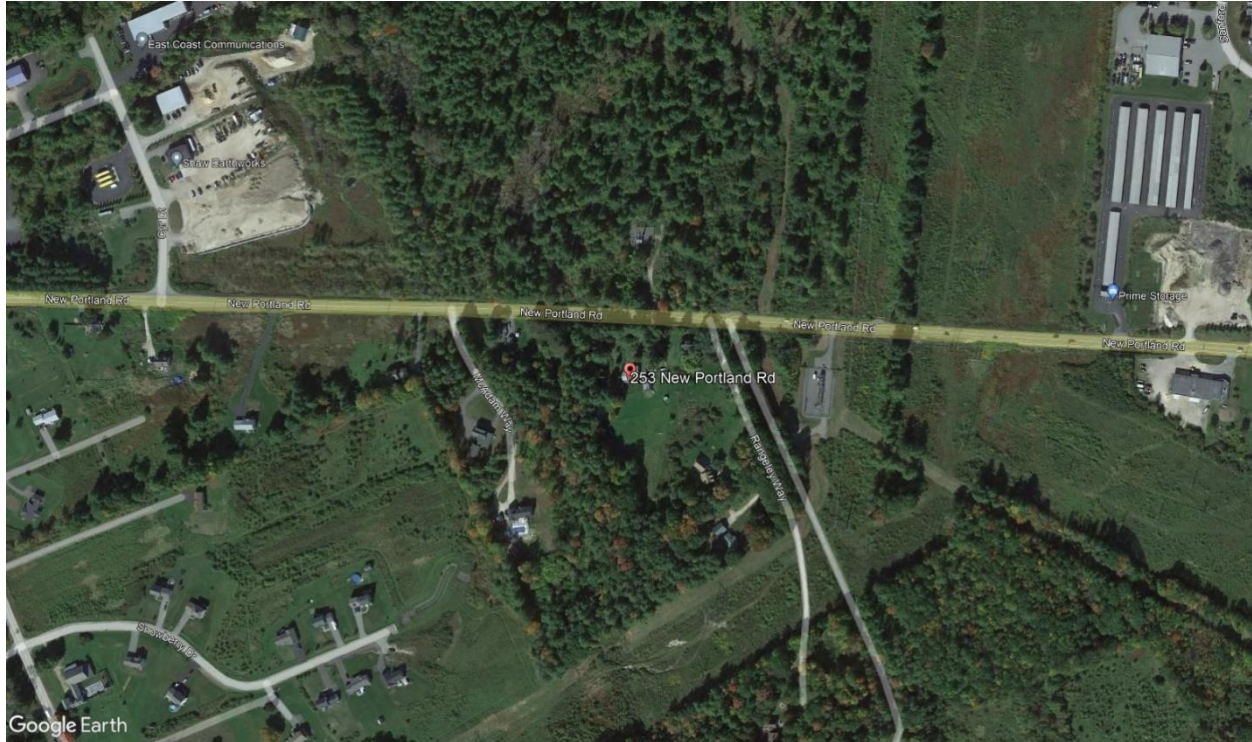


1. OVERVIEW

The applicants are seeking approval to utilize the currently used storage space located in the basement of the existing residence for a dog play space for a doggie daycare. The property is located at 253 New Portland Road, Map 29, Lot 4.001, and is currently zoned Rural.

2. AERIAL IMAGES



3. STAFF COMMENTS

Gorham Town Planner Comments:

No additional comments.

Gorham Fire Chief Comments:

No comments received

Gorham Code Enforcement Officer:

No comments received

Gorham Public Works Director/Town Engineer:

No comments received

Gorham Police Chief:

No comments received

Abutter comments: 06/25/2022; 07/08/2022

June 25, 2022

To Whom It May Concern,

We are Richard and Paige Kepler, and we reside at 257 New Portland Road, Gorham, Maine. We are neighbors with Michelle and Miranda Marland. We are writing on their behalf pertaining to the Dog Daycare that they are wanting to run at their home. We are the closest house to their property, and as such, would be the most impacted by the Daycare. Michelle and Miranda have been wonderful neighbors and have always checked with us to make sure that any dogs that are at their house are not being a bother to us. We have not been inconvenienced at all with their dogs. There is minimal barking,

if at all, and they are very careful to keep the dogs on their property, which is fenced in. We have not experienced any problems and we fully support their desire to run this Dog Daycare.

If you have any questions, please feel free to contact us.

Sincerely,

Richard and Paige Kepler
Richard cell --207-641-3253 Paige cell - 207-641-3593

July 8, 2022

Administrative Review Application on July 12th for 253 New Portland Road. Zoned R, Map 29, 4.001. Applicants requesting to construct a 5,000 square feet fence for the dog daycare. FYI –the fence is already up and those dogs bark way too much. I suppose they’re zoned for this daycare. I’m not happy about it, as I’m a close neighbor. They fence was installed in June.

Kim Lavigne

Hand and Paw, LLC – 253 New Portland Road
Miranda and Michelle Marland
M29 L4.1
Minor Site Plan Review

**GORHAM SITE PLAN COMMITTEE
MINOR SITE PLAN REVIEW
FINDINGS OF FACT**

**For
253 NEW PORTLAND ROAD – DOG DAYCARE**

August 10, 2022

WHEREAS, Hand and Paw, LLC - Miranda and Michelle Marland, applicants, are seeking approval to utilize the currently used storage space located in the basement of the residence for a dog play space for a doggie daycare.

Pursuant to the Application:

Administrative Site Plan Review was held and approval granted on 08/10/2022.

Project Description:

The applicants, are seeking approval to utilize the current storage space located in the basement of the residence for a dog play space for a doggie daycare. The lot is identified as Tax Map 29, Lot 4.1, consists of 5.88 acres and is located 253 New Portland Road. The site currently contains a single family house and a garage.

Variations: None requested.

Waiver Requested:

- The applicants request a waiver from Ch. 2, Section 2-14.b – to waive the dog kennel standards.

SUGGESTED MOTION: Move to approve the requested waiver from Ch. 2, Section 2-14.b – to waive the dog kennel standards.

The project plans and other documents considered to be a part of the approval by the Site Plan Review Committee in this ruling consist of the following:

The plans (the plans), prepared by the applicants, consists of the following:

Site Plan – Received, 06/27/2022, 07/06/2022
--

Other documents submitted consist of the following:

Administrative Review Application – 06/27/2022, 07/06/2022
Site Plan – Received, 06/27/2022, 07/06/2022
Gorham Town Planner Comments – No additional comments
Gorham Fire Chief – No comments received

Gorham Code Enforcement – No comments received
Gorham Public Works – No comments received
Gorham Police Chief – No comments received
Abutters Comments – K. Lavigne, 07/08/2022; R. and P. Kepler, 06/25/2022

NOW THEREFORE, based on the entire record before the Committee and pursuant to the applicable standards set out in the Land Use and Development Code of the Town of Gorham, the Committee makes the following factual findings.

FINDINGS OF FACT

CHAPTER 4, SECTION 9 – Approval Criteria and Standards

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

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

This section does not apply because there will be no construction.

Finding: The plan for development reflects the natural capabilities of the site to support the development.

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

The site is accessed from New Portland Road. The total number of vehicle trips on a daily basis will be ten (10) entering and ten (10) exiting. At the busiest am hour, the number of vehicles entering and exiting the site will be two (2). At the busiest pm hour, the number of vehicles entering and exiting the site will be two (2).

Finding: New Portland Road has the capacity to accommodate the traffic generated by the development.

- C. Access into the Site** – Vehicular access into the development will provide for safe and convenient access.

The access to the site is from an existing curb cut located along New Portland Road. No changes are proposed.

The grade of any proposed drive or street will be a -2.0% for a minimum of five (5) feet from the existing pavement edge or to the centerline of the existing drainage swale. From

the above control point, a grade of not more than -3% shall be required for a minimum of two (2) car lengths or forty (40) feet.

Finding: The vehicular access into the development provides 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.

There is an access driveway to allow ingress and egress that will provide a clear route for delivery vehicles, emergency vehicles, does not allow backing into the street, and snow storage is provided.

Pedestrian access is provided along the front and side of the building for the business through the parking area.

Finding: The layout of the site will provide for the safe movement, 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.

Pedestrian access is not provided along New Portland Road at this time.

Finding: The development plan provides for a system of pedestrian circulation within the development.

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

No change is proposed to the existing stormwater management system.

Finding: Adequate provisions are made for the disposal of all stormwater collected on the site through a stormwater drainage system which will not have an adverse impact 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.

There will be no disturbance of soil that requires erosion control measures.

Finding: The project 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 site has an existing well. No change is proposed.

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

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

The site has an existing onsite septic system. No change is proposed.

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

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

The site is supplied with utilities from New Portland Road right of way. No change is proposed.

Finding: The development will be served 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 existing canopy trees and understory will remain where they are located on the parcel.

Finding: The landscape and natural features will be preserved in their natural state to the greatest extent possible.

- 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 development will not be removing groundwater from the area other than for the single family dwelling use. The business does not use contaminants that would leach into the groundwater.

Finding: The 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.

All lighting shall be full-cutoff design and meet dark sky requirements while allowing for a safe environment.

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

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

The current waste hauler is Pine State Disposal.

There will be no hazardous waste used or produced.

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

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

No change is proposed with the current landscaping.

Finding: The development plan provides for landscaping that will soften the appearance of the development and protect abutting properties from adverse impacts of development.

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

The lot is not located in the Shoreland Overlay District.

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

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

The applicants purchased the property recently and provided all the information within the application. No additional changes are proposed that would require technical or financial capacity to be shown.

Finding: The applicants have demonstrated 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.

There is a fence which is an enclosure/play area for the dogs, when outside.

There are large canopy trees and understory on the western and southern sides. The eastern side has a few canopy trees along the property line.

Finding: 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.

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

The use of the site is required to meet the following required noise regulations: Daytime Levels of 60 dBA and 50 dBA nighttime as outlined under this section.

Finding: The use of the site will comply with the noise regulations listed in Table 1 – Sound Level Limits and associated noise ordinances.

CHAPTER 2, General Standards of Performance

Note: Only those sections that ARE NOT DUPLICATIVE OF SITE PLAN REVIEW STANDARDS are listed with findings below.

Section 2-1 Environmental

Floodplain Management

Finding: This site is not located within a special flood hazard zone.

Shoreland Area protection

Finding: This site is not located within a shoreland protection area.

Air Pollution

This project will not emit toxic, odoriferous emissions and shall comply with all State of Maine requirements.

Finding: The project meets the requirements for the standards of this section.

Section 2-2 Parking, Loading, and Traffic

A. Off-street parking standards

There are seven (7) parking spaces required. Two (2) for the dwelling unit and five (5) for the business. There are seven (7) paved parking spaces that are located on the property.

Striping of the spaces is not required.

Finding: The parking provided meets the standards of this section.

SECTION 2-14 – DOG KENNEL STANDARDS

The purpose of this section is to provide standards to ensure that Dog Kennels are safe and maintained in a clean and sanitary manner and do not create a nuisance to surrounding properties. The Dog Kennel owner shall submit a fully dimensioned and detailed plan illustrating all structures and areas that will be used in the operation of the Dog Kennel showing compliance with the Town's Land Use and Development Code. The Code Enforcement Office may conduct an inspection as needed to verify that the Dog Kennel is operating as approved and in conformance with this Land Use and Development Code. A Dog Kennel shall meet the following standards:

1. Shall be located on lots not less than three (3) acres in area.
The property is 5.88 acres.

Finding: The lot area provided meets the standards of this section

2. Shall not have more than ten (10) dogs at any given time.

The applicants state in the application that they will have ten (10) dogs a day.

Finding: The applicants meet the requirements of a limit of ten (10) dogs.

3. Dogs shall be housed within a permanent structure/outbuilding between the hours of 7:00 p.m. and 7:00 a.m.

The applicants state in the application that no dogs will be boarded overnight.

Finding: The applicants meet the requirements of this section.

4. Any structure used for housing the dogs and/or containment area shall be:

- a. Designed, constructed and located on the lot in a manner that will minimize the negative impact upon abutting properties.

The dogs will be located within the dwelling basement and a fenced in area within the back yard.

Finding: The applicants meet the requirements for minimizing negative impacts.

- b. Set back a minimum of one hundred (100) feet from all property lines. The Town's Planning Board or Administrative Review Committee may grant a waiver from this setback requirement provided the structure or containment area is adjacent to a dedicated open space or conservation area which may be used towards meeting the minimum one hundred (100) foot setback requirement based upon a finding that a negative impact to abutting properties will not be created.

Waiver is requested from this sub-section.

- c. Structurally sound and maintained in good repair at all times.

The dogs will be located within the dwelling basement and a fenced in area within the back yard.

Finding: The applicants meet the requirements for structurally sound structure.

- d. Well ventilated so as to provide constant fresh air.

The dogs will be located within the dwelling basement and a fenced in area within the back yard.

Finding: The applicants meet the requirements for ventilation and fresh air.

- e. Maintained at a comfortable temperature.

The dogs will be located within the dwelling basement and a fenced in area within the back yard.

Finding: The applicants meet the requirements for a comfortable temperature.

f. Maintained in a clean and sanitary condition at all times. Any animal excrement shall be removed at least twice daily from the dog pens and runs. Each pen shall be washed down with water and disinfectant cleaner as often as necessary to maintain a safe and sanitary condition for the dogs, but in no event less than once each day.

The dogs will be located within the dwelling basement and a fenced in area within the back yard.

Finding: The applicants shall meet the requirements for clean and sanitary conditions.

5. Any structure used for housing the dogs shall have its floor constructed of cement, asphalt or a similar material.

The dogs will be located within the dwelling basement, which is cement and a fenced in area within the back yard.

Finding: The applicants meets the requirements for cement material within the dwelling.

6. Outside containment areas shall be enclosed with fencing with a height of no less than eight (8) feet.

The dogs will be located in an eight (8) foot fenced in area within the back yard.

Finding: The applicants shall meet the requirements for eight (8) foot fenced in area.

7. All dog pens shall provide sufficient room for the dogs housed therein to turn about freely, to stand erect, and to lie down in a natural position.

The applicants states the dogs will be located within the dwelling basement and states that the fenced in area will be five thousand (5,000) feet.

Finding: The applicants shall meet the requirements for sufficient room for the dogs.

8. Any storage container used for holding waste that includes animal excrement shall be kept tightly covered at all times and emptied at least once every two (2) days. Such container shall be located in accordance with the setback requirements for structures as stated in this section.

The applicants shall keep all animal excrement containers tightly covered at all times and it will be emptied at least once every two (2) days.

Finding: The applicants shall meet the requirements to keep all animal excrement containers tightly covered at all times and it will be emptied at least once every two (2) days.

9. All dogs shall have access to shelter to protect them from the weather.

The applicants states the dogs will be located within the dwelling basement during inclement weather.

Finding: The applicants shall meet the requirements for shelter for the dogs.

10. The dogs shall be provided with sufficient fresh water and wholesome food so as to maintain their health. Food and water containers shall be kept clean and sanitized.

The applicants shall provide the dogs with sufficient fresh water and wholesome food.

Finding: The applicants shall meet the requirements for sufficient fresh water and wholesome food.

NOW THEREFORE on 10th of August, 2022, the Minor Site Plan Review Committee adopts the Findings of Fact herein, and based on these Findings that the proposed project will have no significant detrimental impact. The Minor Site Plan Review Committee hereby votes to grant Minor Site Plan Review approval to Hand in Paw, LLC – Michelle and Miranda Marland.

Carolyn Eyerman, AICP
Town Planner

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 Minor 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 applicants is responsible for obtaining all required local, state and federal permits;

3. Any staff and peer review comments shall be addressed prior to the Chair signing the plans.
4. That any proposed use on the site shall meet the sound level requirements outlined under Chapter 4, Section 9, T. Noise;
5. 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.
6. That the Chair is authorized by the Committee to sign the Findings of Fact on behalf of the entire Committee; and
7. That these conditions of approval must be added to the notice of decision and shall be recorded at the Cumberland County Registry of Deeds within thirty (30) days of the date of written notice of approval by the Minor Site Plan Review Committee, and a dated copy of the recorded notice of decision shall be returned to the Town Planner prior to the issuance of a building permit.

**SO APPROVED BY THE GORHAM MINOR SITE PLAN REVIEW COMMITTEE
CHAIR ON THE 10TH DAY OF AUGUST, 2022.**

Carolyn Eyerman, AICP
Town Planner