



**Town of Gorham
October 21, 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
GEORGE FOX
RACHEL SUNNELL**

Members Absent

**THOMAS HUGHES
COREY THERIAULT**

Staff Present:

**THOMAS POIRIER, Town Planner
BARBARA 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 Thomas Hughes and Corey Theriault were absent.

APPROVAL OF THE OCTOBER 7, 2013 MINUTES

Melinda Shain MOVED and James Anderson SECONDED a motion to approve the minutes of October 7, 2013 as written and distributed. Motion CARRIED, 5 ayes (Thomas Hughes and Corey Theriault absent). [7:05 p.m.]

ITEM 1 CONSENT AGENDA

Site Plan Amendment - East Coast Communications, LLC request for approval of a 3,200 square foot building expansion and revision to the existing Site Location of Development Permit to create an additional 10,890 square feet of impervious surface, located at 29 Cyr Drive, Map 29 Lot 2.008, Industrial zoning district.

Site Plan Review - Martin's Point Health Care request for approval of a 12,600 square foot medical office building with associated parking and site improvements, located at the intersection of Routes 25 and 237, Map 32 Lot 18.1, Roadside Commercial (RC) zoning district.

Site Plan Amendment - ODAT Realty Holdings, Inc. request for approval of a 13,600 square foot building expansion, located at 20 Sanford Drive, Gorham Industrial Park, Map 12 Lot 33.016, Industrial (I) zoning district.

Subdivision Amendment - East Coast Communications, LLC and Shaw Earthworks request for approval of a subdivision amendment to the New Portland Parkway Subdivision located off New Portland Road and Libby Avenue, Industrial (I) zoning district and Black Brook and Brackett Road Special Protection District on Map 29 Lot 2.

There being no one on the Board or from the public wishing to take any item off the Consent Agenda, and the Town Planner confirming that the conditions of approval have been provided to the applicants,

Melinda Shain MOVED and Rachel Sunnell SECONDED a motion to approve all items on the Consent Agenda with proposed conditions of approval posted prior to the meeting and findings of fact.

Discussion: Ms. Shain commended the prompt action shown by the DEP in providing the permits for two of the applicants.

Motion CARRIED, 5 ayes (Thomas Hughes and Corey Theriault absent). [7:08 p.m.]

ITEM 2 PRIVATE WAY REVIEW - Ken and Lisa Spiller request for approval of a 400' private way (Travis Way) to serve two to six lots off Buck Street, located on Map 79 Lots 15 & 15.402, Suburban Residential zoning district.

Mr. Poirier said this item was postponed at the applicant's request at the October 7, 2013 Planning Board meeting. Items for the Board's discussion this evening include the need for a site walk and dead end road length. Mr. Poirier said that the applicant is proposing this private way as the first phase of an extension; the Land Use Code limits private ways to 1500 feet unless all the houses along the private way are sprinkled. Staff recommends that a condition of approval be added dealing with this issue, which will be condition of approval #4 for the Board's review. Mr. Poirier said that the applicant is proposing to build this private way to a greater standard than the typical two to six lot private way. Since the proposed private way gravel depth and lane widths are greater than the minimums for a two to six lot private way specified in the Land Use Code, the modified greater standard is allowed.

Tom Greer, Pinkham & Greer, came to the podium and introduced Ken Spiller. Mr. Greer gave an overview of the property pointing out the proposed private way, and pointed out as well another part of the parcel which had received substantive review in 2005 but was withdrawn before final approval. Mr. Greer said that staff comments have been addressed; staff's comments about sprinkling will be added. He said that eventually this road will be extended sometime in the very distant future and that the applicants is proposing a couple of lots at this time, which will not trigger subdivision.

Mr. Greer replied to a question from Ms. Sunnell that the adjoining lot was a gift lot to Travis Spiller from Ken and Lisa Spiller; a house has been built on the lot and the existing driveway will tie into the private way. He said that an exchange of deeds has occurred which will be provided in the next submittal, showing that Travis has deeded the right-of-way back to Ken and Lisa and retained an access easement over it so he can get access back to and from his home. Mr. Poirier replied to a query from Ms. Shain that inasmuch as this is a private way, other than a review of the engineering, the Public Works Director will not have any concern unless it is built to Town standards in the future. Mr. Greer noted that it is usually the Fire Chief that has concerns with emergency vehicles on a private way, and if it is extended it will become a rural sub-collector and become paved.

The Board's consensus was that there is no need for a site walk. Ms. Shain said she would do a "drive-by" if she is concerned.

In reply to Mr. Zelmanow, Mr. Greer said that the sight distance between Boulder Drive and the proposed private way is about 325 feet. Mr. Poirier asked that an official measurement be done.

OTHER BUSINESS NONE

ANNOUNCEMENTS NONE

ADJOURNMENT

Melinda Shain MOVED and George Fox SECONDED a motion to adjourn. Motion CARRIED, 5 ayes (Thomas Hughes and Corey Theriault absent). [7:20 p.m.]

Respectfully submitted,

Barbara C. Skinner, Clerk of the Board
_____, 2013

CONSENT AGENDA

EAST COAST COMMUNICATIONS, INC., SITE PLAN AMENDMENT

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 applicant is proposing to construct additional parking space off an existing internal access road. 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 8 is located across from the intersection of Cyr and Jenna Drives in the New Portland Parkway Subdivision, which can be accessed from New Portland Road and Libby Avenue. All roads have adequate capacity to accommodate the additional traffic generated by the development.

Finding: Cyr Drive and Jenna 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 from a 30' wide paved driveway. The driveway will have adequate sight distance and will provide for safe and convenient access into the site. No change to the site's existing access driveway is proposed.

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 proposal is to add 6 new parking spaces on existing pavement located in the southwestern portion of the site; some minor expansion to the pavement in this area is proposed. Access to the proposed three parking spaces and outdoor storage to the east of the proposed building addition will be via a 25' wide access driveway.

Finding: The layout of the site provides for the safe movement of passenger, service, and emergency vehicles through the site.

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

No pedestrian improvements are proposed for the project. People parking in the southern and eastern parking areas will walk across the open paved areas to access the building.

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

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

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-G-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 Amended Grading and Utility Plan: Sheet 4 of 7 shows the location and installation details for erosion control best management practices to be installed on site, and the Details: Sheet 5 of 7 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 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 Cyr 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: *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 eastern portion of the lot adjacent to the existing seeded buffer area and no increase in the amount of sewage used on the site is anticipated. 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 portions on the eastern third of the lot. Trees and other vegetation will need to be cleared but the applicant is restricting disturbance to the greatest extent practical. No new wetland impacts are proposed.

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

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

The 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 East Coast Communication.

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 four full cut-off wall pack lights located on the outside of the building. The existing wall pack located on the east side of the building will be removed due to the building expansion. An additional 6 full cut-off wall pack lights will be located on the outside of the building expansion.

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 building 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 nine junipers, ten summer sweet bushes, and 3 viburnum to soften the appearance of the existing building and parking area. The applicant is proposing to install one Balsam Fir tree to screen new parking spaces from Cyr and Jenna Drives.

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 Robert C. Hardville, AVP Commercial Lender, with Norway Savings Bank, dated September 6, 2013 stating that the applicant has been a customer since 2008 and they are confident that East Coast Communications is financially capable of completing the project.

The applicant has hired an engineering firm, Sebago Technics, to represent it during the design and construction of the proposed improvements. The applicant is also proposing to hire a professional commercial contractor to complete the proposed building and 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 the northern abutting property with existing vegetation. Should the existing vegetation along the northern property line be removed the applicant shall be required to screen the storage area with vegetation or fencing per the approval of the Code Enforcement Office and Town Planner. The dumpster will be screened by a wooden stockade fence. The applicant is also proposing additional landscaping within the front setback to buffer the proposed development from Cyr and Jenna Drives.

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 building shall meet all applicable sections of the NFPA 101 Life Safety Code and the NFPA Fire Prevention Code One;
 6. That the building construction plans shall be submitted to the Gorham Fire Department for review and permitting;
 7. That the sprinkler plans for the addition shall be submitted at least two weeks prior to the start of the installation to the State Fire Marshal's Office and the Gorham Fire Department for review and permitting;
 8. That the sprinkler test papers shall be required at the time the CO is issued;
 9. That the present sprinkler system shall be reviewed by the sprinkler company to ensure it meets code;
 10. That the address number shall be placed on the building and visible from the street;
 11. That any proposed use on the site shall meet the sound level requirements outlined under Chapter IV, Section IX, T. Noise;
 12. That the applicant shall have a professional licensed surveyor mark the location of the foundation prior to building construction to ensure the building is located within the allowed building envelope;
 13. 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;
 14. 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;
 15. 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;

16. That the owner shall plant additional trees or install a fence to adequately screen the outdoor storage area from the northern property owner if the existing vegetation is removed and the Town Code Enforcement Officer and Town Planner determine that screening is required;
 17. That the Planning Board Chairman is authorized by the Planning Board to sign the Findings of Fact on behalf of the entire Board; and
 18. 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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CONSENT AGENDA

MARTIN'S POINT HEALTH CARE FACILITY SITE PLAN

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.

The applicant's proposed development is for a medical office building with associated parking and access driveway. The applicant has provided the Planning Board with a site plan sheet set, site plan application, and accessory information that shows the lot can support the proposed improvements.

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

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

Access to the site will be at the intersection of Main Street, State Route 25, and Mosher Road, State Route 237. The intersection will function at an overall level of Service C with the full build out of the Martin's Point site. Both Main Street and Mosher Road have adequate capacity to handle the proposed traffic proposed by the development.

Finding: Main Street, State Route 25, and Mosher Road, State Route 237, have adequate capacity to accommodate the traffic generated by the development, and the intersection of State Routes 25 and 237 will function at a safe level of service.

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

Access into the site will be via a 33' wide driveway located at the intersection of Main Street, State Route 25, and Mosher Road, State Route 237. The intersection is to be converted from a T-intersection into a four-way intersection to accommodate a full access entrance directly across from Mosher Road. In addition to the new access driveway, Main Street will be repainted to allow westbound traffic a separate 100' turn lane into the site from the intersection. The Martin's Point

driveway will be signalized and modifications to the other signals are proposed to allow for safe vehicular turning movements.

The applicant is proposing to close the westbound-most existing entrance to the Beal's Ice Cream lot.

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.

Internal access driveways range in width from 24' to 30'. The widths allow for two-way traffic movement and to allow vehicles enough room to safely back out of parking spaces. An ambulance parking space will be located on the southern side of the building for emergency personal entrance into the building; the space will be signed "No Parking/Ambulance 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.

The internal pedestrian circulation is via a sidewalk system along three sides of the building and two painted crosswalks located in the parking lot. The sidewalk system will allow patients and employees parking in the parking lot to safely access the medical office building.

The internal sidewalk system will connect to the existing sidewalk along Main Street, State Route 25, in front of the Beal's property via a sidewalk along the eastern side of the driveway. A cross walk is proposed for the driveway to allow pedestrians to safely cross the driveway.

No sidewalk extensions along Main Street, State Route 25, to the western property edge of the property, 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 site will be retained on site to the extent possible and allowed to infiltrate into the ground. The stormwater best management practices (BMPs) consist of a grassed underdrained soil filter to process stormwater from the parking lot area, a roof drip-line filtration is proposed for roof stormwater runoff, and a bioretention pond will filter stormwater between the building and Main Street, State Route 25.

The site plan is subject to the following Maine Department of Environmental Protection and Army Corps of Engineer Permits:

Maine Department of Environmental Protection

- Stormwater Management
- NRPA and Freshwater Wetland Alteration – Tier 1
- Army Corps of Engineers
- Category 1 Notification form.

The site is required to meet the requirements of the Town's Stormwater Ordinance, Chapter 2 Post-Construction Stormwater Management.

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 5 of 11 and the Grading Utility Plan/ Detention Pond Details: Page 6 of 11 show the location and installation details for erosion control best management practices to be installed on site, and the Details: Sheet 9 of 11 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 Practices.

A 5-foot retaining wall and the removal of some 5 feet of material are required on the western portion of the site. Raising the grade on the eastern and southern parts of the lot by as much as 6 feet is proposed as part of the development.

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 public water from the Portland Water District watermain located on the north side of the Main Street, State Route 25, right-of-way. An 8" water stub will tap into the watermain and cross Main Street to serve the Martin's Point Health Care building and a private hydrant.

The applicant has provided an ability-to-serve letter from the Portland Water District, dated August 16, 2013, from Glissen Havu, E.I. The ability-to-serve letter has some conditions of service which the applicant is required to meet in order for public water to be provided to serve the site.

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 will be served by public sewer from the Portland Water Districts sewer main located on the site.

The applicant has provided an ability-to-serve letter from the Portland Water District, dated August 16, 2013, from Glissen Havu, E.I. The ability-to-serve letter has some conditions of service which the applicant is required to meet in order for public sewer to be provided to serve the site.

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 will be served by natural gas and underground power, cable and phone from Main Street, State Route 25.

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 applicant is proposing to develop the area in the vicinity of Main Street, State Route 25, and the remaining back portion of the lot will remain in a conservation easement. The conservation portion of the lot contains numerous wetland fingers with a larger wetland located in the middle and back of the lot. The conservation portion of the lot will also be a stormwater buffer for the developed portion of the lot.

Roughly 6,179 square feet of wetland impacts are proposed with the development 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.

Stormwater filtering into the groundwater will be filtered through a grassed underdrained soil filter, roof dripline filtration, and a bioretention pond prior to flowing into the groundwater. The site will be served by public sewer and water. No impacts are proposed within the groundwater table.

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 parking lot and access driveway will be illuminated by thirteen full cut-off light fixtures held up by twelve light poles. The south and west side of the building will be illuminated by four full cut-off wall packs. The canopy on the west side of the building will be illuminated by nine down lights.

The applicant has provided a photometric plan for the site lighting, entitled Electrical Site Plan, and the required catalog sheets for all the proposed 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 locate a 20' by 16' dumpster pad. The location of the dumpster pad will be on the southern side of the proposed building and will be screened by a fence and landscaping from the nearest abutting property. A private waste hauler will empty the dumpster on a regular basis.

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 has provided a Landscape and Lighting Plan: Sheet 7 of 11 which shows an extensive amount of landscaping located within the front of the site and along the western

property line. The plan also shows landscaping around the proposed building and trees are to be located within the parking lot islands.

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 William T. Olsen, Jr., Vice President, with TD Bank, dated August 27, 2013 stating that the applicant has been a customer for over 15 years and it is believed that the applicant has the financial resources capable of completing the project.

The applicant has hired an engineering firm, Sebago Technics, to represent it during the design and construction of the proposed improvements. The applicant is also proposing to hire a professional commercial contractor to complete the proposed building and site improvements.

Finding: *The applicant has the financial and technical capacity to complete the project in accordance with Gorham's Land Use and Development Code and the approved plan.*

- S. Buffering: The development will provide for the buffering of adjacent uses where there is a transition from one type of use to another use and to screen service and storage areas. The buffer areas required by the district regulations will be improved and maintained.

The landscaping plans provides for the buffering of the residential property located along the western property line. The dumpster is proposed to be screened by both fencing and vegetation along the western property line. The parking lot will be screened from Main Street, State Route 25, through a mix of deciduous and evergreen vegetation. The landscaping is required to be maintained in a tidy and sanitary condition per Chapter II, Section I. Buffer Areas.

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 60 dBA daytime (7am-7pm) and 50 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 the building shall be completely sprinkled meeting all the requirements of the Town's sprinkler ordinance;
5. That the sprinkler plans shall be submitted at least two weeks prior to the start of the installation to the State Fire Marshal's Office and the Gorham Fire Department for review and permitting;
6. That the sprinkler test papers shall be required at the time the certificate of occupancy is issued;
7. That there shall be a separate sprinkler room for the main controls of the system and the main fire alarm panel, and the room shall have an outside door that shall be marked Sprinkler Control Room;
8. That the building construction plans shall be submitted to the Gorham Fire Department and the State Fire Marshal's Office for review and permitting, and a copy of the State construction permit along with a stamped set of plans from the State Fire Marshal's Office shall be supplied to the Gorham Fire Department;
9. That the building shall meet all applicable sections of the NFPA 101 Life Safety Code and the NFPA Fire Prevention Code One;
10. That the plans for the Fire Alarm System shall be submitted to the Fire Department and the Fire Alarm System vendor shall meet with the Fire Department before installation;
11. That gas meters shall be protected by bollards;
12. That a lock box and master key shall be installed at the front entrance as well as the sprinkler control room;
13. That a complete listing and MSDS sheets of any hazardous materials or chemicals on site shall be provided to the Gorham Fire Department;
14. That any proposed use on the site shall meet the sound level requirements outlined under Chapter IV, Section IX, T. Noise;
15. 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 both on and off site, and an escrow for field inspection meeting the approvals of Town Staff and the Town's Attorney;
16. That the owner of the lot (Map 32, Lot 18.1) is responsible for compliance with the Town of Gorham Stormwater Ordinance, Chapter 2 – Post Construction Stormwater Management;

17. That prior to the commencement of any site improvements, the applicant, its earthwork contractor, and the design engineer shall arrange a pre-construction meeting with the Town's Review Engineer, Public Works Director, Fire Chief, Code Enforcement Officer and the Town Planner to review the proposed schedule of improvements, conditions of approval, and site construction requirements;
 18. That all site construction shall be carried out in conformance with the Maine Erosion and Sediment Control Best Management Practices, Maine Department of Environmental Protection, latest edition and in accordance with the erosion and sedimentation control information contained in the application;
 19. That the Planning Board Chairman is authorized by the Planning Board to sign the Findings of Fact on behalf of the entire Board; and
 20. That these conditions of approval must be added to the site plan and the site plan shall be recorded at the Cumberland County Registry of Deeds within thirty (30) days of the date of written notice of approval by the Planning Board, and a dated mylar copy of the recorded site plan shall be returned to the Town Planner prior to the pre-construction meeting.
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CONSENT AGENDA

ODAT REALTY HOLDINGS, INC., SITE PLAN AMENDMENT

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.

The applicant is proposing to construct a building expansion and additional parking space off an existing internal access road. The applicant has provided the Planning Board with a site plan sheet set, a details plan sheet, site plan application, and accessory information showing that the lot can support the proposed lot improvements.

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

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

Vehicular access to the site is along Sanford Drive which is accessed off Hutcherson Drive. The estimated vehicle trips entering the site on a daily basis is 75 round trips, the proposed building expansion could result in ten additional daily round trips to the site.

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.

Entrance/exit to the site is through a 30' wide driveway located on the northern corner of the site. The existing driveway has adequate site distance and is located to avoid hazardous conflicts with existing traffic on Sanford Drive. No changes are proposed for the existing 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 existing access driveway and parking area will be extended around the proposed building expansion. A new loading dock is to be constructed in the front of the proposed building expansion and will be located so that trucks are allowed to turn around within the existing access driveway and have the ability to back up to the new loading dock.

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 new pedestrian door is proposed to be installed on the eastern side of the existing building for employees parking on the eastern portion of the site. The new door will allow delivery personnel safe access to the building after parking trucks at the loading dock. A 5' wide bituminous sidewalk will allow pedestrians parking in the smaller parking lot located on the western side of the building expansion to safely access the building.

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

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

Stormwater from the new impervious area will sheet flow into a ditch located along the northern portion of the site. The ditch directs the stormwater into the ditches along Sanford Drive which then drain to a drainage pond located on Map 12, Lot 33.010. The site is required to meet the standards and reporting requirements of the Town's Storm Water Ordinance, Chapter 2 Post Construction Stormwater Management.

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.

The Second Amended Site Plan: Sheet 1 shows the location for erosion control best management practices to be installed on site, and the Details: Sheet 2 identifies erosion control devices installation details, parameters for erosion control, and winter erosion control measures to be utilized on site. The applicant will also comply with the "Maine Erosion and Sediment Control Handbook for Construction: Best Management Practices," Maine Department of Environmental Practices.

Finding: *The plan 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. 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 Sanford Drive. 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 Sanford 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 site improvements are located on lawn area with a mix of tree growth. The majority of the trees to be removed are located in the northwestern corner of the site. No natural features have been identified on 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.

A majority of the stormwater from the site will be treated in a detention pond located on Map 12, Lot 33.010. The proposed building expansion construction and use of the site for manufacturing 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 applicant is proposing to install 10 additional full cut-off wall pack lights around the perimeter of the proposed building expansion. The existing building has 10 wall pack lights located around the its perimeter.

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 currently contracting waste disposal through a licensed trash hauler. No changes to the site's existing methods of waste disposal and no additional hazardous materials are proposed to be stored on the site.

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

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

Three pines are proposed to be located in the front setback and two additional pines located in the center island to break up the appearance of the driveway and parking area from Sanford Drive. There will also be fifteen mugo pines planted along the northern and eastern edge of the building expansion to soften the appearance of the development.

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: N/A.

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 Frederick G. Proctor, Vice President, with Gorham Savings Bank, dated October 3, 2013 stating that the applicant has been a customer for 21 years and they believe that the applicant has the financial resources capable of completing the project. The applicant has hired Jim Biskup with Biskup Construction, Inc. to be the general contractor of the proposed building and site expansion. Jim Biskup has provided a letter on September 20, 2013 identifying Biskup Construction, Inc.'s technical capacity to complete the project as proposed.

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 impact the edge of the buffer area along the shared property line with the N/F Diana C. Libby lot. The only disturbance in the buffer will be in area currently lawn area, no trees are proposed to be removed in the buffer area. The trees are required to remain in the buffer and any future disturbance is subject to approval by the Planning Board. No changes are proposed to the 30' buffer with the N/F Guerin Properties, LLC lot or with the 50'

buffer with the N/F Carol A. Butts lot. No additional buffering is being proposed by the applicant.

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.

The expanded use of the site for indoor manufacturing 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, except that an amendment substantially similar to the one shown to the Planning Board as Plan B shall be reviewed and approved by the 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 the applicant shall have a professionally licensed surveyor flag the locations of all the trees to be saved within the 15' buffer area abutting the lot shown as N/F Diana C. Libby prior to the start of construction.
7. 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.
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 the building shall be completely sprinkled meeting all applicable sections of the Town of Gorham's Sprinkler Ordinance.
10. That the building shall meet all applicable sections of the NFPA 101 Life Safety Code and the NFPA Fire Prevention Code 1.

11. That a complete set of building construction plans including building interior design shall be submitted to the Gorham Fire Department for review.
12. That the building addition's sprinkler plans shall meet all applicable sections of the Town's Sprinkler Ordinance.
13. That 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.
14. That a complete listing of hazardous products and their MSDS sheets on a disk shall be supplied to the Gorham Fire Department.
15. That the designer of the building's fire alarm system shall meet with the Gorham Fire Department for review of the system.
16. That the owner of the lot (Map 12, Lot 33.016) is responsible for compliance with the Town of Gorham Stormwater Ordinance, Chapter 2 – Post Construction Stormwater Management.
17. 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.
18. 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.
19. 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.
20. That the Planning Board Chairman is authorized by the Planning Board to sign the Findings of Fact on behalf of the entire Board.
21. 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.

CONSENT AGENDA

SHAW EARTHWORKS AND EAST COAST COMMUNICATIONS, LLC, SUBDIVISION AMENDMENT

FINDINGS OF FACT

CHAPTER III - SUBDIVISION, SECTION III - PRELIMINARY PLAN

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:

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.

The required Maine Department of Environmental Protection amendments to the Site Location of Development Permit has been granted to Lot 6: Site Location of Development Permit Amendment L-20887-39-F-B and to Lot 8: Site Location of Development Permit Amendment L-20887-39-G-B.

Finding: The amendment to New Portland Parkway subdivision conforms 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.

No changes to the subdivision are proposed that would impact the conditions of public roads on or off the site.

Finding: Not applicable.

- 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.

No changes are proposed to the subdivision lot utilities, waste removal, or fire protection requirements.

Finding: Not applicable.

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

No changes are proposed to the approved subdivision's water supply.

Finding: Not applicable.

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

No changes are proposed to the approved subdivision's sewage waste disposal.

Finding: Not applicable.

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

The proposed improvements to lots 6 and 8 stormwater treatment will meet the requirements of the Maine Department of Environmental Protection as well as the Town's Subdivision Plan Review requirements.

Finding: The proposed New Portland Parkway Subdivision amendment will not result in undue pollution of air, or surficial or ground waters, either on or off the site.

- g) Will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result.

The proposed improvements to the stormwater treatment for lots 6 and 8 will meet the requirements of the Maine Department of Environmental Protection as well as the Town's Subdivision Review requirements.

Finding: The proposed New Portland Parkway Subdivision amendment will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result.

- h) Will not affect the shoreline of any body of water in consideration of pollution, erosion, flooding, destruction of natural features and change of ground water table so that a dangerous or unhealthy condition may result.

The subdivision is not located in the Town's Shoreland Overlay District.

Finding: Not applicable.

- 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.

The lots do not have any known historic sites or rare or irreplaceable natural or manmade assets located on them.

Finding: Not applicable.

- 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: Not applicable.

- 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: Not applicable.

CHAPTER III - SUBDIVISION, SECTION IV –FINAL PLAN REVIEW

D. FINAL PLAN REVIEW

- 1) The Planning Board shall review the Final Plan of the proposed development as submitted. It shall examine any changes made subsequent to the Preliminary Plan for satisfactory correction.

Finding: *This is an amendment to an approved plan and requires only a subdivision amendment approval.*

- 3) No Final Plan shall be approved by the Planning Board unless submitted by the developer or his authorized agent within 12 months from the issuance of Preliminary Approval.

Finding: *This is an amendment to an approved plan and requires only a subdivision amendment approval.*

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 the applicants shall provide property line information and site information in auto-cad format to the Town Planner;
3. That all relevant conditions of approval from all subsequent approvals shall remain in effect;
4. That the Planning Board Chairman is authorized by the Planning Board to sign the Findings of Fact on behalf of the entire Board; and
5. That these conditions of approval must be added to the subdivision plan and the subdivision plan shall be recorded in the Cumberland County Registry of Deeds within thirty (30) days of endorsement of the plan by the Planning Board, and that a recorded mylar copy of the subdivision plan shall be returned to the Town Planner.