



**Town of Gorham  
November 4, 2013  
PLANNING BOARD MINUTES**

LOCATION: Municipal Center, Burleigh H. Loveitt Council Chambers  
75 South Street, Gorham, Maine 04038

**Members Present**

**EDWARD ZELMANOW, CHAIRMAN  
MELINDA SHAIN, VICE CHAIRMAN  
JAMES ANDERSON  
THOMAS HUGHES  
RACHEL SUNNELL  
COREY THERIAULT**

**Staff Present:**

**THOMAS POIRIER, Town Planner  
BARBARA SKINNER, Clerk of the Board**

**Members Absent**

**GEORGE FOX**

Edward Zelmanow, Chairman, called the meeting to order at 7:00 p.m. The Clerk called the roll, noting that George Fox was absent.

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**APPROVAL OF THE OCTOBER 21, 2013 MINUTES**

**Melinda Shain MOVED and James Anderson SECONDED a motion to approve the minutes of October 21, 2013. Motion CARRIED, 4 ayes (George Fox absent; Corey Theriault and Thomas Hughes abstaining as not having been present at the October 21, 2013 meeting). [7:05]**

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**COMMITTEE REPORTS**

**A. Ordinance Review Committee -** Corey Theriault reported that the Committee has not met since the last Board meeting.

**B. Streets and Ways Subcommittee -** Ms. Shain reported that this Subcommittee has not met since the Board's last meeting.

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**CHAIRMAN'S REPORT** – Mr. Zelmanow said that there was no Chairman's report this evening.

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**ADMINISTRATIVE REVIEW REPORT** – Mr. Poirier reported that there has been one new Administrative Review application submitted, that of Kardan Properties for an expansion of parking at the Cradle Inn Daycare facility located at 658 Main Street, Map 32 Lot 1.

Ms. Shain asked about the status of the half-built building next to Crockett Furniture and if there is a time limit for completion. Mr. Poirier replied that there is no time limit, the site has been approved by the Town for used car sales; however, the owner is having difficulty obtaining his license from the State because there is not enough land area to meet the State's licensing requirements. Most of the site improvements have been completed, with a small amount of landscaping remaining to be done.

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**ITEM 1 PUBLIC HEARING – Site Plan Review - Cumberland Farms (GC CF New England, LLC) - request for approval for construction of a 4,513 square foot convenience store and service station, located at 74 County Road, Unit 4, Map 3 Lot 22.404, in the Hans Hansen Contract Zone.**

Mr. Poirier said that the Board is currently in the site plan review phase of this project. The Board went through the contract zone process which included a plan that was part of the process and which was approved by the Town Council at its October 1, 2013 meeting. Staff has completed notes for the Board this evening, with one item of note being that one of the Town councilors asked the applicant if it would be willing to work to provide additional landscaping with any of the abutters who had concerns. The applicant having agreed to do so, the Board should discuss how such additional landscaping should be addressed, whether staff should reach out to the abutters or if the public hearing process is enough to get those abutters out to discuss that additional landscaping requirement. Mr. Poirier noted that the applicant is still in the process of securing its final DEP permit.

Thomas Greer, Pinkham & Greer, came to the podium and introduced A.J. Barbato, representing Cumberland Farms, and Jisel Lopez, attorney for Cumberland Farms. Mr. Greer said that a propane tank was left off the site plan, which will be installed next to the drive aisle; the tank will be below grade and all that will be visible will be three bollards along the drive aisle. Another item was that as a result of a staff meeting, the Public Works Director, Bob Burns, wanted to have MDOT look at the drainage at the DOT section of Route 22. Mr. Greer said they have submitted an email from Kyle Hall of MDOT, noting their approval of how drainage is proposed to be handled on that section of the road. Mr. Greer said they have today sent an email to Town staff from Lisa Vickers of DEP about the one item needing to be addressed on the HHE 200 form for the septic systems, which is to show the correct locations for the test pits. The DEP permit should be issued by the end of this week. Mr. Greer said that the only outstanding comment needing to be included in the final package is from Woodard & Curran about showing some well easements on the plans. Mr. Greer said they stand behind their agreement with the Council that if there is an abutter who would like to have additional landscaping installed that would buffer their home a little more, they are willing to work with that abutter to do so; it will not be landscaping to add landscaping, it will be landscaping to accomplish a buffer. He said that if once the site is built and a resident comes forward with a complaint, they will do the landscaping at that time and they will not walk away from that obligation either now or in the future.

Mr. Hughes asked about stormwater issues and if they have been resolved. Mr. Greer replied that there is a fair amount of water that comes through the front of the site which is captured in

the storm drain system that goes under the access road going back to Mercy. He said that ponding in a 25-year storm comes up to within about a foot of the road in the intersection, so if the system is plugged or there is a bigger storm, there would be a potential for it to overtop the road and then run into the detention basin constructed for it. They met with DOT and to deal with the problem another catch basin was added on the outlet to act as an emergency overflow. The Public Works Director asked that the 50 year storm calculations be run as well as the 25 year storm calculations.

Ms. Shain asked if any of the abutting property owners have been heard from and said she likes the idea of dealing with additional vegetation in the future after the site is built out. Mr. Greer said he was sure that if an unhappy abutter shows up in the future at the Town offices, he knows that Town staff will direct that person to Cumberland Farms to work it out. Ms. Shain said she does not believe anything further needs to be done in the approval process. Mr. Zelmanow noted that in the Existing Conditions plan, "Blue Ledge Road" is mistakenly identified as "Blue Ridge Road."

Ms. Sunnell noted that the emerald ash borer, an insect now in New England, as close as New Hampshire, and potentially heading this way, will kill any kind of ash, so she recommends keeping very few of the 12 Marshall ash trees on the landscaping plan or replacing them all. Mr. Greer said they will work out alternatives with staff and make sure that such alternatives are acceptable to Bob Metcalf, who did the landscape review for the Town. Mr. Greer said that there is a provision on the plans that if something like that happens with any of the landscaping in the future, they are obligated to replace whatever has failed or died. Ms. Sunnell said in the planting details, there is a recommendation that the tree pit be two to three times as large as the root ball, but the details show only six inches greater than the root ball. She recommends as a resource the MSLA website ([www.maineasla.org](http://www.maineasla.org)), put together by the Maine Section of the Boston Society of Landscape Architects, the Maine Landscape and Nursery Association and the Maine Arborist Association, reflecting their specifications and planting details.

At Mr. Anderson's request, Mr. Greer pointed out the changes done to the landscaping plan involving what had been a single species of shrubs across the front having been changed to a mix of species, a tree having been added to soften the side view, and some trees having been pushed back away from the road so that they are more in the eye line of the canopy.

Ms. Shain asked Mr. Greer for a review of the proposed intersection changes. Mr. Greer said they have their MDOT permit, which requires certain changes to the intersection: a left turn lane into the site will be added; all of the lanes on the south side of the intersection stay as they are; the current island will be "chopped off," so that traffic coming out of Blue Ledge Road can come straight across; the left turn lanes will line up and the through lane goes further down before it tapers back. A set of plans will have to be sent to the DOT design division for a developer agreement that will allow them to do the work in the right-of-way. In reply to Ms. Shain, Mr. Greer said the overall level of service will stay the same. Mr. Poirier noted that the DOT plans were included in the Board's packets.

PUBLIC COMMENT PERIOD OPENED: None offered.  
PUBLIC COMMENT PERIOD ENDED.

Mr. Hughes confirmed with Mr. Greer that the plans will need to be changed to show the easements to the wells, the propane tank needs to be shown, and the DEP permit is not yet in hand. Mr. Greer said that they have an email from DEP which says that the permit is going to be issued but it hasn't been issued yet. Mr. Greer said that the DEP permit is a modification to the site location of development permit. After considerable discussion, a consensus of the Board was that a condition of approval (#13) could be crafted to deal with the issue of the missing DEP permit that would read: "That the applicant shall submit copies of the Maine DEP approval prior to the Planning Board's endorsement of the final plan." Mr. Greer said that they have no problems with the conditions of approval and that he will address the items remaining to be put on the plan.

**Thomas Hughes MOVED and James Anderson SECONDED a motion to grant Cumberland Farms' (GC CF New England, LLC) request for site plan approval for the construction of a 4,513 square foot convenience store and service station, located at 74 County Road, Map 3 Lot 22.404, in the Amended Hans Hansen Contract Zone, with Findings of Fact and Conditions of Approval as written by the Town Planner and modified this evening by the Planning Board. Motion CARRIED, 6 ayes (George Fox absent). [7:35 p.m.]**

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**ITEM 2 PUBLIC HEARING – Site Plan Amendment – United Methodist Church – request for approval to split off a lot from the existing Church lot for a parsonage, located at 81 Cressey Road, Map 41 Lot 10, Urban Residential zoning district.**

Mr. Poirier commented that this is a site plan amendment so not all of the Approval Criteria and Standards will be applicable; staff has noted those in the Findings of Fact.

Stephen Doe, Sebago Technics, appeared on behalf of the Cressey Road United Methodist Church and introduced Den Morton, representing the Church. Mr. Doe said that the Church was built in 2006 and now they are proposing to split off part of the Church lot for a parsonage next to the residences along Cressey Road and to build a home for the minister on that lot.

Ms. Shain asked what kind of activities will take place in the parsonage; Mr. Doe replied that it will be used simply as the pastor's home. Mr. Theriault confirmed that the lot will be owned by the Church.

PUBLIC COMMENT PERIOD OPENED: None offered.  
PUBLIC COMMENT PERIOD ENDED.

Mr. Poirier confirmed that the Conditions of Approval have been shared with the applicant; Mr. Doe said that the Conditions are acceptable.

**Melinda Shain MOVED and Corey Theriault SECONDED a motion to grant the United Methodist Church's request for site plan amendment approval to split off a lot from the existing Church lot for a parsonage, located at Map 41, Lot 10, in the Urban**

**Residential zoning district, with Findings of Fact and Conditions of Approval as written by the Town Planner. Motion CARRIED, 6 ayes (George Fox absent). [7:45 p.m.]**

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*Stretch Break to 7:55 p.m.*

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**ITEM 3 PUBLIC HEARING – Site Plan Review - Maine Automation** request for approval of a building renovation with associated parking and landscaping, located at 63 County Road, Map 6 Lot 36 in the Winslow/Richards Contract Zone (CZ).

Mr. Poirier reminded the Board that the applicants, David Winslow and Scott Richards, recently went through the Contract Zone approval process for the property located at 63 County Road. The applicants are now before the Board with a site plan application for that lot. Other than the Cumberland Farms project, this is the first site to come forward in South Gorham under the contract zone amendment process. As an aid for the Board, the Winslow-Richards contract zone requirements are included which pertain to this application. Additionally, as this is the first approval to go through the process, there needs to be some legal mechanism created whereby another potential contract zone parcel can interconnect with this site's parking, either by pedestrian traffic or vehicular traffic or both. Mr. Poirier said that there are a number of findings of fact missing that will require Planning Board input.

Thomas Greer, Pinkham & Greer, appeared at the podium on behalf of the applicants. Mr. Greer said that this office will be Maine Automation's main office and it will likely have two people full time and occasionally Mr. Winslow and Mr. Richards will also be in the office, making a total of four employees on average, and the daily traffic in and out will be small compared to a retail use. Mr. Greer pointed out an existing driveway that is almost in the same location as the driveway being proposed, which will be moved 5 or 6 feet closer to the building. Mr. Greer said that the existing building has been extensively rehabbed, with new windows, new roof, new chimney, new boiler system. They have gutted the inside as well and understand from a meeting with the Fire Chief that they need to comply with the sprinkler ordinance. A pedestrian walkway will be added across the front of the building, and, if the Board will grant a hardship waiver, they are proposing to locate their parking lot 40 feet back from the edge of the right-of-way. He pointed out proposed parking spaces, and said that putting the parking behind the building would involve adding a significant amount of fill, based on the contours of the site, which would be a hardship. There will be one light to illuminate the parking lot.

Mr. Greer spoke of the proposed landscape plan, which involves removing all of the large trees along the front, but saving an 8-inch diameter oak tree and adding three small oak trees as well. There will be a sign out front with landscaping around that and the remaining landscaping will be junipers across the front of the building, as well as hosta and day lilies.

Mr. Greer said that initially Mr. Winslow and Mr. Richards were considering leasing out part of the building, but with the additional \$10,000 extra sewer impact fee for leasing another piece, they have decided against that idea. So Maine Automation will be the occupant in the building.

Mr. Greer addressed the review comments, beginning with the parking lot hardship request, which he had already addressed. He said that the applicants are requesting a waiver from the Board for stormwater peer review, as they believe the proposed additional 690 square feet of impervious surface is an insignificant increase in stormwater management. Mr. Zelmanow asked how the Board would know if the proposed stormwater management actually met the standards if the project were not reviewed by a peer reviewer. Mr. Greer said he feels that the Board can make that decision. Mr. Poirier said that it depends on the Board's comfort level to decide if it feels capable to make those findings without having a peer review.

Continuing with responses to staff comments, Mr. Greer said that an erosion control plan has been provided with dimensions for the stabilized construction entrance. Photometrics have been provided for the parking lot light, the applicants have not yet selected building fixtures, but they probably will be canopy lights under the entrance way. Trash collection will be through the use of Gorham trash bags and no dumpster will be installed. So far as landscaping is concerned, 4 maple trees will be added across the front with landscaping around the sign, but the applicants are willing to try to accommodate any of the Board's suggestions. Mr. Greer said that letters of technical and financial capacity will be provided. Mr. Greer referred to an earlier staff comment that the topographic information provided did not cover the entire lot; he said he did not feel it necessary to topo the back of the lot. He said they also have not provided a wetlands map as they are not near any to cause an impact.

Ms. Shain confirmed with Mr. Greer that the area for the parking lot is mostly gravel and is assumed to be impervious. Mr. Hughes said that a site walk would be helpful and said that he does not remember waiving a peer review in the past.

Mr. Theriault said he is on board with the proposed stormwater, not doing any more topo, not requiring a peer review, and with the parking lot being further back, and his only real concern is about the connectivity to other sites, which is what the contract zones were meant to do. Mr. Zelmanow said the question of connectivity came about in discussions involving the Hansen contract zone, which involves a number of parcels with shops being envisioned, so vehicular and pedestrian connections were required between parking lots on that property and parking lots located in any adjoining contract zones. Mr. Poirier said that since this is the first contract zone site plan, if a future contract zone project with a parking lot came forward abutting this project, the Town would look to have them connect to this parcel. In order to accomplish that, the Board needs to consider what legal documents will be required to accomplish that in the future. Ms. Shain suggested that an easement to abutting land might be appropriate. Mr. Anderson said that the site does not lend itself easily to an easement. Mr. Theriault said he does not see a connection to the west. Mr. Greer said that a potential future connection could be with a sidewalk to provide pedestrian access across the front, and a vehicle access can be through an easement from the front of the parking lot within the 40 foot buffer. Mr. Theriault suggested redoing the sidewalks from one side to the other; Mr. Zelmanow suggested that the plans show the future connections. Mr. Theriault asked about enforcing the construction of connections in the future. Mr. Poirier said he would like to get a legal opinion on the matter.

Mr. Zelmanow said that the site walk will help visualize possible connections, as well as helping to consider the two waiver requests about peer review and parking.

**PUBLIC COMMENT PERIOD OPENED:** Hans Hansen said that the proposed improvements to the property will be a great asset to the town.

PUBLIC COMMENT PERIOD ENDED.

Mr. Zelmanow directed staff to schedule a site walk.

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**ITEM 4 PUBLIC HEARING – Site Plan Amendment – Goodwill Industries of Northern New England** - request for approval for additional parking, located at 34 Hutcherson Drive, Map 12 Lot 17.005, Industrial zone.

Mr. Poirier told the Board that the applicant had received site plan approval on September 11, 2011 to locate its wholesale sales outlet in the existing warehouse building and to construct additional parking along the existing access driveway, and had received a site plan amendment on May 13, 2013 for additional wholesale outlet parking spaces on the other side of the access road. This amendment is for new parking spaces not for the wholesale outlet building but for the existing office building on the northern end of the lot. He said that because this is an amendment to an approved site plan, not all of the review criteria will be applicable and will be so noted.

Curtis Neufeld, Sitelines, came to the podium and introduced Curtis Hamilton of Goodwill Industries. Mr. Neufeld said as the office use has increased and as the Cumberland office will be consolidated with this one, there will be 30 new staff with an increased need for parking. This amendment proposes 22 new spaces, there will be no blasting, and there will be 4500 square feet of impervious area. There is a significant amount of existing mature vegetation that will screen the parking. Mr. Neufeld said that all of the site plan approvals have been added under the Plan References.

Mr. Zelmanow asked if there is any lighting proposed for the new parking spaces; Mr. Neufeld replied that existing lighting should be sufficient to illuminate most of the new spaces. In reply to a question from Ms. Shain, Mr. Neufeld said there is a light pack on the end of the building that will help illuminate the walkway in.

Ms. Sunnell disclosed that the company she works has been doing interior renovations on this project and that she did some preliminary ADA assessments on the egress. She feels, however, that she can be impartial and fair in the discussion of the item.

**Melinda Shain MOVED and Thomas Hughes SECONDED a motion to permit Ms. Sunnell to participate in the discussion on this application. Motion CARRIED, 5 ayes (Rachel Sunnell abstaining and George Fox absent).**

Mr. Hughes noted that in discussion in the staff notes concerning the two waivers requested by the applicant, the first waiver should read "...serviced by the *water* district..." not "serviced by the *sewer* district." The applicant is requesting waivers from the site submission requirements to provide letters from the Portland Water District and the Sewer Department since the project building is currently serviced with both water and sewer and no additional demands on the services are anticipated.

**Melinda Shain MOVED and Rachel Sunnell SECONDED a motion to grant Goodwill Industries of Northern New England's request to waive the Site Plan Submission requirement under Chapter IV, Section IX, Subsection H – Water Supply: submission**

**of the adequacy of the water supply. Motion CARRIED, 6 ayes (George Fox absent).**  
[8:46 p.m.]

**Melinda Shain MOVED and Thomas Hughes SECONDED a motion to grant Goodwill Industries of Northern New England's request to waive Site Plan Submission requirement under Chapter IV, Section IX, Subsection I – Sewage Disposal: submission of evidence of the adequacy of sewage disposal. Motion CARRIED, 6 ayes (George Fox absent).** [8:47 p.m.]

PUBLIC COMMENT PERIOD OPENED: None offered.  
PUBLIC COMMENT PERIOD ENDED.

Ms. Sunnell noted that one handicapped spot has been moved; Mr. Neufeld said that was added to provide better access. Ms. Sunnell said she does not believe there are enough handicapped parking spaces. The Board concurred and Mr. Neufeld agreed to annotate the plans this evening to provide another handicapped spot on the other side of the entrance.

Mr. Poirier confirmed that the conditions of approval have been provided to the applicant; Mr. Neufeld said the conditions are satisfactory.

**Melinda Shain MOVED AND James Anderson SECONDED a motion to grant Goodwill Industries of Northern New England's request for site plan amendment approval for 4,574 square feet of new pavement to support an additional 22 parking spaces for the office building at 34 Hutcherson Drive, Map 12, Lot 17.005, in the Industrial zoning district, with Findings of Fact and Conditions of Approval as written by the Town Planner. Motion CARRIED, 6 ayes (George Fox absent).** [9:00 p.m.]

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**ITEM 5 PUBLIC HEARING – Site Plan Amendment – Shaw Earthworks** request for approval to increase the amount of impervious area and to add a second office entrance, located at 11 Cyr Drive, Map 29 Lot 2.006, Industrial zoning district.

Mr. Poirier explained that this application is an amendment to an Administrative Review site plan, but due to the size of the impervious area now being proposed by the applicant, it requires Planning Board review. The applicants have received their DEP permit for the proposed increased impervious area and also received the subdivision amendment approval required as co-applicants with East Coast Communications as part of their subdivision amendment for the New Portland Parkway at the Board's October 21, 2013 meeting. Staff has provided Findings of Fact and Conditions of Approval for the Board's review.

Brian Shaw, Shaw Earthworks, came to the podium and introduced his brother Brad Shaw and Jon Whitten of Terradyn Consultants, and Samantha, operations manager. Mr. Shaw said that they have their DEP permit, so everything for the new impervious impact will be picked up and treated. They have met with both Planning staff and the review engineer to address all comments.



Ms. Sunnell asked for an explanation of the grading and the 6 foot difference between the pavement at the lower level and the new access at the upper level. Mr. Shaw said that it is a full daylight shop with bay and man doors, so the lower level will have 8 feet of foundation wall with two feet of reveal at the top so it is a six-foot grade change from the top to the bottom, with a riprap slope that picks up the majority of the 6 feet. There are two granite steps up front to pick up the 2 foot drop. In reply to Mr. Anderson, Mr. Shaw said that the new impervious area will be used for parking equipment and stockpiling behind the shop and will be no more visible than it is now. In addition, Mr. Shaw said there is a 6.6 wooded acre between their site and New Portland Road providing additional screening. Mr. Hughes suggested that the additional width from 30' to 40' is required for trucks. Ms. Shain commented she is glad to see that additional landscaping will be provided. Ms. Sunnell agreed, asking what size trees will be installed; Mr. Shaw said bigger ones if the price is right. Ms. Sunnell asked that planting details be included on the plans and referred the applicants to the website she had mentioned earlier.

Mr. Zelmanow commented about the staff review comments dealing with the number of trees to be planted, the painted hatched pedestrian walkway, removal of conditions of approval 10,11 and 12, and signing the new drive's turnaround with "no parking" signs. Mr. Poirier said that the final plans will need the conditions of approval upgraded to add the conditions of approval as they are in the Board's packet, so the applicants can make the minor changes as they appear on page 4 of the staff notes of October 31, 2013. Mr. Shaw asked if they need to be ADA compliant; Ms. Sunnell said she believes it is a requirement, the gravel needs to be graded to allow movement by a wheelchair, it has to accommodate a van, and there could be a sign. Mr. Theriault asked about painting a pedestrian walkway on gravel. Mr. Shaw said there won't be stripes because everything is gravel, but they will put a van-accessible handicapped sign out. Mr. Shaw said that area could be paved because they do plan on phasing. Mr. Poirier said if they want to pave that front portion where the parking is, they should add a note on the final plans saying "Future Phase III – 2-1/2 inches and 1/12 inches on 2 feet of gravel" so that they do not need to return to the Planning Board for another approval.

PUBLIC COMMENT PERIOD OPENED: Hans Hansen commented on the good work done by the applicants.

PUBLIC COMMENT PERIOD ENDED.

Mr. Poirier confirmed that the conditions of approval have been shared with the applicants, who have no issues with the conditions.

**Melinda Shain MOVED and Corey Theriault SECONDED a motion to grant Shaw Earthworks' request for site plan amendment approval for a second driveway and increased impervious area for parking, storage, and maneuvering, and associated infrastructure improvement at 11 Cyr Drive, Map 29, Lot 2.006, in the Industrial zoning district, with Findings of Fact and Conditions of Approval as written by the Town Planner. Motion CARRIED, 6 ayes (George Fox absent). [9:23 p.m.]**

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**OTHER BUSINESS                      NONE**

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**ANNOUNCEMENTS        NONE**

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**ADJOURNMENT**

**Thomas Hughes MOVED and Melinda Shain SECONDED a motion to adjourn.  
Motion CARRIED, 6 ayes (George Fox absent). [9:25 p.m.]**

Respectfully submitted,



Barbara C. Skinner, Clerk of the Board  
November 4, 2013

**ITEM 1 Site Plan Review - Cumberland Farms (GC CF New England, LLC)**

**FINDINGS OF FACT**

**CHAPTER IV, SITE PLAN REVIEW, SECTION IX – Approval Criteria and Standards**

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

*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.

As proposed, vehicle access to the site will be provided off Blue Ledge Road, located to the immediate east of the subject property. There is also a private access easement, called South Gorham Crossing, a private way serving the subdivision to the west of the property. Both of these access points have adequate capacity to accommodate the traffic generated by the development. In addition, off-site improvements are being required at the Route #114 (South Street) and Route # 22 (County Road) intersection.

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

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

*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 access driveways and parking areas have been located to the north and east of the proposed convenience store.

*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.

Sidewalks are provided along Blue Ledge Road from the existing Mercy Quick Care facility to the Route # 114 and Route # 22 intersection. Internal sidewalks also connect to the Blue Ridge Road sidewalks at the front of the store. Sidewalks are provided around all sides of 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.

Finding: *The storm water 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.

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 will be served by a private well which is located to the south of the proposed development.

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 private septic system as public sewer is not currently available.

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 above-ground power and electric, cable and phone will be brought underground from the existing pole to service 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.

The site is currently an open mowed field which lacks trees. Staff has worked with the applicant to provide a large number and variety of trees and shrubs to create an attractive site. Proposed site improvements are located on the existing lawn area and will provide a mix of tree growth.

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 majority of the stormwater from the site will be treated in a detention pond located along Route # 22 (County Road). The Department of Environmental Protection (MDEP) has determined that the proposed use of the site for a convenience store and the dispensing of fuel (underground fuel tanks) will not adversely impact the groundwater table on or off the site.

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 will be illuminated by full cut-off light standards.

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 will be contracting waste disposal through a licensed trash hauler.

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.

Staff has worked with the applicant to provide a large number and variety of trees and shrubs to create an attractive site.

Finding: *The proposed landscaping will 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.

Finding: *N/A as the lot is not located in the Shoreland Overlay District.*

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

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.

Finding: *The development provides for the buffering of adjacent uses where there is a transition from one type of use to another use and to screen service and storage areas.*

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

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, 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 shall be provided to the Gorham Fire Department and the State Fire Marshal's office for review and permitting;
6. That the building shall meet all applicable sections of the NFPA 101 Life Safety Code and the NFPA Fire Prevention Code 1;
7. That the building shall be completely sprinkled meeting all applicable sections of the Town of Gorham's Sprinkler Ordinance. The 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;
8. That prior to the pre-construction meeting the applicant will establish the following: a performance guarantee totaling 125% of the costs to complete the construction and an escrow for field inspection meeting the approvals of Town Staff and the Town's Attorney;

9. That prior to the commencement of any site improvements, the applicant, its earthwork contractor, and the design engineer shall arrange a pre-construction meeting with the Town's Review Engineer, Public Works Director, Fire Chief, Code Enforcement Officer and the Town Planner to review the proposed schedule of improvements, conditions of approval, and site construction requirements;
  10. That all site construction shall be carried out in conformance with the Maine Erosion and Sediment Control Best Management Practices, Maine Department of Environmental Protection, latest edition and in accordance with the erosion and sedimentation control information contained in the application;
  11. The applicant shall pay the contract zone application fee of \$500 which is due at the closing of the lot. No building permits may be issued until the fee has been received by the Town;
  12. The applicant shall make a contribution of \$10,000 towards the future extension of public sewer. The fee is due at closing of the lot. No building permits may be issued until the fee has been received by the Town;
  13. That the applicant shall submit copies of the Maine Department of Environmental Protection approval prior to the Planning Board's endorsement of the final plan;
  14. That the Planning Board Chairman is authorized by the Planning Board to sign the Findings of Fact on behalf of the entire Board; and
  15. 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      Site Plan Amendment – United Methodist Church –**

**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.

*Because no physical changes are proposed to the Church and no increased use of the site is proposed with this amendment, most of the Standards are not applicable, as indicated below.*

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

The remaining Church lot will have 485,765 square feet of area and 1,200 feet of road frontage along Cressey Road and State Street. The Church building and accessory parking area are not located in any new setbacks with the newly created parcel.

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.

The driveway for the Church lot will remain on Cressey Road and no additional trips are proposed.

Finding: *Not applicable.*

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

Vehicles will continue to enter the site from the paved driveway off Cressey Road and no change to the Church's existing driveway is proposed.

Finding: *Not applicable.*

D. Internal Vehicular Circulation: The layout of the site will provide for the safe movement of passenger, service and emergency vehicles through the site.

No changes to the Church lot's internal vehicular circulation are proposed with the amendment.

Finding: *Not applicable.*

E. Pedestrian Circulation: The development plan will provide for a system of pedestrian circulation within and to the development.

No changes to the Church lot's pedestrian vehicular circulation are proposed with the amendment.

Finding: *Not applicable.*

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

No changes to the Church lot's storm water management are proposed with the amendment. The applicant has provided an email from Chris Coppi, biologist with DEP's Bureau of Land and Water Quality, dated October 15, 2013, stating that an amendment to the Church site's DEP permit is not required because the lot split is to benefit a single-family dwelling unit.

Finding: *Not applicable.*



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.

No changes to the Church lot's erosion control plan are proposed with the amendment.

Finding: Not applicable.

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 Church lot is served by public water supply from the Portland Water District watermain located in Cressey Road. No changes to the site's water supply are proposed.

Finding: Not applicable.

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 an existing private septic system located on the southeastern portion of the lot. No change to the sewage disposal is proposed.

Finding: Not applicable.

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

The Church lot is served by underground power, cable and phone from Cressey Road. No change to the existing utilities is proposed on the site.

Finding: Not applicable.

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 disturbance of natural features is proposed on the remaining Church lot.

Finding: Not applicable.

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.

No impacts to the Church lot's groundwater are proposed.

Finding: Not applicable.

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 Church lot's existing exterior lighting is to remain and no changes are proposed with this amendment.

Finding: *Not applicable.*

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

The Church lot's existing waste disposal is to remain and no changes are proposed with this amendment.

Finding: *Not applicable.*

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

No changes to the Church lot's existing landscaping are proposed with the amendment.

Finding: *Not applicable.*

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 Church lot is not located in the Shoreland Overlay District.

Finding: *Not applicable.*

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 is United Methodist Church, who has hired Sebago Technics to perform all required site and boundary plans for the proposed lot split.

Finding: *United Methodist Church has the technical and financial capacity to complete the project.*

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.

No changes to the Church lot's existing buffering are proposed.

Finding: *Not applicable.*

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 provide property line information and site information in auto-cad format to the Town Planner prior to the pre-construction meeting;
  4. That all relevant conditions of approval from past Site Plan approvals shall remain in effect;
  5. That the Planning Board Chairman is authorized by the Planning Board to sign the Findings of Fact on behalf of the entire Board; and
  6. 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 4 PUBLIC HEARING – Site Plan Amendment – Goodwill Industries of Northern New England**

### **FINDINGS OF FACT**

#### **CHAPTER IV, SITE PLAN REVIEW, SECTION IX – Approval Criteria and Standards**

*Because this is amendment to an approved site plan some of the Standards may not be applicable because they are not being impacted by the proposed amendment.*

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 additional parking spaces off existing internal access roads. 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 improvements for additional parking spaces.

*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 through Sanford Drive and Hutcherson Drive. No new driveways are proposed.

*Finding: Sanford Drive and Hutcherson 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.

Currently all vehicles enter and exit the site from multiple access points. Two driveways are located on Sanford Drive and one driveway is located on Hutcherson Drive. The driveways vary in width from 24' to 30', are constructed of bituminous concrete, and are all interconnected to allow access throughout 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 existing and the small portion of new access driveways for the new parking spaces is 24' wide. The driveway width is adequate to allow vehicles to back out of the parking spaces and to allow for two-way traffic and emergency vehicle access.

*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.

Striped painting will be installed on the new pavement in front of the pedestrian walkway located on the eastern side of the office building to ensure that vehicles do not park and block the pedestrian access into the building.

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

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

The site is located within the Gorham Industrial Park which was approved with a comprehensive stormwater plan. The storm water from the additional 4,574 sq.ft. of impervious area for the parking area will continue to drain as approved under the comprehensive storm water plan.

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 applicant will 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 Sanford Drive and no increase in the amount of public water used on the site is anticipated. No changes to the water supply are proposed.

Finding: *Not applicable.*

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 Sanford Drive and no increase in the amount of sewage disposed of on the site is anticipated. No changes to the sewage disposal are proposed.

Finding: *Not applicable.*

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 overhead power, cable and phone from Sanford Drive. No changes to the existing utilities are proposed on the site.

Finding: *Not applicable.*

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 only disturb lawn area that was previously disturbed by past construction activity. No new natural features will be disturbed by the construction activity.

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 building and driveway expansion will not impact the groundwater table on the site. The applicant is proposing to allow stormwater to continue to flow and recharge the groundwater as was approved in the Gorham Industrial Park approvals.

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.

Existing pole mounted lights will provide the required illumination for the parking spaces. No new site lighting is being proposed.

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 site is served by a concrete dumpster pad located in the northwestern corner of the lot. The pad is screened by a fence. No increase in the amount of waste material is anticipated and no changes to the site's waste disposal infrastructure are proposed.

Finding: *Not Applicable.*

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 proposed construction will only disturb lawn area that was previously disturbed by past construction activity. No new landscaping is proposed as part of the amendment.

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.

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.

In the applicant's submission letter dated October 1, 2013, the applicant has identified that the project has been designed by State of Maine licensed engineers. The October 1, 2013 submission letter also identifies that the money for the proposed improvements (\$21,000) shall come from Goodwill of Northern New England's capital improvements budget.

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 are developed by existing commercial uses, and the applicant is not proposing any buffering for the proposed parking area.

Finding: *The development provides buffering to screen service and storage areas.*

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

The 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 provide property line information and site information in auto-CAD format to the Town Planner prior to the pre-construction meeting;

4. That all relevant conditions of approval from past Site Plan approvals shall remain in effect;
  5. That any proposed use on the site shall meet the sound level requirements outlined under Chapter IV, Section IX, T. Noise;
  6. 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;
  7. 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;
  8. 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;
  9. That the Planning Board Chairman is authorized by the Planning Board to sign the Findings of Fact on behalf of the entire Board; and
  10. 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 5 PUBLIC HEARING – Site Plan Amendment – Shaw Earthworks**

**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 applicant is proposing to construct additional parking space off a new access driveway. 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 for additional parking space.



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 6 is located on Cyr Drive which can be accessed by New Portland Road and Jenna Drive, which can be accessed by Libby Avenue. The proposal estimates that there will 12 vehicular round trips into the site daily with the busiest a.m. hour being 6 -7 am with 5 round trips and the busiest p.m. hour being 6 - 7 pm also with 5 round trips.

Finding: *Cyr Drive, Jenna Drive, New Portland Road, and Libby Avenue 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.

There will be two access driveways which will separate office staff and visitors from the construction employee and construction vehicle traffic. The existing driveway for construction vehicle traffic is from a 30' wide gravel driveway located on the southwestern corner of the lot. The proposed new driveway for access to the office will be via an 18' wide paved driveway located on the northwestern corner of the lot.

Both driveways 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.

The two new office parking spaces will have an adequate turnaround so as to not require people to back out into the street. . The construction vehicle access driveway will provide access to the gravel storage and parking areas Phase I being 11,993 sq.ft. and Phase II being 25,736 sq.ft. Both Phases of the gravel storage area will allow vehicles to enter into the site turnaround and exit the site without requiring vehicles to back out into Cyr Drive.

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 pedestrian walkway is provided for people parking in the office parking spaces to have access to the front of the site. People parking in the construction employee parking area will be directed across the open parking/storage area and into the side entrance to the building. No off-site pedestrian improvements are proposed.

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.

Stormwater from the new proposed impervious area will be directed into a grassed underdrained soil filter in the southeasterly corner of the site. The filter will provide for both stormwater quality and quantity control for the proposed impervious areas. The underdrained soil filter is required to be maintained by the owners of the lot.

The site plan is subject to the Maine Department of Environmental Protection Site Location of Development Permit Amendment: #L-20887-39-F-B.

*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 Grading and Utility Plan: Sheet 2 of 4 shows the location for erosion control best management practices to be installed on site, and the Details: Sheet 3 of 4 and 4 of 4 identifies details for the installation for the erosion control best management practices and identifies 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 Protection.

*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 Cyr Drive and no increase in the amount of public water used on the site is anticipated. The applicant has provided a copy of the Portland Water District's ability to serve the site, dated July 26, 2012, by Glissen Havu, E.I. 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 a private septic system located on the northwestern portion of the lot in front of the building and no increase in the amount of sewage used on the site is anticipated. The applicant has provided a copy of the current HHE-200 for the design of the existing system. No changes to the sewage disposal 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, cable and phone from Cyr Drive. No 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.

The proposed construction will disturb two-thirds of the site starting at the western property line moving easterly. The remaining one-third of the site is wetland and will remain as a stormwater buffer area. 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 to be impacted.

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 building expansion and paved parking area will not impact the groundwater table on the site. The applicant is proposing to treat the stormwater from the new impervious areas into a grassed underdrained filter. The grassed underdrained filter will be maintained by Shaw Earthworks, LLC.

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 existing building has three full cut-off wall pack lights located on the outside of the building. No additional lighting is being proposed for the site.

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 relocate the location of the dumpster pad. The location of the new dumpster pad will be on the eastern side of the expansion. The pad will be screened by a fence. A private waste hauler will empty the dumpster on a regular basis. No increase in the amount of waste material is anticipated.

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 install twenty-two blue spruce trees to soften the appearance of the existing building, parking areas, and gravel storage and maneuvering areas from Cyr Drive.

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.

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 Julie L. Viola, Vice President, with Gorham Savings Bank, dated February 22, 2013 stating that the applicant has been a customer since 2003 and they are confident that Shaw Earthworks is financially capable of completing the project.

The applicant has hired an engineering firm, Terradyn Consultants, LLC, to complete the design of the proposed improvements. The applicant is also a professional earthwork contractor and is capable of completing the proposed site expansions.

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 applicant is proposing to screen the outdoor storage area from Cyr Drive by utilizing the existing building and 22 blue spruce trees. The abutters to the east will be buffered from view of the outdoor storage with the proposed wetland buffer area. The dumpster will be screened by a

wooden stockade fence.

Finding: *The development provides buffering to screen service and storage areas.*

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

The 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 provide property line information and site information in auto-CAD format to the Town Planner prior to the pre-construction meeting;
4. That all relevant conditions of approval from past Site Plan approvals shall remain in effect;
5. That the natural gas meter on the building shall be protected by bollards;
6. That a copy of the permit from the State Fire Marshal's Office for the fuel depot and above ground storage of fuels shall be provided to the Fire Department;
7. That any proposed use on the site shall meet the sound level requirements outlined under Chapter IV, Section IX, T. Noise;
8. That prior to the pre-construction meeting for each phase, the applicant will establish the following: a performance guarantee totaling 125% of the costs to complete the construction and an escrow for field inspection meeting the approvals of Town Staff and the Town's Attorney;
9. That prior to the commencement of any site improvements for each phase, the applicant, its earthwork contractor, and the design engineer shall arrange a pre-construction meeting with the Town's Review Engineer, Public Works Director, Fire Chief, Code Enforcement Officer and the Town Planner to review the proposed schedule of improvements, conditions of approval, and site construction requirements;

10. That all site construction shall be carried out in conformance with the Maine Erosion and Sediment Control Best Management Practices, Maine Department of Environmental Protection, latest edition and in accordance with the erosion and sedimentation control information contained in the application;
11. That the Planning Board Chairman is authorized by the Planning Board to sign the Findings of Fact on behalf of the entire Board; and
12. That these conditions of approval must be added to the site plan and the site plan shall be recorded at the Cumberland County Registry of Deeds within thirty (30) days of the date of written notice of approval by the Planning Board, and a dated mylar copy of the recorded site plan shall be returned to the Town Planner prior to the pre-construction meeting.