



**Town of Gorham  
September 10, 2012  
PLANNING BOARD MINUTES**

LOCATION: Burleigh H. Loveitt Council Chambers, 75 South Street, Gorham, Maine

**Members Present:**

**EDWARD ZELMANOW, Chairman  
CHRISTOPHER HICKEY, Vice Chairman  
GEORGE FOX  
THOMAS HUGHES  
MELINDA SHAIN  
COREY THERIAULT**

**Staff Present:**

**THOMAS M. POIRIER,  
BARBARA C. SKINNER, Clerk of the Board**

Edward Zelmanow, Chairman, called the meeting to order at 7:00 p.m. The Clerk called the roll, noting that all members were present.

**APPROVAL OF THE AUGUST 6, 2012 MINUTES**

**Thomas Hughes MOVED and Melinda Shain SECONDED a motion to approve the minutes of August 6, 2012 as written and distributed. Motion CARRIED, 5 ayes (Christopher Hickey abstaining as not having been present at the meeting). [7:03 p.m.]**

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**COMMITTEE REPORTS**

The Ordinance Review Committee has not met. Ms. Shain reported that the Streets and Ways Sub-Committee met and discussed the right-turn hammerhead requirement issue with the Public Works Director, as well as curb types.

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**CHAIRMAN'S REPORT** – Mr. Zelmanow noted that there is still a vacancy for the 7<sup>th</sup> member of the Planning Board.

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**ADMINISTRATIVE REVIEW REPORTS** – Mr. Poirier said there are no new projects for Administrative Review, but updated the Planning Board that the Committee met on the application of 6 Oxford Street, LLC, 669 Main Street, pre-owned auto sales. Staff saw the need for a visit to the site with cars located there to make sure that there is adequate sight distance for traffic coming out of Bartlett Road. Staff is working with the applicant to set up that site walk.

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**ITEM 1 – PUBLIC HEARING, SITE PLAN AMENDMENT** – Anderson Equipment's request for approval of an amendment to the former Plan-It Recycling property to construct an 80' x 100' addition for its equipment service department, located at 18 Gorham Industrial Parkway, Map 12, Lot 26.001, Roadside Commercial zoning district.

Mr. Poirier said that the project was last before the Board as a pre-application on June 4, 2012, and a site walk was held on August 21, 2012. Staff considers the application complete at this time.

Owens McCullough, Sebago Technics, introduced John Leite, general manager and products support out of Anderson's New Hampshire office and Brandon Mace, who will manage the new facility. Mr. McCullough said that Anderson was founded in 1935 and operates 18 branches throughout New England, originally focused in used and rebuilt construction equipment, and since expanded to become a large supplier in construction and mining equipment.

Mr. McCullough gave the Board an overview of the project, noting that Anderson Equipment provides sales, service, and parts for construction and mining equipment and has recently acquired R.C. Hazelton out of Cumberland. This proposal is to relocate that facility to the Grondin Commercial Subdivision on Lot 1. Mr. McCullough discussed the history of the lot, and said that with the site remediated, Anderson Equipment has entered into a purchase and sales agreement with CRLS Clean-Up, LLC.

It is intended that the existing building will be renovated to provide for sales, offices, conferences, parts and a show room. As part of the expansion, a new 9,300 square foot building will be a service garage with 7 bays, interior car wash, lockers, bathrooms and a lunch room for the employees. At full buildout, it is expected that there will be 18 employees. Exterior improvements include paving a portion of the existing gravel parking and circulation areas, and a new driveway access is proposed across from the existing roadway connection to Bartlett Road. The entrance will be gated and locked during non-use times and is intended to accommodate large truck and equipment drop-off and pick-up. The site has existing public water and sewer, and natural gas may be extended to the site. Existing propane tanks will be used to heat the facility. Mr. McCullough discussed the proposed new landscaping along the front, replacing the existing white pines with a combination of low growth vegetation, junipers, evergreen growth and elm trees. Signage will include two free standing signs and a building mounted sign and traffic/directional signage on site. Mr. McCullough said that the proposed improvements do not alter surface stormwater characteristics or create new non-vegetated surface, and the existing drainage infrastructure will be maintained in its current conditions.

Ms. Shain confirmed with Mr. McCullough that the trees in front will be removed. Mr. Hughes welcomed Anderson Equipment to Gorham and confirmed that the Fire Chief's questions have been satisfactorily answered. Mr. Hickey and Mr. McCullough discussed the elevation of the retaining wall and the location of the loading zone. Mr. Zelmanow confirmed with Mr. McCullough that parking is more than adequate.

PUBLIC COMMENT PERIOD OPENED: Matt Mattingly, 91 South Street, welcomed Anderson Equipment to Gorham and expressed the hope that the landscaping proposed will enhance the site, which is one of the first impressions of Gorham for anyone driving on Route 25.

PUBLIC COMMEND PERIOD ENDED.

Neither the Board nor the applicant had any issues with the proposed Findings of Fact and conditions of approval.

**Christopher Hickey MOVED and Thomas Hughes SECONDED a motion to grant Anderson Equipment's request for site plan amendment approval to locate an equipment sales and service facility, Map 12, Lot 26.001, in the Roadside Commercial zoning district, with Findings of Fact and Conditions of Approval as written by the Town Planner. Motion CARRIED, 6 ayes. [7:21 p.m.]**

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**ITEM 2 – DEVELOPMENT TRANSFER OVERLAY DISTRICT AMENDMENT PRELIMINARY APPROVAL** - Risbara Brothers Construction Co., Inc., request for approval of an amendment to Wagner Farm Subdivision for Wagner Farm Subdivision, Phase II, a proposed 10-lot subdivision designed under the Development Transfer Overlay district on 3.44 acres with an internal  $\pm$  510' roadway, located at 222 Libby Avenue, Map 30, Lot 13, in the Urban Residential zoning district.

Mr. Hickey said that while he was absent the last time that this item was before the Board on August 6, 2012, he has reviewed the minutes of that meeting and other information provided and believes he can participate in the discussion on the item this evening.

Mr. Poirier advised the Board that this item was before the Board on August 6, 2012, for preliminary subdivision review, and a site walk was held on August 21, 2012. At the August 6, 2012 meeting, the

Board granted two waivers, one for high intensity soils survey, and the other for the reduction in the separation distance between intersections requirement. As the Board requested, the Public Works Director has provided a memo indicating that he would support the separation requirement waiver.

Nancy St. Clair, St. Clair Associates, introduced the applicant, Rocco Risbara, and her husband, David St. Clair. Ms. St. Clair explained that the most significant change since their last appearance before the Board is to change the orientation of the hammerhead to the right, which has adjusted the lot lines and the orientation of the proposed grassed underdrained soil filters which are now in drainage easements along the rear of the lots. The drawings will be changed to reflect the metes and bounds for those drainage easements. In addition, as requested by staff, Lot 5's house lot will be shifted. Certain comments by the Town's engineer have been addressed as well. They will work with staff on the placement of the street signs and stop sign. A sidewalk has been added to connect between Lacey's Way and Wagner Farm Road. Ms. St. Clair also indicated that the DEP process is ongoing, as well as that with the Portland Water District.

Mr. Poirier advised Ms. Shain that the Town Attorney's opinion was in staff's last set of plan notes that this is a subdivision amendment because it will occur within the five year window of the first subdivision. In response to a question from Mr. Theriault, Ms. St. Clair replied that the maintenance of the grassed underdrained soil filter will be the responsibility of the lot owners' association, and there is a maintenance plan based on DEP requirements in the HOA documents. Mr. Theriault also brought up the issue of the location of the mailbox on the side of the hammerhead; Mr. Poirier said he would ask the Public Works Director for his input on where he prefers the mailbox to be. In response to Mr. Theriault, Ms. St. Clair said that street trees will be outside of the esplanade, with a 3-foot grass strip between the sidewalk and the pavement curb. Ms. Shain noted that one of the street tree placements straddles a property line; Ms. St. Clair said those locations will be adjusted as needed. Mr. Theriault asked about power supply for the barn, which Mr. Risbara indicated will come from the existing home. Mr. Zelmanow and Mr. Risbara discussed the existing pile of stockpiled material; Mr. Risbara said there is just about enough material on site to finish this project.

Mr. Hickey and Ms. St. Clair discussed the sizing and placement of the underdrained soil filters. Mr. Risbara advised Mr. Hickey that there is 30 inches to 4 feet of ledge that will have to be blasted to get the utilities in and also on Libby Avenue.

**PUBLIC COMMENT PERIOD OPENED:** Robert Lavoie, 81 Wagner Farm Road, expressed concern about buffering and the existing tree line, saying that part of that tree line has died, and that a better sound and visual buffer should be installed. Mr. Risbara said he would take a closer look at the trees on the property line and put in a few more trees. Ms. Shain suggested the addition of shrubs as well. Mr. Hickey suggested that the trees not to be removed should be flagged. Mr. Hughes noted that the houses themselves will buffer visual buffering. Mr. Poirier said that a condition of approval can be drafted that prior to construction the applicant will flag trees on the eastern boundary that should not be removed.

**PUBLIC COMMENT PERIOD ENDED.**

The Board discussed with Ms. St. Clair the possibility of having a second meeting in October, which appears problematic in that the applicant does not have its DEP permit yet.

**George Fox MOVED and Corey Theriault SECONDED a motion to grant Risbara Brothers Construction's request for preliminary approval of a subdivision plan consisting of ten single-family residential lots on 3.44 acres off Libby Avenue, located on Map 30, Lot 13, in the Urban Residential district based on the Findings of Fact as written by the Town Planner. Motion CARRIED, 6 ayes.**

[8:10 p.m.]

**ITEM 3 – BUFFER REVIEW** – Pinecrest Bed and Breakfast – A request for review of the existing buffer to screen proposed parking in the front yard setback, 91 South Street, Map 106, Lot 42, in the Urban Residential zoning district.

Mr. Poirier explained that this item is different from the standard site plan review done by the Planning Board in that the Board will only review the project's buffer area abutting the public street, per Chapter II, Section VIII – Bed and Breakfast Facilities. He said that Bed and Breakfast establishments that utilize parking within the front yard setback are required to have the buffer area abutting a public street meet the satisfaction of the Board. The remaining site plan criteria will be done by the Site Plan Review Committee as part of an Administrative Review Site Plan. Staff also recommends that the Board's approved conditions of approval be added to the Administrative Review Site Plan, along with a plan note describing the Board's meeting date and approval.

Matt Mattingly came to the podium and gave a brief overview of what is proposed for the site that is being considered by the Site Plan Review Committee. The Board and Mr. Mattingly discussed at length the proposal to use the existing vegetation and white picket fence to screen the parking area. Most of the Board felt that the existing shrubbery was adequate as a buffer, but the white picket fence was not adequate as a buffer. The Board discussed three options with the applicant: (1) remove the white picket fence and plant more of the existing shrubbery; (2) remove the white picket fence and replace it with a different kind of fence, such as a stockade fence; and (3) plant vegetation around the white picket fence to increase screening.

The Board directed staff to work with the applicant about additional buffering in the picket fence area, and to place the item on a future consent agenda once additional buffering has been proposed.

**Corey Theriault MOVED and Melinda Shain SECONDED a motion to place this item on the Consent Agenda for the Board's October 1, 2012 meeting. Motion CARRIED, 5 ayes (1 nay, Thomas Hughes).**

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**ITEM 4 – PREAPPLICATION FOR SUBDIVISION REVIEW** – Justin Dearborn – Request for approval of an amendment to Davis Farm Estates, approved in 2006, and private way, from 14 lots to 4 lots with private way, located off Davis Annex and Flaggy Meadow Roads, Map38, Lot 3, in the Suburban Residential zoning district.

Mr. Zelmanow advised the Board that the applicant has asked that this item not be considered this evening.

**Christopher Hickey MOVED and Melinda Shain SECONDED a motion to remove this item from the agenda. Motion CARRIED, 6 ayes. [8:39 p.m.]**

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**OTHER BUSINESS                      NONE**

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**ANNOUNCEMENTS                      NONE**

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**ADJOURNMENT**

**Melinda Shain MOVED and Corey Theriault SECONDED a motion to adjourn. Motion CARRIED, 6 ayes. [8:41 p.m.]**

Respectfully submitted,

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Barbara C. Skinner, Clerk of the Board  
\_\_\_\_\_, 2012

**ITEM 1      Anderson Equipment Site Plan Amendment**

**Whereas, Anderson Equipment**, Applicant, proposes to locate an equipment sales and service operation at 18 Gorham Industrial Parkway, Map 12 Lot 26.001 in the Roadside Commercial zoning district.

**Pursuant to the Application:**

A Pre-application was held on June 4, 2012.

A Site walk was held on August 21, 2012.

A Public hearing was held on September 10, 2012.

Applicant/ Property Owner: The applicant is Anderson Equipment, 1645 Candia Road, Manchester, New Hampshire 03109. The current owner of the site is CLRS Cleanup, LLC, 11 Bartlett Road, Gorham, Maine 04038.

Property: The lot is identified as Tax Map 12, Lot 26.001 and is located at 18 Gorham Industrial Parkway, Gorham, Maine 04038.

Consultant: Owens McCullough, P.E., Sebago Technics.

Project Description: Anderson Equipment is proposing to locate an equipment sales and service operation at 18 Gorham Industrial Parkway. The existing metal building will be renovated to accommodate sales, offices, parts and a show room. Proposed new construction will include a 9,300 sq. ft. addition and a new entry vestibule added onto the existing building, new asphalt paved areas, concrete apron around the new building addition, and a new landscaped buffer along Gorham Industrial Parkway.

Anderson Equipment is expected to employ 18 employees at full operation with the normal hours of operation being 7 a.m. to 5 p.m.

Site Description: The site is 8.27 acres in size and is lot 1 of the Grondin Commercial Subdivision. The site has road frontage along Gorham Industrial Parkway and is served by public water, public sewer, underground utilities, and propane gas.

The northern two thirds of the site are developed and the southern third is undeveloped. The developed portion of the site includes an 8,000 sq.ft. metal building, truck scale, asphalt pavement parking lot and access driveway, large gravel storage area, landscaped berm, and a 50' by 60' concrete pad. The large portion of the undeveloped third of the site is emergent/scrub shrub wetland.

The site was the former Plan-It Recycling site and had large stockpiles of material onsite. The site was purchased by CRLS Clean-up, LLC, and remediated. The Maine Department of Environmental Protection has reviewed the remediated site and given the site approval under the Voluntary Response Action Program (VRAP).

Applicability: The applicant's proposal requires site plan review because it involves the expansion of an existing nonresidential building or structure under Chapter IV, Section II, A), 2).

Zoning: Roadside Commercial (RC) District where the proposed use is a permitted use per Chapter I, Section XI, Subsection B. 2) of the Code.

Variiances: None required.

Waivers: None required.

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 Technic, Inc.'s Plans (the plans) for Anderson Equipment, prepared by Owens McCullough, P.E., consist of the following:

<b>Site Plan – Sebago Technics, Inc.</b>	
Sheet 1:	Cover Sheet - 8/31/12, 8/10/12
Sheet 2:	Site Plan - 8/31/12, 8/10/12
Sheet 3:	Landscape Plan - 8/31/12, 8/10/12
Sheet 4:	Details - 8/31/12, 8/10/12
Sheet 5:	Details - 8/31/12, 8/10/12

Other documents submitted consist of the following:

- Sketch Plan and Pre-Application - 5/25/12
- Site Plan Application - 8/10/12
- Letter of Financial Capacity - 8/31/12
- Gorham Town Planner – 6/4/12, 9/6/12
- Gorham Assessor Comments - 8/15/12
- Gorham Fire Chief Comments - 8/21/12
- Site Walk Notes – 8/21/12

**FINDINGS OF FACT**

**CHAPTER IV, SITE PLAN REVIEW, SECTION IX – 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 IV, Section IX – 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 site plan sheet set, site plan application, and accessory information provided show that the lot can support the proposed lot improvements for the sales and service of equipment. No disturbance is proposed to the emergent/scrub shrub wetland located on the southern third of the site or natural drainage ways located on the site.

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

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

Vehicular access to the site is along Gorham Industrial Parkway which is accessed off Main Street (State Route 25) and Laurence Drive. The applicant estimates 25 round trips to the site on a daily basis with an additional 5 delivery trucks per day.

*Finding: Gorham Industrial Parkway, Main Street (State Route 25) and Laurence Drive 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.

The site will have two vehicular access driveways onto the site from Gorham Industrial Parkway. The existing driveway located on the southwestern portion of the site will be for use by employees and customers. The new proposed driveway located on the northwestern portion of the site is for use by tractor trailer trucks hauling equipment onto and off 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.

The proposed layout of the two access driveways keeps the passenger vehicle circulation separate from the tractor trailer traffic entering the site. The site has large amounts of paved and gravel surface located on all sides of the building which will allow for emergency vehicle access around the building. The customer parking spaces will be located adjacent to the entrance into the building with employee parking spaces located to the rear of the building.

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.

Customer parking and employee parking spaces are located near entrances into the building which will allow pedestrians exiting their vehicles to have safe access into 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 current site drainage allows stormwater to sheet flow across the site to a vegetated ditch along Gorham Industrial Parkway and the undeveloped southern portion of the site. The proposal is not increasing the amount of impervious area on the site and no change to the site's existing drainage pattern is proposed.

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.

The plan set provided shows the location and installation details for erosion control best management practices to be installed 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 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 Gorham Industrial Parkway. No changes to the water supply are proposed.

Finding: *The development provides a system of water supply that provides for 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 Gorham Industrial Parkway. Sewage and waste water leaving the proposed 9,307 sq. ft. maintenance and service addition will pass through a 2,000 gallon oil and water separator before connecting into the public sewer system.

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 underground utilities from Gorham Industrial Parkway. The applicant is proposing to relocate the propane gas tank from the existing location to the southern edge of the existing asphalt pavement. No other changes to the existing utilities are proposed on the site.

Finding: *The development will provide for adequate 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.

No impacts are proposed to the existing emergent/ scrub shrub wetland located along the southern third of the site.

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 applicant is proposing to install an above-ground storage tank between 500-1,000 gallons for the storage of off-road diesel. The storage tank will be a doubled wall tank and be placed in a precast concrete secondary containment. The outside storage tanks are required to meet State of Maine regulations and meet the approval of the State Fire Marshal's Office.

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.

The site has 2 existing light poles located along the northern and northeastern property lines which the applicant is proposing to utilize in illuminating the area around the equipment display area. All lighting on the site is required to be full cut-off lighting.

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

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

The applicant is proposing to install one dumpster located adjacent to the employee parking spaces behind the southern edge of the building. The dumpster pad is proposed to be placed on a concrete pad and screened by a 6' high fence. The applicant is also proposing to install 2 recycling containers on a 12' by 45' concrete pad located along the southern edge between the asphalt pavement and the undeveloped portion of the lot.

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.

The applicant is proposing to remove the existing pine trees located between Gorham Industrial Parkway and the northern edge of the pavement onsite and replace them with an extensive landscaped buffer made up of a variety of trees, shrubs, and plants. The applicant is also proposing a small landscaped island located on the western edge of the parking spaces.

Finding: *The proposed landscaping 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.

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 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 from William B. Gex, Chief Executive Officer, Anderson Equipment, dated August 31, 2012, identifying that it has the financial capacity to complete the project. Anderson Equipment is a national company that has completed numerous projects similar to the proposed redevelopment of the site.

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 abutting properties to the north are developed by existing commercial uses and the applicant is proposing to buffer the area with a revised landscaping plan along the northern property boundary. The abutting property to the south is located in Westbrook and is recreational in nature and is buffered from the facility by a large berm vegetated with white pine trees and the emergent scrub shrub wetland. The existing buffer along the southern property line will remain undisturbed as part of the approval.

Finding: *The development provides buffering to screen 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 use of the site as an equipment supply and service facility will comply with 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 provide property line information and site information in auto-cad format to the Town Planner prior to the pre-construction meeting.
4. That any proposed use on the site shall meet the sound level requirements outlined under Chapter IV, Section IX, T. Noise.
5. That a complete set of building construction plans covering both the renovations as well as the new construction shall be supplied to the Gorham Fire Department at or before a building permit is issued.
6. That the building construction plans shall be reviewed and approved by the State Fire Marshal's Office and a copy of the permit provided to the Gorham Fire Department.
7. That the building shall be completely sprinkled meeting all applicable sections of the Town of Gorham's Sprinkler Ordinance.
8. That the building shall meet all applicable sections of the NFPA 101 Life Safety Code and the NFPA Fire Prevention Code 1.
9. That sprinkler plans shall be submitted to the Gorham Fire Department and the State Fire Marshal's Office for review and permitting and the plans shall be submitted at least two weeks prior to the start of installation of the system.
10. That the propane tanks shall be placed on a cement slab and all natural gas or propane meters and propane tanks shall be protected by bollards.
11. That the sprinkler control room will have a separate outside door marked sprinkler control room and the main Fire Alarm panel shall be located in the sprinkler control room.
12. That the outside fuel storage area shall comply with all State regulations and shall be permitted by the State Fire Marshal's office.
13. That a complete listing of hazardous products and their MSDS sheets on a disk shall be supplied to the Gorham Fire Department.
14. That all floor drains shall go to the oil water separator located on site.
15. That if a fire alarm system is required then the designer of the system shall meet with the Gorham Fire Department for review of the system.
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, their 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.

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**ITEM 2            DTO SUBDIVISION AMENDMENT PRELIMINARY APPROVAL  
                         RISBARA BROTHERS CONSTRUCTION CO., INC.**

**Whereas, Risbara Brothers Construction Company, Inc.,** Applicant, proposes to construct a 10-lot subdivision of single family homes under the Development Transfer Overlay district standards, Map 30 Lot 1, in the Urban Residential zoning district.

**Pursuant to the Application:**

A Pre-application was held on April 23, 2012

A Preliminary Subdivision review was held on August 6, 2012

A Site walk was held on August 21, 2012

A Waiver for a high intensity soil survey was granted on August 6, 2012

A Waiver for the reduction in the separation distance between intersections requirement was granted on August 6, 2012

A Preliminary Subdivision review was held and approval was granted on September 10, 2012

**Project Description**

Risbara Brothers is proposing to construct a 10 lot subdivision with single-family homes designed under the Development Transfer Overlay Standards. The lot sizes range in size from 18,890 sq. ft. to 9,688 sq. ft. Lots will be served by public water and sewer, natural gas, underground utilities, and a clustered mailbox. Pedestrian and vehicle access to the subdivision lots will by a road, named Lacey's Way, and sidewalk designed to the Town's Urban Access Road Standard with a length of 440'.

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:

St. Clair Associates' Plans (the plans) for Wagner Farm- Phase II, prepared by David St. Clair, P.L.S, and Nancy St. Clair, P.E. consist of the following:

<p><b>Site Plan – St. Clair Associates</b> Sheet 1:Cover Sheet - 7/3/12, 8/10/12, 8/17/12 Sheet 2:Subdivision Plan - 7/3/12, 8/10/12, 8/17/12 Sheet 3:Plan &amp; Profile Sheet 0+00 – 4+26 - 7/3/12; 8/10/12; 8/17/12 Sheet 4:Grading Plan - 7/3/12; 8/10/12; 8/17/12 Sheet 5:Details -7/3/12, 8/10/12, 8/17/12 Sheet 6:Details -7/3/12, 8/10/12, 8/17/12 Sheet 7:Details -7/3/12, 8/10/12, 8/17/12 Sheet 8:Details -7/3/12, 8/10/12, 8/17/12</p>
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Sheet 9:Details -7/3/12; 8/10/12, 8/17/12
Sheet 10: Pre-Development Watershed Map -7/3/12; 8/10/12; 8/17/12
Sheet 11: Post-Development Watershed Map - 7/3/12, 8/10/12, 8/17/12

Other documents submitted consist of the following:  
Sketch Plan and Pre-Application – 3/6/12  
Site Plan Application -7/3/12; 8/10/12, 8/17/12  
Gorham Town Planner – 4/23/12, 9/08/06/12, 9/06/12  
Gorham Assessor Comments -7/20/12, 8/15/12  
Gorham Fire Chief Comments -7/6/12, 8/21/12  
Gorham Code Enforcement Officer -8/8/12  
Woodard & Curran -7/18/12, 8/17/12  
Portland Water District - 8/17/12  
Traffic Assessment; William Bray, PE; Traffic Solutions - 6/29/12

**FINDINGS OF FACT**

**CHAPTER III - SUBDIVISION, SECTION III - PRELIMINARY PLAN**

The Planning Board, following review of the Site Plan Application Amendment, makes these Findings based on the Site Plan Review criteria found in Chapter III, Section III – C. Preliminary Plan Review.

**C. PRELIMINARY PLAN REVIEW**

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

Wagner Farm Subdivision, Phase II, is proposed to be a 10 single-family house lots designed under the Development Transfer Overlay district standards. Subdivision lot sizes range from 9,688 sq. ft. to 18,890 sq. ft. with road frontages between 75’ to 270’. All the proposed subdivision lots meet the requirements of the Development Transfer Overlay district standards.

The applicant has provided a letter from Cynthia E. Convery, Vice President, Biddeford Savings Bank, dated August 8, 2012 identifying that the applicant has the financial capacity to complete the subdivision improvements.

*Finding: Wagner Farm Subdivision, Phase II, conforms with the Comprehensive Plan. The proposed subdivision is in conformance with the Comprehensive Plan of the Town, and with all pertinent State and local codes and ordinances.*

- b) Will not cause congestion or unsafe conditions with respect to use of the highways or public roads, existing or proposed on or off the site.

Wagner Farm Subdivision, Phase II, is estimated to generate 96 daily trips, 8 trips during a typical week day AM peak hour and 10 trips in the evening PM peak hour. The subdivision lot is located off Libby Avenue north of Wagner Farm Road. Access to each building lot will be provided with the construction of Lacey Way, designed to the Town’s Urban Access street standard.

The applicant has provided a Traffic Assessment dated June 29, 2012 from William J. Bray, P.E., with Traffic Solutions, documenting the peak hour trip generation of the proposed project and providing an assignment of those trips to the existing streets; examining current roadway safety requirements on Libby Avenue between Main Street (State Route 25) and Gray Road (State Route 202); and reviewing sight distance requirements.

*Finding: Wagner Farm Subdivision Phase II will not cause congestion or unsafe conditions with respect to use of 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.

Wagner Farm, Phase II, subdivision lot will be served by a clustered mail box located at the hammerhead of Lacey's Way. The subdivision lots will also be served by underground power, cable, and phone lines from Lacey's Way. Subdivision lots' household trash and recyclables removal will be through the Town's contracted residential waste hauler.

*Finding: Wagner Farm Subdivision, Phase II, will not place an unreasonable burden on the ability of the Town to provide municipal services to the ten single-family residential lots.*

- d) Has sufficient water supply available for present and future needs as reasonably foreseeable.

The applicant has provided a letter dated July 3, 2012 from Glissen Havu, E.I., with the Portland Water District, confirming that the Portland Water District has the ability to serve the Wagner Farm Phase II Subdivision.

The 12" water main located within Libby Avenue will be extended roughly 230' within Libby Avenue right-of-way to serve the site. An 8" water main roughly 377' in length will serve the 10 single family dwelling units. Wagner Farm Subdivision Phase II has sufficient water supply available for present and future needs.

*Finding: Wagner Farm Subdivision, Phase II, has sufficient water supply available for the present and future needs of the subdivision lots and the applicant will present a letter from the Portland Water District approving the final design prior to final subdivision approval.*

- e) Will provide for adequate solid and sewage waste disposal for present and future needs as reasonably foreseeable.

The 8" gravity sewer located within Libby Avenue will be extended roughly 270' within Libby Avenue right-of-way to serve the site. An 8" water main roughly 410' in length will serve the 10 single family dwelling units.

*Finding: Wagner Farm Subdivision, Phase II, has adequate provisions for sewage disposal available for the present and future needs of the subdivision lots and the applicant will present a letter from the Portland Water District approving the final design prior to final subdivision approval.*

- f) Will not result in undue pollution of air, or surficial or ground waters, either on or off the site.

Wagner Farm Subdivision Phase II, stormwater infrastructure will collect the proposed stormwater from the site into two grassed underdrained soil filters located within lots 3, 4, and 5 in the eastern corner of the subdivision. The stormwater system has been designed to meet Maine DEP Chapter 500 standards to address erosion and sediment control, inspection, maintenance, and housing, and the standards to provide water quality enhancements and flooding standard to address the pre- and post-development peak rates of discharge.

Finding: Wagner Farm Subdivision, Phase II, will not result in undue pollution of air, 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 stormwater system has been designed to meet Maine DEP Chapter 500 standards to address erosion and sediment control, inspection, maintenance, and housing, and the standards to provide water quality enhancements and flooding standard to address the pre- and post-development peak rates of discharge. Wagner Farm Subdivision Phase II will not result in undue pollution of air, surficial or ground waters, either on or off the site.

Finding: Wagner Farm Subdivision, Phase II, will not cause an unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition will result. The applicant will present a copy of the Department of Environmental Protection's Amended Stormwater and Natural Resource Protection Act Permits prior to final subdivision approval.

- 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.

Wagner Farm Subdivision, Phase II, is not located in the Town's Shoreland Overlay District. No impacts are proposed to the emergent/scrub shrub wetland located in the northern corner of Wagner Farm Subdivision Phase II lot. Stormwater from the site will be filtered through two grassed underdrained soil filters prior to infiltrating into the ground water.

Finding: Wagner Farm Subdivision, Phase II, 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.

Wagner Farm Subdivision, Phase II, is located on a lot comprised of mostly old farm fields with the topography being a slight slope running from a high point located on the western boundary of the site and a low point on the eastern boundary. The lot does not have any known historic sites or rare or irreplaceable natural or manmade assets located on it.

Finding: Wagner Farm Subdivision, Phase II, will not affect any scenic or natural beauty of the area, scenic vistas, historic sites or irreplaceable natural or manmade assets.

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

Finding: Wagner Farm Subdivision, Phase II, lots are required to pay the Recreational Facilities and Open Space Impact Fee as part of each lot's building permit fees.

- 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.

Finding: *Wagner Farm Subdivision, Phase II, will not create any open space or recreational land and facilities.*

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**ITEM 3            PINECREST BED AND BREAKFAST LLC – BUFFER REVIEW**

**Whereas, Pinecrest Bed & Breakfast, LLC,** Applicant, proposes to utilize existing shrubs and a white picket fence to buffer parking spaces, Map 106 Lot 42, in the Urban Residential zoning district.

**Pursuant to the Application:**

A Pre-application was held on April 23, 2012

A Preliminary Subdivision review was held on August 6, 2012

A Site walk was held on August 21, 2012

A Planning Board review was held on September 10, 2012

**Project Description**

Applicant/ Property Owner: Pinecrest Bed & Breakfast Inn LLC, 91 South Street, Gorham, Maine 04038.

Property: The lot is identified as Tax Map 106, Lot 42 and is located at 91 South Street, Gorham, Maine 04038.

Project Description: The applicant proposes to utilize the existing shrub and white picket fence located between the sidewalk and paved parking area to buffer the newly reoriented parking spaces from the street and abutting properties.

Site Description: The site is 33,000 sq. ft. with an existing three-story building, shed, wood deck and paved parking area located on the site. A mix of landscaping and fences is located along the northern and eastern property line with stockade and picket fences located along the southern and western property line. The parcel fronts on South Street (State Route 114).

The existing three story building is located on the northern third of the site. The building use is a Bed and Breakfast Establishment with 9 guest rooms.

Applicability: The applicant's proposal requires Planning Board review of the existing buffer because the proposal is utilizing the existing paved area located within the front yard setback for parking spaces.

Zoning: Urban Residential (UR) District – Bed and Breakfast Establishments is a permitted use in the District per Chapter I, Section VI, Subsection B. 14) of the Land Use and Development Code.

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:

Brian Smith Surveying, Inc. Plan (the plans) for Pinecrest Bed & Breakfast, LLC prepared by Douglas A. Johnson, P.L.S:

**Site Plan** – Brian Smith Surveying, Inc.  
Site Plan – 07/20/2012

Other documents completed by Pinecrest Bed & Breakfast, LLC consist of the following:

Application, 07/27/2012

Photographs of buffer area, 07/27/2012

**FINDINGS OF FACT**

**CHAPTER II, GENERAL STANDARDS OF PERFORMANCE, SECTION VIII – BED AND BREAKFAST FACILITIES, 6), c).**

The Planning Board, following review of the Site Plan and accessory information, makes these findings based on the Bed and Breakfast Facilities criteria found in Chapter VII, Section VIII, 6), c), Standards of the Town of Gorham Land Use and Development Code.

- 6), c) All off-street parking within the front yard setback shall be separated from the lot line by a buffer area. Landscaped buffer areas abutting a public street shall be a minimum of ten (10) feet in depth and shall be sufficient to limit the glare of headlights from the lot. The buffer area shall consist of landscaping, fencing, grading or a combination of features to the satisfaction of the Planning Board. The buffer area must be effective upon installation.

The buffer strip consists of existing deciduous shrubs and a white picket fence which is 56' +/- in length and is located between the parking lot area and the South Street sidewalk. The deciduous shrubs have an average height of 5' and are located on the southern half of the buffer strip. The white picket fence is 4' in height and is located on the northern half of the buffer strip.

*Finding: The off-street parking located within the front yard setback is buffered by the existing landscaped buffer which is sufficient to limit the glare of headlights from the parking lot and minimize any kind of potential nuisance.*

**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 receive approval from the Planning Board prior to any disturbance of existing vegetation or fence utilized to buffer the proposed parking lot from South Street;



4. That the Planning Board Chairman is authorized by the Planning Board to sign the Findings of Fact; and
5. That these conditions of approval must be added to the Administrative Review Site Plan to be recorded at the Cumberland County Registry of Deeds.