

Town of Gorham
Planning Board Meeting
March 2, 2020

Site Plan Review – Northeast Contracting Services - a request for approval of a new 12,000 square foot pre-engineered metal building in two (2) phases. The first phase will include a 6,000 square foot building, drive aisles, parking, vehicular turnaround, loading and unloading areas and a gravel laydown area. Phase 2 will include a 6,000 square foot building expansion and additional laydown area. Zoned I, Map 34, Lot 3.004. The applicant is represented by Craig Burgess, P.E., of Sebago Technics, Inc.

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PROJECT TRACKING

DESCRIPTION	COMMENTS	STATUS
Pre-Application (optional)		None held
Site Walk	The Planning Board might discuss whether a site walk is warranted for the project.	
Site Plan Review		March 2, 2020

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.

George H. Fox, Chairman, Gorham Planning Board

1. OVERVIEW

This is the first time the applicant is before the Board to review a proposed 12,000 square foot pre-engineered metal building in two (2) phases. The first phase will include a 6,000 square foot building, drive aisles, parking, vehicular turnaround, loading and unloading areas and a gravel laydown area. Phase 2 will include a 6,000 square foot building expansion and additional laydown area.

The applicant is represented by Craig Burgess, P.E., of Sebago Technics, Inc.

2. WAIVER REQUEST

None requested.

3. ITEMS OF NOTE

- A. DEP Permit - The Olde Canal Business Park Subdivision DEP permit will not need to be amended as part of Northeast Contracting's proposal. The proposed development does not require a modification to the original permit because the original impervious limits will not be exceeded.
- B. The applicant has not provided ability-to-serve-letters for water and sewer from Portland Water District. This could be a condition of approval and has been added to that list below.
- C. There are Woodard & Curran engineering comments that need to be addressed for an approval of the proposed plan. This could be a condition of approval and has been added to that list below.
- D. Below is an aerial photograph of the site from Google Earth taken in May of 2018.



4. STAFF REVIEWS

Assessing Department: February 3, 2020 and February 11, 2020 - No comment.

Code Department: February 12, 2020 - No comments.

Fire Department: January 31, 2020

I have reviewed the submitted plans for the Northeast Contracting building and have the following requirements.

- 1. The building shall meet all applicable sections of the NFPA 101 Life Safety Code and the NFPA Fire Prevention Code One.

2. The building will be required to be completely sprinkled with the sprinkler system meeting the Town of Gorham's Sprinkler Ordinance when Phase 2 is added on. The sprinkler plans shall be submitted to the State Fire Marshal's Office and the Gorham Fire Department for review and permitting. The plans shall be submitted to the Fire Department at least two weeks prior to the start of the installation of the system.
3. There shall be a separate room for the sprinkler controls with a separate outside door. The door shall be labeled sprinkler control room. The main fire alarm panel shall be placed in this room as well.
4. The fire alarm contractor shall meet with the Fire Department regarding the layout and fire alarm system before the start of construction of the system. A set of plans for the system shall be submitted to the Department.
5. Sprinkler test papers shall be submitted to the Fire Department at the time the certificate of occupancy is issued for Phase 2.
6. A complete set of building construction plans shall be submitted to the Gorham Fire Department for review before a building permit is issued.
7. Gas meters shall be protected by bollards.
8. Additional requirements may be made after review of the building construction plans.
9. A complete list of any Hazardous materials and their MSDS sheets shall be provided to the Fire Department.

Planning Department: February 25, 2020

No further comments.

Police Department: No comments received.

Public Works Department: No comments received.

Woodard & Curran: February 11, 2020

Woodard & Curran has reviewed the Site Plan Application for the warehouse and storage building to be located at 84 Olde Canal Way in Gorham, Maine. We have reviewed the project for compliance with the applicable Town of Gorham Land Use and Development Codes and General Engineering practices. The proposed development will consist of a two-phased 12,000 SF building and associated site improvements.

The following documents were reviewed:

- Site Plan Application and attachments, dated January 28, 2020, prepared by Sebago Technics, on behalf of Northeast Contracting Services.
- Engineering Plans, Sheets 1-12, dated January 27, 2020, prepared by Sebago Technics, on behalf of Northeast Contracting Services.
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We provide the following comments:

General Civil Engineering

- The applicant indicated that the site is within the Olde Canal Business Park, which was previously permitted (Site Location of Development Act (Site Law) approval from the Maine Department of Environmental Protection (MDEP) in Order #L-23520-39-A-N, State of Maine NRPA Tier 1 Wetland Alteration Permit 1-23520-39-A-N, ACOE Maine Programmatic General Permit Nae-2007-1291, and

Maine DOT Traffic Movement Permit 01-00061-A-N). Previous permitting defined allowable impervious and developed area for the site in the Stormwater Management Plan. Per General Note 24 on Sheet 2, the proposed project appears to be within these maximum allowable areas. Therefore, an amendment to the existing SLOD permit does not appear to be required, and no additional stormwater management or treatment appears to be required for this project.

- The applicant indicated in the Stormwater Management Plan that a Maine DEP Stormwater Permit by Rule (PBR) is required due to disturbance of more than one acre. A Maine DEP Construction General Permit is typically filed for disturbance greater than an acre. Please confirm applicable permits.
- Please address the following regarding site grading:
 - Please provide consistent contour steps (one-foot or two-foot steps) and review proposed contours and spot grades. Proposed grades should tie into existing grades. Existing condition spot grades may be required to show one-foot proposed contours are tying into existing grades.
 - The northeast corner of the Phase 2 gravel laydown area is labeled with a 102.08 spot grade. This is not consistent with proposed contours. Please review and revise grading.
 - The top of curb and bottom of curb at the pedestrian walkway are shown as the same elevation. Please provide clarification and additional spot grades along the walkway, particularly around the ADA ramp.
- Please clarify the following with respect to phasing:
 - The proposed phasing is confusing on the Grading Plan. In some areas such as the gravel laydown areas, Phase 2 grading is shown with notes to construct side slopes along Phase 1 boundary, and in other areas, such as the Phase 2 building expansion, the Phase 2 grading is not shown with notes to adjust grades in Phase 2. The applicant should consider providing two grading plans for each phase to clarify grading intent for each phase.
 - The stormwater management plan indicates the gravel fire lane and associated drainage ditch will be relocated along the north side of the Phase 2 building area. This is not well-represented on the plans. Please consider revising the plans to clarify.
- The gravity sewer and storm drain SD-3 appear to be within 6” of each other at the crossing. The applicant should investigate this crossing and provide more separation if possible.
- The winter construction period begins on November 1st per the Maine DEP Erosion and Sediment Control BMP Manual; please revise Construction and Post-Construction Phase paragraph 1 and Winter Erosion Control Measures paragraph 1 accordingly. The applicant should review all the erosion control notes on Sheet 7 for conformance with the Maine DEP BMP Manual and applicability to the project and make revisions accordingly.
- To prevent undermining of storm drainage pipe, the pipe invert should be placed on subgrade (not riprap), and riprap should extend from the invert downgradient. Please revise the Stilling Basin and Riprap Apron details on Sheet 8 accordingly.
- Please specify minimum cover on the Typ. Perforated Underdrain Trench Section on Sheet 9.
- The Trench Repair in Olde Canal Way detail on Sheet 10 specifies that the contractor shall verify depths of the pavement section with the Town Engineer prior to placement. Depths should be verified with Public Works.

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Chapter 4 – Site Plan Review

Section 4-8 – Procedures for Major Developments

- Please provide a construction schedule that includes anticipated beginning and completion dates per Section 4.8 C. 1) c. 14.

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Please contact our office if you have any questions.

**TOWN OF GORHAM PLANNING BOARD
SITE PLAN REVIEW REPORT AND
FINDINGS OF FACT
For
NORTHEAST CONTRACTING SERVICES
84 OLDE CANAL WAY SITE PLAN REVIEW**

March 2, 2020

Applicant/ Property Owner: The applicant and current owner is Northeast Contracting Services, 11 Hubbard Street, Saco, Maine 04072.

Property: The lot is identified as Tax Map 34, Lot 3.004, and is located at 84 Olde Canal Way, Gorham, Maine 04038.

Consultant: Craig Burgess, P.E., with Sebago Technics.

Project Description: Northeast Contracting is proposing a new 12,000 square foot pre-engineered metal building in two (2) phases. The first phase will include a 6,000 square foot building, drive aisles, parking, vehicular turnaround, loading and unloading areas and a gravel laydown area. Phase 2 will include a 6,000 square foot building expansion and additional laydown area.

Site Description: The site is 9.89 acres in size and is a lot located in the Olde Canal Business Park. The site has road frontage along Olde Canal Way. The lot is served by public water and sewer, underground utilities, and natural gas.

The site currently has a detention pond, canopy and understory trees. It contains a portion of floodplain associated with the Presumpscot River to the rear of the site.

Applicability: The applicant's proposal requires site plan review because it involves construction of a new non-residential building.

Zoning: Olde Canal Industrial (ODI) District where the proposed use is a permitted use per Chapter 1, Section 21, Subsection B. 1) and 2) of the Code.

Variances: None required.

Waivers: No waivers requested.

Pursuant to the Application:

A Site Plan Review was held on March 2, 2020.

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:

Sebago Technics, Inc.'s, plans (the plans) prepared by Craig Burgess, P.E., consist of the following:

Site Plan –

- Cover Sheet – Received 01/28/20
- Sheet 2 – Overall Site Plan – Received 01/28/20
- Sheet 3 – Site Plan – Received 01/28/20
- Sheet 4 – Grading Plan – Received 01/28/20
- Sheet 5 – Utility Plan – Received 01/28/20
- Sheet 6 – Landscape Plan – Received 01/28/20

Sheet 7 – Details – Received 01/28/20
Sheet 8 – Details – Received 01/28/20
Sheet 9 – Details – Received 01/28/20
Sheet 10 – Details – Received 01/28/20
Sheet 11 – Details – Received 01/28/20
Sheet 12 – Details – Received 01/28/20
Stormwater Plan – Received 01/28/20
Traffic Turning Plan – Received 01/28/20
Photometric Plan – Received 01/28/20
Building Elevations – Received 02/06/20

Other documents submitted consist of the following:

Site Plan Application – 01/28/20
Plans – 01/28/20
Letter of Financial Capacity, Biddeford Savings, Naomme S. Paris, Vice President, Commercial Loan Officer II – 01/28/20
Stormwater Management Plan – 01/28/20
Inspection, Maintenance and Housekeeping Plan – 01/28/20
Stormwater Quality Calculations – 01/28/20
Derek Caldwell, P.E., Trip Generation Calculation – 01/28/20
Lighting Cut Sheets – 01/28/20
Gorham Town Planner - 02/25/20
Gorham Assessor - No Comments
Gorham Fire Chief – 01/31/20
Gorham Code Enforcement Officer – No Comments
Gorham Public Works Director – No Comments
Woodard & Curran Comments – 02/11/20

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

The Planning Board, following review of the Site Plan Application Amendment, makes these findings based on the Site Plan Review criteria found in Chapter 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 new 12,000 square foot pre-engineered metal building in two (2) phases. The first phase will include a 6,000 square foot building, drive aisles, parking, vehicular turnaround, loading and unloading areas and a gravel laydown area. Phase 2 will include a 6,000 square foot building expansion and additional laydown area. The applicant has provided the Planning Board with a site plan sheet set, site plan application, and accessory information showing that the lot can support the proposed lot improvements.

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.

Lot 4 is located on Olde Canal Way, which is accessed from Mosher Road/Route 237. Derek Caldwell, P.E., PTOE, states in his memo dated January 17, 2020 that the proposed development will be below the level of approved trips in the issued Traffic Movement Permit (TMP). All roads have adequate capacity to accommodate the additional traffic generated by the development.

Finding: *Both Mosher Road /Route 237 and Olde Canal Way have adequate capacity to accommodate the traffic generated by the development.*

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

Vehicles will enter and exit from Olde Canal Way on a 24 foot wide paved driveway. The driveway will have adequate sight distance and will provide for safe and convenient access into the site.

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.

Twelve (12) parking spaces are required. A total of fourteen (14) spaces are proposed along the south and east sides of the building, including one handicapped parking space. Access to the proposed will be via a twenty-four (24) foot wide access driveway.

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 walkway is proposed to be constructed along the parking area for access to the main building entrance. People parking in the southern and eastern parking areas will walk across the open paved areas to access the building.

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

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

The Stormwater Management Plan dated January 2020 states that the SLODA Permit approval Order #L-23520-39-A-N and the Army Corps of Engineer General Permit #NAE -2007-1291 do not need to be revised since the proposed project is within the limits of the original permits. The site is located in Gorham's MS4 Urbanized area and as such an Inspection, Maintenance, and Housekeeping Plan has been submitted.

Finding: *The stormwater run-off will not have adverse impacts on abutting or downstream properties and the biological and chemical properties of the receiving waters downstream will not be degraded.*

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

Grading Sheet 4 and Utility Plan Sheet 5 shows the location and installation details for erosion control best management practices to be installed on site, and Details: Sheets 7 and 8 identify parameters for erosion control and winter erosion control measures to be utilized on site. The applicant will also comply with the "Maine Erosion and Sediment Control Handbook for Construction: Best Management Practices," Maine Department of Environmental Practices.

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

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

The site is served by public water from Olde Canal Way and an ability-to-serve letter from the Portland Water District has been requested. No changes to the water supply are 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 is served by public sewer from Olde Canal Way and an ability-to-serve letter from the Portland Water District has been requested. No changes to the water supply are proposed.

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

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

The lot is served by natural gas and underground power, and telephone service from Olde Canal Way.

Finding: The development will provide for adequate gas, electrical and phone service to meet the anticipated use of the project.

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

The proposed construction will disturb portions on the western half of the lot. Trees and other vegetation will need to be cleared, but the applicant is restricting disturbance to the greatest extent practical. No new wetland impacts are proposed.

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

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

The storage area will not impact the groundwater table on the site. The applicant is proposing to treat the stormwater from the new impervious areas as required by DEP permit.

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.

Photometric Plan Sheet 2025607R1 dated January 21, 2020 and Lighting Cut Sheets descriptions dated January 24, 2020 have been provided. The proposed building has ten (10) full cut-off LED wall pack lights located on the outside of the building. The proposed exterior lighting is three (3) cut off pole mounted LEDs. The Photometric Plan shows no light encroachment on abutting properties.

Finding: *The proposed development provides for adequate exterior lighting to provide for the safe use of the development during nighttime hours with no adverse impact on neighboring properties.*

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

The dumpster pad is located on the eastern side of the building and across from the entry to the building. The pad is not screened. A private waste hauler of Northeast Contracting Services will empty the dumpster on a regular basis. No hazardous waste will be brought to the site.

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.

Landscape Plan, Sheet 6: A combination of evergreen, multi-clump, and understory trees, shrubs and grasses are proposed at the entrance and along the frontage of Olde Canal Way. Similar plantings are proposed for the northern edge of the parking lot and the western side of the building.

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.

While a portion of the lot is located with the Shoreland Overlay District, the proposed location for development is not located within it.

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

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

The applicant has provided a letter dated January 7, 2020 from Naomme S. Paris, Vice President/Commercial Loan Officer II, with Biddeford Savings stating that she is aware of the plans and believes the applicant has the financial means and backing to satisfactorily undertake and complete construction.

The applicant has hired an engineering firm, Sebago Technics, to represent it during the design and construction of the proposed improvements.

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 lot abuts the Rural Zoning District and the CMP corridor to the southeast and the Presumpscot River to the north. There are no adjacent uses that would require buffering from this use.

Finding: *The development does not require buffering to screen service and storage areas.*

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

The uses at the site are required to meet the A-weighted hourly equivalent sound level limits of 70 dBA daytime (7am-7pm) and 60 dBA nighttime (7pm- 7am).

Finding: *The development will comply with the A-weighted hourly equivalent sound level limits of 70 dBA daytime (7am-7pm) and 60 dBA nighttime (7pm- 7am).*

Conditions of Approval

1. That this approval is dependent upon, and limited to, the proposals and plans contained in this application and supporting documents submitted and affirmed by the applicants and that any variation from the plans, proposals and supporting documents is subject to review and approval by the Planning Board or Site Plan Review Committee, except for minor changes which the Town Planner may approve.
2. That prior to the commencement of construction of the site plan, the applicant is responsible for obtaining all required local, state and federal permits;
3. That the applicant shall submit the ability-to-serve letter for both public water and sewer to the Town Planner prior to the pre-construction meeting;
4. That the applicant will revise the site plan based on the Woodard & Curran comments;
5. That the building shall meet all applicable sections of the NFPA 101 Life Safety Code and the NFPA Fire Prevention Code One;
6. That the building will be required to be completely sprinkled with the sprinkler system meeting the Town of Gorham's Sprinkler Ordinance when Phase 2 is added on. The sprinkler plans shall be submitted to the State Fire Marshal's Office and the Gorham Fire Department for review and permitting. The plans shall be submitted to the Fire Department at least two weeks prior to the start of the installation of the system;
7. That there shall be a separate room for the sprinkler controls with a separate outside door. The door shall be labeled sprinkler control room. The main fire alarm panel shall be placed in this room as well;
8. That the fire alarm contractor shall meet with the Fire Department regarding the layout and fire alarm system before the start of construction of the system. A set of plans for the system shall be submitted to the Department;
9. That Sprinkler test papers shall be submitted to the Fire Department at the time the certificate of occupancy is issued for Phase 2;
10. That a complete set of building construction plans shall be submitted to the Gorham Fire Department for review before a building permit is issued;
11. That gas meters shall be protected by bollards;
12. That additional requirements may be made after review of the building construction plans;
13. That a complete list of any Hazardous materials and their MSDS sheets shall be provided to the Fire Department;
14. 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;

15. That any proposed use on the site shall meet the sound level requirements outlined under Chapter 4, Section 9, T. Noise;
16. 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;
17. 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;
18. 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;
19. That the Planning Board Chairman is authorized by the Planning Board to sign the Findings of Fact on behalf of the entire Board; and
20. That these conditions of approval must be added to the site plan and the site plan shall be recorded at the Cumberland County Registry of Deeds within thirty (30) days of the date of written notice of approval by the Planning Board, and a dated mylar copy of the recorded site plan shall be returned to the Town Planner prior to the pre-construction meeting.

SUGGESTED MOTIONS:

FOR SITE PLAN APPROVAL:

Move to grant site plan approval for Northeast Contracting Services warehouse and storage, located on Map 34, Lot 3.004 in the Olde Canal Industrial zoning district, based on Findings of Fact and Conditions of Approval as written by the Town Planner (and amended by the Planning Board).

OR

TO PLACE SITE PLAN APPROVAL ON CONSENT AGENDA OF APRIL 6, 2020:

Move to place site plan approval on the April 6, 2020 meeting consent agenda.

**Town of Gorham
Planning Board Meeting
March 2, 2020**

ITEM 2 - Private Way: Tom Dore and Catherine Perez are requesting approval of a 970 foot long private way built to the 2-6 lot private way standard to serve 4 dwelling units. The property is located off Longfellow Road on Map 10 Lot 10 in the Rural/Manufactured Housing zoning district. The applicant’s agent is Andrew Morrell, P.E., of BH2M.

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PROJECT TRACKING

DESCRIPTION	COMMENTS	STATUS
Pre-Application (optional)		None held
Private Way Review		March 2, 2020
Site Walk		

The following staff notes are written to assist the Applicant with compliance to the Town of Gorham Land Use Development Code and are not necessarily inclusive of all project requirements. Staff notes contain review comments and recommendations from Town Staff and may include comments from any of the Town’s peer review consultants, regarding applicability to the Gorham Land Use and 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 noncommittal and all final decisions are those of the Planning Board and not Town Staff.

George Fox, Chairperson, Gorham Planning Board

1. OVERVIEW

This is the first time the application has come before the Planning Board for review. The applicant is represented by Andrew Morrell, P.E., with BH2M.

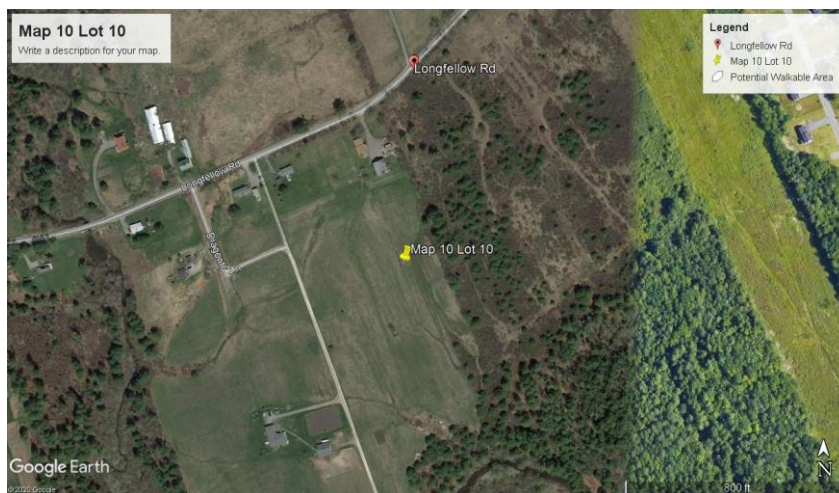
There are two (2) lots currently shown on the plan. They are each approximately four (4) acres in size and have roughly 400 feet or more of street frontage.

2. WAIVER REQUEST

No waivers requested.

3. ITEMS OF NOTE

- A. The Planning Board should discuss whether a site walk is warranted for the proposed private way.
- B. The Woodard & Curran peer review engineering provides details for revision to the plan. Those should be completed prior to Planning Board signature. This could be a condition of approval and it has been added.
- C. Two deeds have been received but there are four possible lots created on this plan from the original lot Map 10, Lot 10. Three on the north side of the Stroudwater River and one on the south side. This may be a subdivision, which requires additional review by the Planning Board.
- D. Google Earth image as of July 2019



4. PEER AND STAFF REVIEWS

Planning Department: February 25, 2020

Plan of Private Way

- a. Add a sheet index to the plan.

- b. Add the following plan note: “The approval of this plan is for private way only. The lots shown on this plan are for illustrations only and have not been reviewed and approved under the “ Land Use and Development Code for the Town of Gorham, Maine” for compliance with the Chapter 1, “Zoning Regulations”, Chapter 2 “General Standards of Performance”, or Chapter 3, “Subdivision.”
- c. “Stroudwater River” is misspelled on Sheet 2.
- d. The property markers at the intersections need to be 6” x 6” monuments.

Assessing Department: February 3, 2020

1. What is lot size of Dore lot?
2. What is lot size of Perez lot?
3. Is Dore Drive part of Perez lot?
4. Preliminary Map/Lot Dore – Map 10 Lot 10-9
5. Preliminary Map/Lot Perez – Map 10 Lot 10-10
6. Preliminary Map/Lot existing house – Map 10 Lot 10

Code Department: February 26, 2020

Two deeds have been received but there are four possible lots created on this plan from the original lot Map 10, Lot 10. Three on the north side of the Stroudwater River and one on the south side. This may be a subdivision, which requires additional review by the Planning Board.

Fire Department: February 3, 2020

I have reviewed the submitted plan for the private way off Longfellow rd. for Tom Dore and have the following requirements.

1. The private way shall be properly signed and named with a Town approved street sign; the name of the road shall be approved by the Police and Fire Chiefs. The street sign shall be put in place as soon as the road is constructed.
2. Houses shall be properly numbered with the numbers being visible from the street year around.
3. The private way shall be maintained to allow access for emergency vehicles year around.
4. Is Public Water being considered being brought in to the subdivision? If Public water is brought to the site a hydrant shall be placed at the corner of the private way and Longfellow Road. Public Water is approximately 700 to 800 feet back towards Westbrook.
5. All the homes shall be sprinkled meeting all applicable requirements of the Town of Gorham’s Sprinkler Ordinance. The sprinkler plans shall be submitted to the State Fire Marshal’s Office and the Gorham Fire Department for review and permitting. The plans for the Fire Department shall be submitted at least two weeks prior to the start of installation of the system.

6. Sprinkler Test papers shall be provided to the Fire Department before a certificate of occupancy is issued.
7. **Past history has repeatedly shown that private ways are very poorly maintained, and wintertime poses a very serious issue of emergency vehicle access, with very little enforcement available to the Town. I would state for the record and make notice that the Fire Department cannot and will not be held responsible for incidents where we cannot gain access to buildings or incidents on these private ways that are not properly maintained.**

Police Department: No comments.

Public Works Department: No comments.

Town Attorney: January 31, 2020

I've reviewed the private way declaration for the Dore Road. Since it follows the Town's standard form, it's fine.

Woodard & Curran: February 11, 2020

Woodard & Curran has reviewed the Private Way Application for the Dore Drive private way to be located on Longfellow Road, in Gorham, Maine. We have reviewed the project for compliance with the applicable Town of Gorham Land Use and Development Codes and General Engineering practices. The proposed development will consist of an approximately 970-foot private way to support up to four residential dwellings in the future. The following documents were reviewed:

- Private Way Application and attachments, dated January 28, 2020, prepared by BH2M, Inc., on behalf of Tom Dore.
- Engineering Plans, Sheets 1-3, dated January 2020, prepared by BH2M, Inc., on behalf of Tom Dore.

We provide the following comments:

General Civil Engineering

- In accordance with "Standard Private Way Plan Notes" provided in the Private Way Application, please include Note 10 if the private way is not being reviewed in conjunction with a subdivision proposal.
- The application indicates that the construction activity will disturb one acre or more. A Maine Construction General Permit NOI is required for projects disturbing over an acre; the Applicant should confirm an NOI will be submitted for the proposed project.
- Please show proposed driveway apron locations. Additionally, please provide a standard detail for driveway aprons that includes general culvert information such as minimum cover requirements.
- Please provide curb radii labels at the Longfellow Road intersection. Curb radii should be 15' per Table 1 of the Gorham Land Use and Development Code.
- Grading appears to extend outside of the property boundary into adjacent property owned by Gillian Gelder. The applicant should confirm all required easements have been established.
- Silt fence is required downgradient of earth-disturbing activities. It appears that silt fence will be required west of the proposed roadway during construction. Please revise the Plan of Private Way accordingly.

- A 12” storm drain is proposed along the Longfellow Road ditch line. For open roadway sections, 15” diameter storm drains are recommended. The applicant should evaluate upsizing this pipe.
- Please provide a detail for the stabilized construction entrance.
- The winter construction period begins on November 1st per the Maine DEP Erosion and Sediment Control BMP Manual; please revise Winter Construction Note 1 on Sheet 3 accordingly. Additionally, Erosion and Sediment Control Plan Note 15 and Winter Construction Note 7 provide conflicting information with respect to distances from wetlands, and the first contraction oversight note refers to construction of a pond. The applicant should review all the erosion control notes on Sheet 3 for conformance with the Maine DEP BMP Manual and applicability to the project and make revisions accordingly.

Please contact our office if you have any questions.

**TOWN OF GORHAM PLANNING BOARD
FINDINGS OF FACT
FOR
TOM DORE/KATHERINE PEREZ – DORE DRIVE PRIVATE WAY**

March 2, 2020

Applicant/Property Owner: The applicant/owner is Tom Dore, 84G Warren Avenue, Westbrook, Maine 04092.

Property: The lot is identified as Tax Map 10, Lot 10, and is located off Longfellow Road.

Consultant: Andrew Morrell, P.E., and Robert C. Libby, Jr., P.L.S., with BH2M Engineers.

Project Description: The applicant is requesting approval to construct a 970 foot private way to the 2-6 lot standard, located off Longfellow Road to potentially serve four (4) lots. The lot is identified as Max Map 10, Lot 10, and is located in the Rural/MH zoning district.

Applicability: The Planning Board has the ability to approve private ways.

Zoning: Rural/Manufactured Housing (R/MH)

Variations: None required.

Waivers: None requested.

Pursuant to the Application:

A private way review was held on March 2, 2020.

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:

BH2M plans (the plans) for a private way, prepared by Andrew Morrell, P.E., consist of the following:

Sheet 1 - Plan of Private Way – Received 01/28/20 Sheet 2 – Boundary Survey & Existing Conditions – Received 01/28/20 Sheet 3 – Details – Received 01/28/20

Other documents submitted consist of the following:

- Private Way Application – Received 01/28/20
- Wetland Delineation – Mark J. Hampton, C.S.S., Mark Hampton Associates – Received 01/28/20
- Declaration of Maintenance of Private Way – Received 01/28/20

Gorham Town Planner – 02/25/20
Gorham Fire Department – No comments
Gorham Assessor Comments – 02/03/20
Gorham Code Enforcement – No comments
Gorham Public Works Director – No comments
Woodard & Curran – 02/11/20
Town Attorney – 01/30/20

CHAPTER 2, SECTION 2-5, H. Standards for Private Ways

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

- 1) Each lot having access from an approved private way may be improved with no more than two dwelling units and related accessory buildings and uses.

The lots served by the private way are required to meet the requirements of the Rural zoning district. The maximum number of lots/dwelling units allowed to be served by the private way is up to 6 lots or dwelling units.

The proposed name of the private way is “Dore Drive.” The proposed name meets the required E911 standards.

Finding: The private way is designed to the 2-6 lots/dwelling units private way standard and no more than six dwelling units can be served by the private way.

- 2) A plan showing the private way shall be prepared by a registered land surveyor. The plan shall be drawn in permanent ink on permanent transparency material and shall be sealed by the registered professional engineer preparing the plan.

The private way plan was designed by W. Pelkey, checked by A. Morrell #13285 and sealed by Robert Libby, PLS #2190.

The Plan title block reads "Plan of a Private Way."

The Plan has an approval block that reads: “Private Way, Approved by the Town of Gorham Planning Board.”

The approval block also has a line for the signatures of a legal majority of the Planning Board, and includes a line for the date of approval.

The Plans shows information sufficient to establish the exact location on the ground, direction, width and length of the private way right-of-way.

The street plan and profile, and street cross sections are in accordance with Chapter 2, Section 2-5., E., 3.

The Plan has a note that reads, "The Town of Gorham shall not be responsible for the maintenance, repair, plowing, or similar services for the private way shown on this plan, and if the private way has not been built to public way standards, the Town Council will not accept it as a public way."

Finding: The Plan of Private Way has been sealed by a registered land surveyor and by a registered professional engineer meeting the requirement for private ways.

- 3) If a private way provides access to 2 or more lots, a maintenance agreement shall be prepared for the lots accessed by any private way.

The private way maintenance agreement has been submitted and meets the requirements of this section.

Finding: The private way maintenance agreement identifies the rights and responsibility of each lot owner with respect to the maintenance, repair, and plowing of the private way as outlined in this section.

- 4) Private ways shall have a minimum right-of-way width of 50 feet and a paved apron 20 feet in length commencing at the existing edge of pavement where it intersects with the private way.

The proposed private way will be built to the following standards:

- a) 9" of MDOT Spec. 703.06 Type E;
- b) 12" of base gravel MDOT Spec. 703.06 Type D;
- c) 3" of 1 ½" crushed gravel, Type A or reclaimed;
- d) a minimum of 4" of paved surface, or greater as specified by the Town Engineer;
- e) a negative 2.0% grade from the existing edge of pavement to an appropriate drainage way, but in no case less than 5 feet from the travel surface of the public way it intersects;
- f) approach radius shall be specified by the Town Engineer.

Finding: The right-of-way width and a paved apron have been designed to conform to the paved apron standards outlined in this section.

- 5) Private ways shall be designed to conform to the standards presented in Tables 1 and 2 and the typical cross sections depicted in Figures 9 and 10.

The applicant is proposing to construct the 2 – 6 lot private way to meet the private way standard. The private way plan shows the required 2-6 lot/dwelling unit private way standard cross section.

Finding: The private way meets all the criteria and design requirements presented in Table 1 and 2 and the typical cross sections depicted in Figures 9 of the Gorham Land Use and Development Code.

- 8) Notwithstanding other provisions of the Code to the contrary, no gravel surfaced private way shall provide access to or serve in any way to provide compliance with the requirements of the Code for more than the greater of six lots or six dwelling units; provided; however, nothing in

this paragraph 8) shall serve to limit the use of such private way for occasional use by and for agricultural purposes.

The proposed private way may serve up to six (6) lots. The applicant proposes to serve four (4) residential dwelling units.

Finding: *The private way is proposing to serve four (4) residential dwelling units.*

9) The land area of the private way may not be used to satisfy the minimum lot area requirements for any lot (whether the lot(s) to be served or any front lot over which the private way runs).

The lots will need to retain enough area to meet the lot sizes in the Rural Zoning District.

Finding: *The land area of the private way is not being used to satisfy the minimum lot area requirements for the existing lot or any proposed future lot.*

10) The Planning Board shall have the ability to require improvements to both public roads and private ways serving any proposed private way to ensure off-site access is suitable to serve the proposed private way.

The proposed private way will be off Longfellow Road which is suitable to serve the proposed private way.

Finding: *The proposed private way will be off of Longfellow Road which is suitable to serve the proposed private way.*

Conditions of Approval

1. That this approval is dependent upon, and limited to, the proposals and plans contained in this application and supporting documents submitted and affirmed by the applicants and that any variation from the plans, proposals and supporting documents is subject to review and approval by the Planning Board, except for minor changes which the Town Planner may approve;
2. That prior to the commencement of construction of the private way, 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 revision details from Woodard & Curran shall be completed prior to Planning Board signature;
5. That the following shall be added/completed to the plan prior to Planning Board signature:
 - a. A sheet index
 - b. “The approval of this plan is for private way only. The lots shown on this plan are for illustrations only and have not been reviewed and approved under the “ Land Use and Development Code for the Town of Gorham, Maine” for compliance with the Chapter 1,

“Zoning Regulations”, Chapter 2 “General Standards of Performance”, or Chapter 3, “Subdivision.”

- c. Correct the spelling of “Stroudwater River” on Sheet 2.
6. That at least one week prior to the date of the pre-construction meeting, four complete sets of the final approved plan set will be delivered to the Planning Office to be distributed to: (1) Code Office, (2) Public Works Director, (3) Inspecting Engineer, and (4) Town Planner;
7. That prior to the pre-construction meeting, the applicant must provide estimated costs for the proposed improvements and must establish the performance guarantee per the Land Use and Development Code;
8. That the applicant shall provide an escrow for field inspection based on costs for improvements shown on the plan and meeting the requirements of Gorham’s Land Use and Development Code;
9. That prior to 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;
10. That the approved amended private way maintenance agreement shall be recorded in the Cumberland County Registry of Deeds prior to a certificate of occupancy being given to any proposed new lot with a recorded copy of the private way maintenance agreement to be returned to the Planning Office;
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 private way plan and the private way plan shall be recorded in the Cumberland County Registry of Deeds within thirty (30) days of endorsement of the plan by the Planning Board, and that a recorded mylar copy of the private way plan shall be returned to the Town Planner prior to the Pre-construction Meeting.

SUGGESTED MOTIONS:

FOR APPROVAL:

Move to grant Tom Dore and Catherine Perez’s request for approval for Dore Drive, a 970 foot private way designed to the Town’s 2-6 lot/dwelling unit private way standard, located on Map 10, Lot 10 and situated in the Rural/Manufactured Housing zoning district, based on Findings of Fact and with Conditions of Approval as written by the Town Planner (and amended by the Planning Board).

OR

TO TABLE APPROVAL:

Move to table further review of Tom Dore and Catherine Perez’s request for private way approval pending responses to remaining issues (and finalizing revisions to the plan).

OR

TO CONSENT AGENDA:

Move further review of Tom Dore and Catherine Perez’s request for private way approval to a future Consent Agenda pending the submission of revised information addressing outstanding staff and Planning Board comments.

Land Use and Development Code Amendment: Hans Hansen Contract Zone Amendment

**Town of Gorham
Planning Board Meeting
March 2, 2020**

ITEM 3 - Land Use and Development Code: Discussion - proposed amendment to the Hans Hansen Contract Zone to allow age-restricted dwelling units and to a portion of the lots located in Stargazer Subdivision. Zoned R/SR, Map 3, Lots 22.502-507 and 22.403. The applicant is represented by Bill Walsh, P.E., with Walsh Engineering.

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AMENDMENT TRACKING

DESCRIPTION	COMMENTS	STATUS
Town Council Meeting	The Town Council forwarded the item to the Planning Board for a public hearing and recommendations (6 ayes).	_____
Planning Board - Discussion	The Planning Board should discuss the proposed amendment and discuss whether to move the item to one of the Planning Board's sub-committees or to a full workshop with the Planning Board.	March 2, 2020

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

Land Use and Development Code Amendment: Hans Hansen Contract Zone Amendment

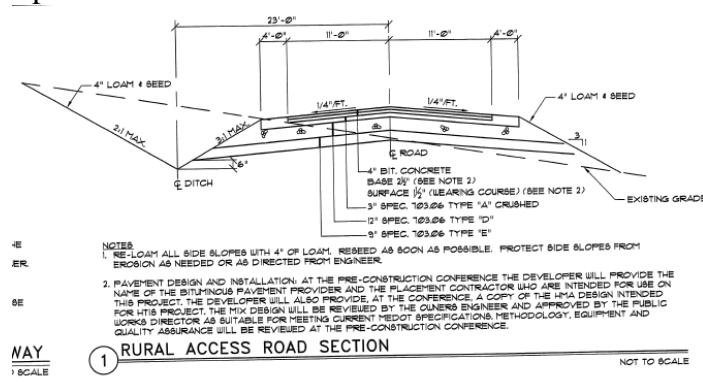
1. Overview

This item is on for discussion of the applicant's proposed amendment to the existing Contract Zone and for the Board to decide how the review of the Contract Zone should proceed (via one of the Planning Board's sub-committees or a full Planning Board workshop).

The applicant is looking for a number of amendments to the approved Contract Zone for the parcels. The amendments include allowing aged-restricted residential uses, mixed-use buildings, exempting road standards from the requirements of the Land Use and Development Code standards, removing the New England Architecture requirement, and allowing a drive-through between the building on lot 3 and the front of the building.

As a reminder to the Planning Board any proposed changes regarding residential density and building designs need to be found consistent with the Future Land Use Planning in the Town's Comprehensive Plan. The Future Land Use Plan identifies these lots to be located in the South Gorham Commercial Center District. See description and Future Land Use Map for South Gorham on pages 3 and 4.

The Stargazer subdivision lots are served by Blue Ledge Road which was designed to the Town's Rural Access Standard. From a search of Community Development files it looks like South Gorham Crossing driveway was also designed to the Town's Rural Access Road gravel and asphalt pavement sections. Rural Access Road Standards are identified in the Ordinance to handle up to 250 Average Daily Trips. The applicant would like a waiver to allow the road to handle more than 250 Average Daily Trips. Typically roads that handle higher volumes are required to have deeper depths of gravel and asphalt as well as wider travel lanes.



As a reminder to the Planning Board, Cumberland Farms went through an extensive landscape review in order to allow parking and drive aisles to be located between the front of the building and County Road. Staff recommends that the Planning Board review the Cumberland Farms Contract Zone requirement as part of the review of Unit 3's amendment to allow a drive-through aisle between the building and County Road. This will ensure consistency for the lots fronting on County Road and to better form a campus style development pattern as identified in the Comprehensive Plan.

The Planning Board should also identify any additional material, information, or peer reviews they would like the applicant or staff to provide as the Contract Zone amendment proceeds to the next meeting to discuss the proposed amendments.

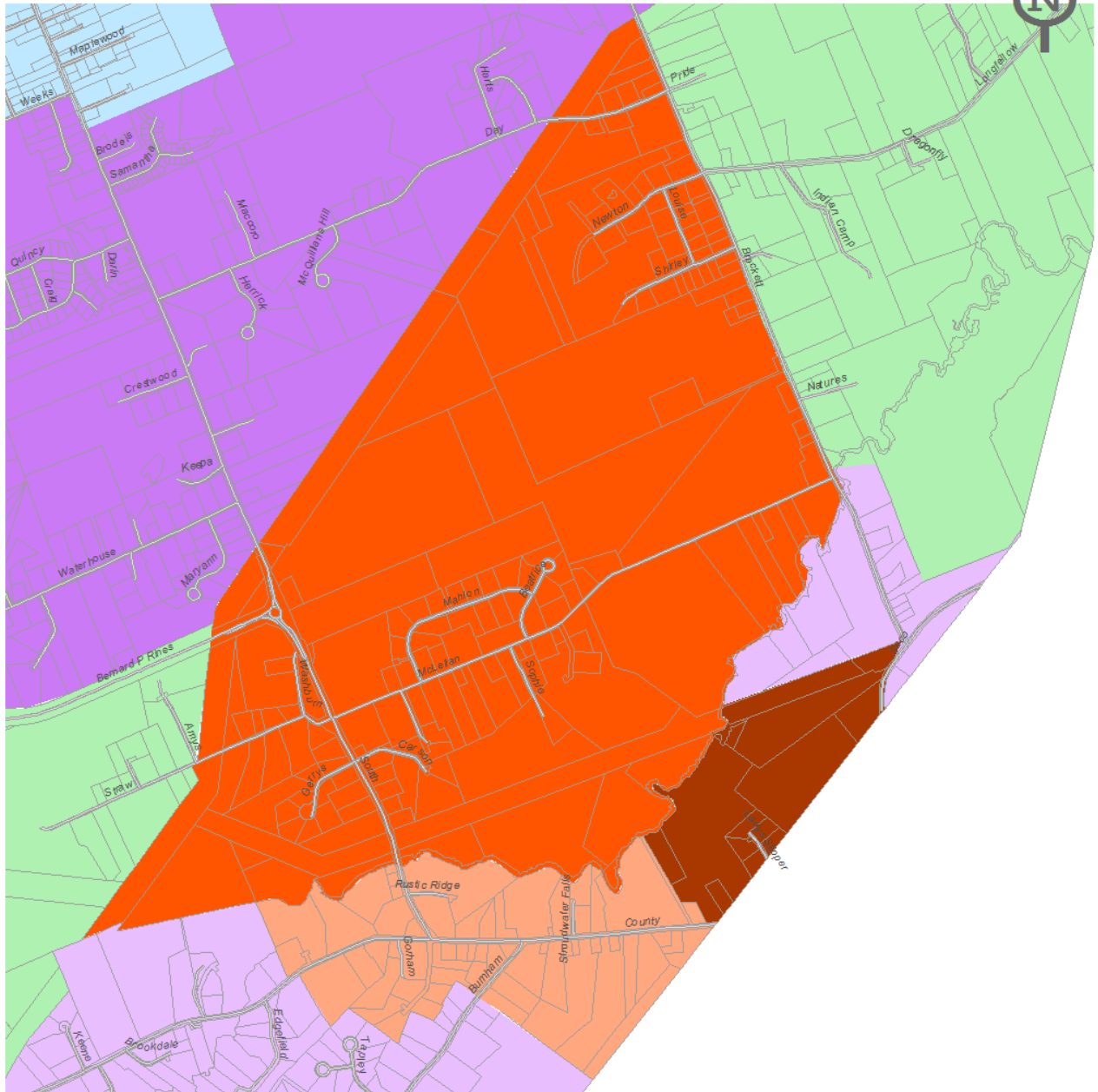
Land Use and Development Code Amendment: Hans Hansen Contract Zone Amendment

- **South Gorham Commercial Center Area**

- **Location** – The South Gorham Commercial Center Area designation includes the land on both sides of the County Road in the vicinity of the intersection with South Street (see Figure 6.5). This designation includes the parcels that have been “contract zoned” thereby creating a consistent pattern for this area of the community.
- **Allowed Uses** – In the longer-term, the land use regulations in this area should be based on a Master Plan for South Gorham and North Scarborough developed jointly with the Town of Scarborough. In the near-term, the zoning should incorporate the provisions of the existing contract zones that have been established within this area. The allowed uses in this designation should include a range of residential uses including eldercare facilities together with a wide-range of smaller-scale non-residential uses including business and professional offices, personal and business services, restaurants, retail uses, B&Bs, and community uses. Most non-residential uses should be limited to a maximum of 5,000 to 7,500 square feet of floor area. Larger uses such as retail uses with up to 15,000 square feet of floor area may be allowed on “back lots” away from County Road provided that their access is from internal streets and the frontage along County Road is developed with smaller-scale buildings.
- **Development Standards** – As noted above, the land use regulations for this area should evolve as a Master Plan for South Gorham and North Scarborough is developed and adopted. As a general guiding principle, a higher density of activity should be allowed within approximately one thousand five hundred (1,500) feet of the intersection of County Road and South Street with lower density activity in the remainder of the area. Residential uses should be allowed at a density of up to two units per net acre with on-site sewage disposal and four units per acre with public sewerage throughout the area with higher density allowed with public sewerage near the South Street intersection. The basic minimum lot size should be 20,000 square feet that can be reduced to 10,000 square feet or less with public sewerage. The variable density provisions for small units should apply in this designation if public sewerage is utilized.

The development standards should promote a campus style development pattern in the area near the South Street intersection with more of a village character in the remainder of the area. The standards should require that new buildings have a traditional character and scale and be limited to a maximum of two stories except in the area around the South Street intersection if public sewerage becomes available in the future. Buildings should be located on access drives or new streets where feasible to minimize curb cuts on County Road. The creation of an interconnected street network should be required where feasible. New buildings directly fronting on County Road with access from that street should not be allowed unless there is no alternative. Buildings should be located in proximity to the street or access road with a setback of no more than fifty feet along the County Road and 35 feet on other streets or drives.

Figure 6.5: South Gorham
Gorham Comprehensive Plan Update



Residential Growth Area

- Suburban Residential
- Village Expansion

Mixed-Use Growth Area

- Gorham Village Center
- Little Falls Village Center
- Moshers Corner Mixed Use
- Narragansett Mixed-Use Dev.
- South Gorham Commercial Center
- South Gorham Crossroads
- Village Approach
- Village Commercial

Nonresidential Growth Areas

- Corridor Commercial
- Industrial
- Moshers Corner Planned Dev
- University Institutional

Mixed-Use Limited Growth Areas

- Village Office-Residential
- White Rock Mixed-Use

Residential Limited Growth Areas

- Village Residential

Rural Areas

- Rural

Land Use and Development Code Amendment: Hans Hansen Contract Zone Amendment

SUGGESTED MOTIONS:

Move the item to the Planning Board's Ordinance Subcommittee for review and recommendation back to the Planning Board.

OR:

Move the item to the Planning Board's Comprehensive Plan Implementation Committee for review and recommendation back to the Planning Board.

OR:

Move the item to the next available Planning Board workshop for review and recommendation back for public hearing.