



Town of Gorham  
December 15, 2014

## PLANNING BOARD MINUTES

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

### Members Present

MELINDA SHAIN, VICE CHAIRMAN  
JAMES ANDERSON  
GEORGE FOX  
SCOTT HERRICK  
THOMAS HUGHES  
RACHEL SUNNELL

### Staff Present:

THOMAS POIRIER, Town Planner  
BARBARA C. SKINNER, Clerk of the Board

### Members Absent

EDWARD ZELMANOW

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

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## APPROVAL OF THE NOVEMBER 3, 2014 MINUTES

George Fox **MOVED** and Thomas Hughes **SECONDED** a motion to approve the November 3, 2014 meeting minutes as written and distributed. Motion **CARRIED**, 5 ayes (James Anderson abstaining as not having been present at the meeting, Edward Zelmanow absent). [7:03 p.m.]

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Ms. Shain reminded those in the audience who wish to speak on an item to come to the podium and give their name and address for the record.

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## COMMITTEE REPORTS

**A. Ordinance Review Committee** – Mr. Herrick reported that the Committee has not met since the Board’s last meeting.

**B. Streets and Ways Subcommittee** – Ms. Shain reported that the Subcommittee met earlier in the evening and discussed width standards for roads, private way gravel depth, speed distance charts and certification standards for as-built drawings. Ms. Shain said that members of the public are welcome to attend workshop meetings, notifications of which are posted on the Town’s website.

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**CHAIRMAN’S REPORT** – No report.

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**ADMINISTRATIVE REVIEW REPORT** – Mr. Poirier said there were no new Administrative Review applications. He called the Board’s attention to the project tracking sheet which now also contains information about zoning land use map amendments and contract zones. He noted there are two new contract zone applications in South Gorham which will be coming forward, a zoning map amendment to change some six parcels owned by Shaw Brothers from the Suburban Residential zone to the Industrial zone, and a conditional zone application for the Preble Street property owned by the Town of Gorham.

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**ITEM 1 PUBLIC HEARING Site Plan & Subdivision Amendment - R.P. Weeman, LLC** – request for site plan approval of a phased expansion to the existing building and expansion of the gravel outdoor storage areas to 17,910 sq.ft.; and request for subdivision amendment approval to the lot’s maximum impervious area identified on the New Portland Parkway Subdivision Plan, located at 22 Jenna Drive on Map 29 Lot 2.009, Industrial zoning district and Black Brook and Brackett Road Special Protection District.

Mr. Poirier gave an overview of the application, noting that this is the second time the applicant has come before the Board. The first time the applicant asked that the item be tabled to address staff comments; at the meeting the Board concurred that a site walk is not warranted. At this time the applicant has resubmitted and is asking for three waivers, identified in the Board’s packet. However, the third waiver request requires no Board action as no waiver is required for the subdivision plan. The application is being reviewed for both site plan and subdivision amendment. The subdivision amendment is because when the New Portland Parkway Subdivision, where this lot is located, was originally approved, maximum impervious areas on the lot were identified. This project proposes to increase the impervious surface originally allowed for the lot and the amendment will be a plan note revision. He said that the applicant has received his DEP Site Location of Development Permit.

Mr. Poirier advised Ms. Shain that Shaw Earthworks, East Coast Communications and K.L. Jack have all received subdivision amendments. Mr. Poirier noted that in the Findings of Fact, Item F, Storm Water Management, per the applicant’s engineer, the reference to a “grassed underdrained soil filter” should be changed to “wetpond.”

Tom Greer, Pinkham and Greer, appeared at the podium on behalf of the applicant, and said that this proposal represents everything that the applicant proposes to do over the next few years, so this is a phased plan which will be built out depending on how the applicant’s business progress in the future. Mr. Greer pointed out what is existing on the site and what is proposed to be built out in the two building phases that will be added in the future. Mr. Greer also pointed out phased gravel storage areas. Mr. Greer said that a DEP Site Law amendment has been secured because of the increase in storm water runoff, which will drain to a wet pond which will have to be modified slightly with an underdrained gravel trench to it. Landscaping will be added to the left of the driveway, as well as some screening for the building. The dumpster will also be screened to the back of the building.

In reply to Ms. Shain, Mr. Poirier said there is no sunset provision for site plans. Mr. Greer explained to Mr. Anderson where the fence is for the dumpster. Mr. Greer also advised Mr.

Anderson that the storm water is all sheet flow, to a swale with a French drain behind the existing building. Ms. Sunnell suggested that some of the proposed plantings be spread out more to screen the transformer; Mr. Greer said that some of the trees can be spread to both sides of it. Mr. Hughes asked what will be stored on site. Mr. Greer replied that the applicant works in metals, so some items to be stored could be I-beams, angle irons, and metal lintels. Mr. Greer said that the applicant does a lot of work for Gorham's Public Works Department, such as reinforcing plow blades and building metal frames for equipment. Higher value materials such as aluminum and copper would be stored inside.

Mr. Greer said that the applicant will return to staff for building permits and sprinkler requirements.

Ms. Sunnell asked how the Board can waive the ability-to-serve letter from the Water District without knowing what the future build-out will be. Mr. Greer said the applicant has two other employees, a very small use, they intend to add a couple more employees for a total of perhaps 5 to 6 as they expand, which is less water usage than a full domestic house. The Water District would provide water service for the sprinkler system. Ms. Sunnell asked Mr. Poirier what would happen if the property is sold with a different use. Mr. Poirier replied that if the applicant sells the property without building the additional buildings, that person would have to return to the Board to prove financial and technical capacity for an amendment if he wanted to replicate what is approved tonight. If, however, that applicant wanted to change the buildings as approved, then that would open it up for Board review process again. Mr. Anderson confirmed with Mr. Poirier said that the plans will have to go to the Fire Marshal first for review, and then both the Fire Department and Code Enforcement will look at the plans for building permits.

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

Ms. Shain confirmed with Mr. Greer that 9 parking spaces will be provided. Therefore, Finding of Fact D, Internal Vehicular Circulation, needs to be amended to include that fact.

**Thomas Hughes MOVED and James Anderson SECONDED a motion to grant R.P. Weeman's request for waive the submission requirement under Chapter IV, Section VIII, C, c., 2 a for a Portland Water District ability-to-serve letter. Motion CARRIED, 6 ayes (Edward Zelmanow absent).**

**George Fox MOVED and Thomas Hughes SECONDED a motion to grant R.P. Weeman's request to waive the submission requirement under Chapter IV, Section VIII, C, c., 10 to provide building floor plans, elevation buildings plans, and type, color and texture of the exterior building. Motion CARRIED, 6 ayes (Edward Zelmanow absent).**

**Thomas Hughes MOVED and George Fox SECONDED a motion to grant R.P. Weeman, LLC's request for site plan and subdivision amendment approval for phased improvements for an additional impervious area for storage and maneuvering, and expansion of the existing building at 22 Jenna Drive, Map 29, Lot 2.009, in the Industrial zoning district and Black Brook and Brackett Road Special Protection zoning district, with Findings of Fact and Conditions of Approval as written by the Town Planner and**

**modified by this evening by the Planning Board. Motion CARRIED, 6 ayes (Edward Zelmanow absent). [7:16 p.m.]**

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**ITEM 2 PUBLIC HEARING – Land use and Development Code Amendment –**  
Amendment to the Gorham Land Use and Development Code pertaining to Chapter I, Section V – Definitions – to change the definition of structure regarding patios.

Mr. Poirier explained that the Board’s role involving this amendment to the Land Use Code is to make a recommendation to the Town Council. This amendment has been reviewed by the Board’s ordinance committee.

PUBLIC COMMENT PERIOD OPENED: None offered.

PUBLIC COMMENT PERIOD CLOSED

**James Anderson MOVED and Rachel Sunnell SECONDED a motion to recommend adoption by the Town Council of the zoning amendment to the Gorham Land Use and Development Code pertaining to Chapter I, Section V – Definitions and to change the definition of structure regarding patios as amended by the Planning Board. Motion CARRIED, 6 ayes (Edward Zelmanow absent).**

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**ITEM 3 PUBLIC HEARING – Land Use and Development Code Amendment –**  
Amendments to the Gorham Land Use and Development Code pertaining to Chapter I, Section VI – Urban Residential District, Section VII – Suburban Residential District, and Chapter II, Section XII – Keeping of Urban Farm Animals to allow the keeping of domestic farm animals and livestock for the sale of products and to allow pasture fencing within the setbacks.

Mr. Poirier explained that this proposed amendment ties the keeping of farm animals in the Suburban Residential District to the same standards that will be required in the Urban Residential District. This language will allow the sale of products and to allow pasture fencing within the setbacks.

PUBLIC COMMENT PERIOD OPENED: None offered.

PUBLIC COMMENT PERIOD CLOSED.

**Rachel Sunnell MOVED and James Anderson SECONDED a motion to recommend adoption by the Town Council of the ordinance amendments to the Gorham Land Use and Development Code pertaining to Chapter I, Section VI –Urban Residential District, Section VII – Suburban Residential District, and Chapter II, Section XII – Keeping of Urban Farm Animals to allow the keeping of domestic farm animals and livestock for the sale of products and to allow pasture fencing within the setbacks. Motion CARRIED, 6 ayes (Edward Zelmanow absent).**

**ITEM 4 Public Hearing – Land Use and Development – Amendments to the Gorham Land Use and Development Code pertaining to Chapter I, Section IX – Village Centers District to allow creative parking solutions.**

Mr. Poirier explained that the proposed amendment is to clarify a discrepancy in the Code where interconnected parking and shared usage could not be supported because off-street parking is not permitted within any required front, side, or rear yard or setback. This amendment would permit the Board to allow parking within the setbacks if it determines that the proposed design is a creative parking solution. Mr. Poirier said that the Board's ordinance committee has reviewed the proposed amendment and has no changes.

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

**George Fox MOVED and Thomas Hughes SECONDED a motion to recommend adoption by the Town Council of the ordinance amendments to the Gorham Land Use and Development Code pertaining to Chapter I, Section IX – Village Center Districts to allow creative parking solutions. Motion CARRIED, 6 ayes (Edward Zelmanow absent).**

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Ms. Sunnell advised the Board that she is a member of the design team for the Avesta project.

**George Fox MOVED and James Anderson SECONDED a motion recuse Rachel Sunnell from participation in the discussions on items 5 and 6. Motion CARRIED, 5 ayes (Rachel Sunnell abstaining, Edward Zelmanow absent).**

The Board agreed to discuss Items 5 and 6 concurrently.

**ITEM 5 Public Hearing – Contract Zone - Ridgewood II Senior Apartments – Avesta Housing Development Corporation and Avesta School Street, LP, request for approval for a contract zone to provide 24 elderly housing apartments with associated parking, located at 99 School Street, Map 101, Lots 18-19, Urban Residential zoning district.**

Mr. Poirier told the Board that this item was on the Board's agenda on November 3, 2014 as an item for discussion. The contract zone request is to allow greater density on the lot to support the amount of affordable housing units being proposed by the applicant. There have been some changes to the Contract Zone language since that meeting, which are shown in blue, in particular item d under Performance Standards which identifies the parking ratio discussed by the Board at the November 3 meeting. Mr. Poirier said that the Town Attorney has reviewed the proposed contract zone agreement and has no comments about the agreement,

Mr. Poirier noted that the applicant has provided a letter from DEP stating that the project will not require a Site Location of Development Permit. The Town Attorney has advised Town staff that the Planning Board should not give final approval to the Site Plan and Subdivision Amendment application until the contract zone has been approved by the Town Council because the Council has the ability to make modifications to the contract zone, which would require the applicant to

return before the Board. Mr. Poirier advised Ms. Shain that preliminary approval is not required because this is an amendment to a subdivision.

Mr. Hughes asked for a definition of “senior” as it appears in the contract zone language. Drew Wing, development officer for Avesta Housing, replied that that 55 or older could be assumed to be the age for the entire contract zone, but the one that is being proposed for this project is 62 or older or disabled. Mr. Wing said that the age limit could be less if a different building were being considered under different financing with different restrictions. Ms. Shain confirmed that the contract zone reflects the parking discussion held during the Board’s November 3 meeting.

ITEM 5 - PUBLIC COMMENT PERIOD OPENED:           None offered  
PUBLIC COMMENT PERIOD ENDED.

**Thomas Hughes MOVED and James Anderson SECONDED a motion to recommend adoption by the Town Council of the proposed Contract Zone agreement among the Town of Gorham, Avesta housing Development Corporation and Avesta School Street, LP, as amended by the Planning Board. Motion CARRIED, 5 ayes (Rachel Sunnell abstaining, Edward Zelmanow absent).**

**ITEM 6           Public Hearing – Site Plan Amendment – Ridgewood II Senior Apartments –**  
Avesta School Street, L.P. request for approval to condominiumize and construct a 3-story building at 99 School Street to provide 24 elderly housing apartments with associated parking, located on Map 101, Lots 18-19, Urban Residential zoning district.

Mr. Poirier noted that the existing pedestrian path/emergency vehicle access driveway is now proposed to be a one-way driveway between the existing Avesta Housing lot and the abutting Village Square Housing Corp. lot. The Board indicated that it has no issue with that change. Mr. Wing said that as the plans are well along in the design stage, he would ask the Board to provide any feedback it may have this evening, all of it being contingent of course on the Council’s approval of the contract zone. Mr. Wing and Mr. Anderson discussed the proposed elevations for the building, which they want to acknowledge as the site of the former Charlotte Millett School, which was a brick building. However, as a brick building of the size proposed would be prohibitive in cost, they are proposing clapboard siding mixed with red coloring to break up the building massing. Mr. Fox asked about walking access to the Village; Daniel Diffin, engineer with Sevee & Maher Engineers, Inc., replied that a sidewalk will be added to the north side of the driveway to access School Street. Mr. Diffin said that access through the building is provided for handicapped accessibility, there is a large sidewalk network, and sidewalks are now proposed to be improved along the face of the existing building as well. Mr. Fox and Mr. Diffin discussed the slope of the sidewalk running along the access road, which is acceptable for those who are not handicapped, and an elevator will be provided inside the building for those who are handicapped. Mr. Diffin discussed the proposed one-way driveway and said as they do not foresee any large volume of traffic using it, they would like to maintain it for emergency vehicle access and a pedestrian way.

ITEM 6 – PUBLIC COMMENT PERIOD OPENED:           None offered.  
PUBLIC COMMENT PERIOD ENDED.

**George Fox MOVED and Thomas Hughes SECONDED a motion to postpone further review of Avesta School Street. L.P.'s request for site plan and subdivision amendment approval pending responses to remaining issues and finalizing revisions to the plans CARRIED, 5 ayes (Rachel Sunnell abstaining, Edward Zelmanow absent).**

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Ten Minute Break to 8:10

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Ms. Sunnell returned to the podium.

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Mr. Herrick advised the Board that he needed to recuse himself from participation in the discussion on this item.

**James Anderson MOVED and Rachel Sunnell SECONDED a motion to recuse Mr. Herrick from participation in the discussion on the item. Motion CARRIED, 5 ayes (Scott Herrick abstaining, Edward Zelmanow absent).**

**ITEM 7 Public Hearing – Site Plan and Subdivision Amendment – Simona Shores –** Jarod Robie request for re-approval of the original Simona Shore condominium project with a reduction in street length, location shift for all condominium units, and low pressure sewer system for the lower eight units, located at 697 Gray Road, Map 1110, Lots 29.301-29.312, Urban Residential zoning district.

Mr. Poirier told the Board that the project was first approved as “Presumpscot Cove Condominiums” by Pepper’s Realty, LLC. It was then purchased by a new applicant and with some minor revisions became “Simona Shores.” Tonight’s applicant is seeking to amend that approval. As discussed earlier, Subdivision and Site Plan ordinances require new owners to provide information to the Board that prove that they meet both the financial and technical capacity to complete the project. Mr. Poirier said that the Gorham Conservation Committee has submitted a letter requesting an easement from the Town to allow access and the right to maintain the Old Cumberland and Oxford Canal Trail. Mr. Poirier also said that the applicant has received approval from the Army Corps of Engineers and the Maine DEP for the amendment permits.

Lee Allen, Northeast Civil Solutions, Inc., said this proposal modernizes the project. It eliminates the pump station at the end of the road, with the top 4 units closest to Route 202 to be served by a gravity sewer, and the lower 8 units to be served by a low pressure sewer system, with each of those 8 units to have an individual pump. Mr. Allen said the units have been moved closer to Route 202, with the road being shortened some 75 to 80 feet. It is proposed to give the Water District an easement to run a public water main down the road to serve the units, with an 8 inch main for the first two buildings, with a hydrant at that point, and the main ending at the end of the street. Mr. Allen said that all the land swaps originally conditioned have occurred.

In response to Ms. Shain, Mr. Allen said that the main reason to shift everything was to shorten the road and reduce the runoff and which could also permit more units in the future. Mr. Allen told Mr. Anderson that he believes they are still 10,000 feet short of allowed clearing that can occur in the

Shoreland zone. Ms. Sunnell asked if there is a trail on site now. Mr. Allen said that there is a trail that runs partly through wetlands and along the river bank, and it is proposed to connect to that trail. Ms. Sunnell said there should be large street trees instead of the ornamental crab trees proposed, suggested that plantings at the end be looked at as possibly conflicting with snow plowing, and recommended clustering the day lilies at the entrance. In response to Ms. Sunnell, Mr. Allen said that the parking which shows as gravel will be paved. Mr. Allen confirmed with Mr. Hughes that the road will be a private way, 24 feet in width. Regarding the Fire Chief's comments as mentioned by Mr. Hughes, Mr. Poirier said that private ways are to provide street frontage, and while roads in condominium projects are built to an equal road standard, technically they are driveways because they do not provide frontage, they only provide access to the units. Mr. Allen said that there is a provision in the condo documents which specifically deals with plowing and maintenance of the road. In reply to Mr. Hughes, Mr. Allen said the buildings will not be sprinkled, instead they will use the water main with a hydrant. Mr. Allen told Mr. Fox that the granite curbing shown on sheet 3 is a leftover error, curbing will be cape cod berm. Mr. Allen told Ms. Shain that he is not sure what the price point for the condos will be. Mr. Poirier advised Mr. Anderson that comments from Woodard & Curran are still outstanding and will need to be addressed in a future submission.

The Board concurred that no site walk is necessary.

PUBLIC COMMENT PERIOD OPENED: None offered.

PUBLIC COMMENT PERIOD ENDED.

**James Anderson MOVED and Rachel Sunnell SECONDED a motion to postpone further review of Jarod Robie's request for site plan and subdivision amendment approval pending responses to remaining issues. Motion CARRIED, 5 ayes (Scott Herrick abstaining, Edward Zelmanow absent). [8:32 p.m.]**

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Mr. Herrick returned to the podium.

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**ITEM 8 Preliminary Subdivision Review – Longfellow Woods –** Normand Berube Builders, Inc. request for preliminary approval of a 10-lot subdivision with a 1,500 foot roadway built to the Town's public road standards on 21.83 acres, located at 101 Longfellow Road, Map 11, Lot 22.001, Rural-Manufactured Housing zoning districts.

Mr. Poirier advised the Board that this applicant was last before it on October 6, 2014. At that time, significant discussion occurred regarding sewer extension, private septic systems, and the Code requirement that the applicant needs to show undue hardship for the cost of sewer improvements. Since that meeting, the applicant has submitted revised cost estimates which staff has included for the Board's determination about undue hardship. Mr. Poirier reminded the Board that they had asked for sidewalks inside the subdivision but felt that sidewalks were not warranted along Longfellow Road; the plans now show those sidewalks. Depending on the Board's determination about the extension of public sewer versus private septic systems, Finding of Fact e) "Will provide for adequate solid and sewage waste..." will need to be amended to reflect that determination.



Steve Blake, BH2M Engineers, described the project as 10 residential lots on approximately 22 acres, a new road approximately 1,500 feet long, an extension of public water, private subsurface disposal systems, and underground utilities for electric and communications. There is proposed a storm water management system that includes two buffers and a wetpond located in the open space at the southern end of the site. A storm water management permit application was submitted to DEP today, and in the near future an application for a permit-by-rule for a stream crossing at lot 1 and an outfall at the wet pond will also be submitted.

Mr. Poirier explained that because there is a small portion of the parcel located in Westbrook, the approval process will require Gorham to grant preliminary approval, and then final approval will be granted at a joint meeting with Westbrook.

In reply to a comment by Mr. Hughes, Mr. Blake replied that the prices quoted for the installation of the septic systems were the direct costs of the builder to install the systems. Ms. Shain asked if the Board were to eliminate the requirement for interior sidewalks within the subdivision would that result in enough savings to warrant connecting to public sewer. Mr. Blake replied that while eliminating the costs of the sidewalks would certainly reduce the cost of the project, they would still be of the opinion that public sewer would be an undue hardship. Mr. Blake told Mr. Herrick that the total cost for the project's infrastructure would be about \$350,000 with another \$137,500 for sewer, bringing the cost to the \$485,000 or \$490,000 range. With these possible figures in mind and after further discussion, the Board concurred that private septic systems would be acceptable, and Finding of Fact "e" will be changed to reflect that decision.

Mr. Anderson asked about the recommendations from the Public Works Director concerning the repair of Longfellow Road. Mr. Poirier said that will be handled as part of final approval. Mr. Blake said a meeting with Mr. Burns and Mr. Berube has been held regarding Berube's requirement to repair Longfellow Road. Mr. Poirier confirmed that will be a Condition of Approval. Houses will not be sprinkled as the road is less than 1,500 feet.

Ms. Sunnell said that the trees shown on the plan are too far apart, and she would like to have the tree calipers specified and have them closer together, 50 to 60 feet. Mr. Blake said that it is unlikely that much of the wooded roadway corridor would be preserved due to grading changes. Ms. Sunnell confirmed that there are trees in the wooded wetlands which could be moved around.

Mr. Hughes asked if the Board can vote on the waiver of the nitrate plume requirement this evening. Mr. Poirier said the applicant did a Class B high intensity soil survey, but will have to perform the Class A survey because it is a requirement of the Rural district and there is no waiver for that.

**Thomas Hughes MOVED and George Fox SECONDED a waiver to grant Normand Berube Builders, Inc.'s request to waive the Subdivision Submission requirements under Chapter III, Section III, Subsection B, 16: Nitrate Plume Analysis. Motion CARRIED, 6 ayes (Edward Zelmanow absent).**

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

**George Fox MOVED and Thomas Hughes SECONDED a motion to grant Normand Berube Builders, Inc.'s request for preliminary approval of a 10-lot subdivision off**

**Longfellow Road, located on Map 11, Lot 22.001, Rural-Manufactured Housing zoning district, based on the Findings of Fact as written by the Town Planner and amended by the Planning Board. Motion CARRIED, 6 ayes (Edward Zelmanow absent). [8:58 p.m.]**

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**OTHER BUSINESS            NONE**

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**ANNOUNCEMENTS        NONE**

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**ADJOURNMENT**

**Thomas Hughes MOVED and James Anderson SECONDED a motion to adjourn. Motion CARRIED, 6 ayes (Edward Zelmanow absent). [8:58 p.m.]**

Respectfully submitted,

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Barbara C. Skinner, Clerk of the Board  
\_\_\_\_\_, 2014

**ITEM 1 R.P. WEEMAN, LLC, SITE PLAN AND SUBDIVISION REVIEW**

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

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

**C. PRELIMINARY PLAN REVIEW**

2) The Planning Board shall include in its review the following general and specific requirements that the development has proposed for approval:

- a) Shall be in conformance with the Comprehensive Plan of the Town, and with all pertinent State and local codes and ordinances, including the Performance Standards related to specific types of development which are stipulated in Chapter II.

The New Portland Parkway Subdivision is located within the Industrial District and the approved Comprehensive Plan Future Land Use Map identifies the area as Production/Distribution.

The lots in the subdivision are for permitted industrial uses. No changes to the subdivision's zoning are proposed.

*Finding: New Portland Parkway 4<sup>th</sup> Subdivision Amendment 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.

The subdivision lots are served by Jenna Drive, designed to the Urban Access Road standards, and Cyr Drive, designed to the Industrial/Commercial Road Section. No changes to the existing roads are proposed.

*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.

The subdivision is served by underground power, cable, and telephone. The lots also have access to natural gas. No changes to the subdivision's utilities are proposed with the amendment.

*Finding: Not applicable.*

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

Lots within the subdivision are served by public water mains located in the Jenna and Cyr Drives' rights-of-way. No changes to the subdivision's existing public water supply are proposed.

*Finding: Not applicable.*

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

The lot will have an on-site subsurface disposal system designed by a Maine Licensed Site Evaluator. All private septic systems are required to meet the requirements of the State of Maine Subsurface Wastewater Disposal Rules. No changes to the lot's solid and sewage disposals are proposed.

*Finding: Not applicable.*

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

Stormwater from the new impervious area will be sent to the existing wet pond located on lot #9. No improvements to the wet pond are required for the additional impervious area.

On December 9, 2014 the applicant received Maine Department of Environmental Protection approval Site Law Permit Number L-20887-39-H-B.

*Finding: New Portland Parkway 4<sup>th</sup> 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 construction of the new gravel pad and building is required to install erosion control devices meeting the requirements of the Maine Erosion and Sediment Control Best Management Practices, Bureau of Land and Water Quality, Maine Department of Environmental Protection.

*Finding: New Portland Parkway 4<sup>th</sup> 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.

No changes are proposed to any body of water or wetland.

*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.

No impacts are proposed to any scenic areas, historic sites and rare or irreplaceable natural or manmade assets. Tree clearing will be limited to the eastern half of lot 9. No further wetland impacts are proposed.

*Finding: New Portland Parkway 4<sup>th</sup> Subdivision Amendment will respect fully the scenic or natural beauty of the area, trees, vistas, topography, historic sites and rare or irreplaceable natural or manmade assets.*

- j) Financial Capacity to meet Subdivision Regulations. The applicant must have adequate financial resources to construct the proposed improvements and meet the criteria standards of these regulations. The Board will not approve any plan if the applicant has not proven its financial capacity to undertake it.

No physical changes are proposed to the existing subdivision's infrastructure.

*Finding: The applicant has adequate financial resources to construct the proposed improvements and meet the criteria standards of these regulations.*

- 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.

The applicant is proposing an expansion of a commercial building and is not required to pay the Recreational Facilities and Open Space Impact Fee.

*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.

The applicant is not proposing any open space or recreational land with the proposed development.

*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.

The proposal is for a subdivision amendment, so preliminary and final subdivision approvals are not required.

Finding: *Not Applicable.*

- 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.

The proposal is for a subdivision amendment, so preliminary and final subdivision approvals are not required.

Finding: *Not Applicable.*

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

The Planning Board, following review of the Site Plan Amendment Application, 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 future building expansions and gravel storage areas for outdoor storage. The applicant has provided the Planning Board with a site plan sheet, and accessory information showing that the lot can support the proposed improvements.

Future building expansions will be the same type and color additions as the existing building.

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 9 is located at the intersection of Cyr Drive and Jenna Drive which can be accessed by New Portland Road and Libby Avenue. The proposal estimates for additional traffic to and from the site from each phase are:

Average daily trips are expected to double at full site build out. The average daily traffic is expected to be 40 trips with the a.m. peak hour having 5 trips and the p.m. peak hour having 8 trips.

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.

The existing 25' driveway will serve the site for all phases of construction on the site. The driveway has 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.

Passenger cars entering the driveway will drive to the east side of the building to the designated parking spaces. The applicant has provided parking spaces for 9 vehicles.

Delivery vehicles will proceed to the west side of the building via a 35' wide internal driveway to the gravel storage area.

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.

People parking in the parking area will be directed across the open parking 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 owner of the lot.

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

Finding: *The site has adequate provisions for the disposal of all storm water collected on streets, parking areas, roofs or other impervious surfaces through a stormwater drainage system and maintenance plan which does not have adverse impacts on abutting or downstream properties.*

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

Site Plan: Sheet C1 shows the location for an erosion control berm as well as Erosion Control Mix Sediment Barrier details and notes. 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 Jenna Drive and no increase in the amount of public water used on the site is anticipated. As part of each phased building expansion, the applicant will provide the Code Enforcement Office with proof from the Portland Water District that it has adequate capacity to serve the building expansion.

*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 to the side of the building. As part of each phased building expansion, the applicant will provide the Code Enforcement Office with proof that the existing septic system is adequate to handle the anticipated sewage. Any proposed expansion of the system will need to be designed by a licensed site evaluator and meet the State of Maine’s Subsurface Waste Disposal requirements.

*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 Jenna 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 total expansion will utilize the center third of the site. The remaining western third of the site is wetland and will remain as a wooded buffer area. No new wetland impacts are anticipated.

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 gravel storage area will not impact the groundwater table on the site. The applicant is proposing to treat stormwater in the existing wet pond located in the southeastern corner of the lot.

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 has provided a location for a dumpster on the eastern edge of the phase 1 gravel pad. The dumpster will be screened with a fence.

Finding: *The development will provide for adequate disposal of solid wastes and hazardous waste.*

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 five new junipers, 5-6' tall, to the western side of the existing driveway. The applicant is proposing to install three new junipers, 5-6' tall, and two red maples, 2" in diameter, to the east side of the proposed parking lot.

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 and will not adversely affect the water quality or shoreline of any adjacent water bodies.

*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 is proposing to pay cash for the first phase of the gravel pad.

The project has been designed by Pinkham & Greer, Civil Engineers, an engineering firm having the technical ability to design and oversee completion of the project.

The applicant has provided a letter dated December 2, 2014 from Lisa M. Hughes, Assistant Vice President, Gorham Savings Bank, stating that the applicant has the financial capacity to complete the project.

*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 Jenna Drive and Libby Avenue by utilizing the existing wooded vegetation and five juniper shrubs. Removal of trees within the wooded buffer is prohibited except for the removal of dead, dying, or diseased trees with the approvals of the Town Planner and Town Engineer.

*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 all relevant conditions of approval from past Site Plan approvals shall remain in effect;
4. That any proposed use on the site shall meet the sound level requirements outlined under Chapter IV, Section IX, T. Noise;
5. That any future building shall meet all applicable sections of the NFPA 101 Life Safety Code;
6. That complete set of building plans shall be supplied to the Gorham Fire Department before a building permit is issued and a complete building construction plans shall be sent to the State Fire Marshal's Office for review and permitting;
7. That a complete listing of any and all Hazardous Materials to be stored in the building shall be supplied to the Fire Department with their MSDS sheets;
8. That as part of each building construction phase, the building will be calculated to see it exceeds the 100,000 cubic feet under the sprinkler ordinance, if the Fire Chief determines that the building is over the 100,000 cubic feet volume then the building shall be sprinkled;
9. That when required by the Fire Department the building shall be completely sprinkled meeting all applicable sections of the Town of Gorham's Sprinkler Ordinance;
10. That the sprinkler plans shall be submitted to the Gorham Fire Department and the State Fire Marshal's Office for review and permitting with the plans being submitted to Gorham Fire at least two weeks prior to the start of installation of the sprinkler system;
11. That the natural gas meter shall be protected by bollards;
12. That the sprinkler control room will have a separate outside door marked sprinkler control room and the main Fire Alarm shall also be located in this room;
13. That the sprinkler test papers will be required at the time the certificate of occupancy is issued;
14. 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;
15. 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;
16. 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;
  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.

**ITEM 8      BERUBE – LONGFELLOW WOODS – PRELIMINARY SUBDIVISION REVIEW**

**FINDINGS OF FACT**

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

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

**C. PRELIMINARY PLAN REVIEW**

2) The Planning Board shall include in its review the following general and specific requirements that the development has proposed for approval:

- a) Shall be in conformance with the Comprehensive Plan of the Town, and with all pertinent State and local codes and ordinances, including the Performance Standards related to specific types of development which are stipulated in Chapter II.

The single family residential house lots range in size from 47,160 sq.ft. to 125,424 sq.ft. and have between 200’ and 663’ of road frontage.

The Comprehensive Plan identifies the lot as being in the Rural area.

*Finding: Longfellow Woods 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.

The subdivision lots will have legal road frontage on Woodspell Road, which has been designed to the Town’s Rural Access street standards. The sight distance at Longfellow Road is 550’ looking westerly and 725’ looking easterly.

The subdivision lots are required to have access on Woodspell Road.

The road name Woodspell Road meets E911 naming requirements.

Improvements to Longfellow Road will meet the requirements of the Public Works Director.

*Finding: Longfellow Woods Subdivision 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.*

- 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.

The single-family homes in the subdivision will be served by power, electric and telephone lines, the Town's contracted waste disposal contractor, and hydrants located along Woodspell Road.

Clustered mailboxes will be installed at Sta No. 2+50 of Woodspell Road.

*Finding: Longfellow Woods Subdivision 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.*

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

Longfellow Woods Subdivision lots will be supplied by public water from an 8" watermain extension from Longfellow Road.

The applicant has provided an ability-to-serve letter dated November 5, 2014 from Glissen Havu, E.I., of the Portland Water District stating that the District would be able to provide public water service to the development. Prior to final approval the District will need to approve the proposed design of the watermain extension.

*Finding: Longfellow Woods Subdivision provides for adequate water supply for present and future needs.*

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

Each of the proposed lots had a passing soil pit and the preliminary subdivision plan shows possible locations for sewage waste disposal on all the proposed lots within the subdivision.

The lots will have subsurface disposal systems designed by a Maine Licensed Site Evaluator in accordance with State and local requirements.

*Finding: Longfellow Woods Subdivision provides for adequate solid and sewage waste disposal for present and future needs as reasonably foreseeable.*

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

The majority of the storm water from the site will be directed to a wetpond along with a sediment forebay for storm water treatment. The houses in the subdivision will have a series of roof line drip edges to treat storm water.

Sewage disposal from the site will be treated in subsurface disposal systems designed by a Maine Licensed Site Evaluator.

*Finding: Longfellow Woods Subdivision 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.

All the residential house lots and the open space lot will be loamed and seeded to prevent soil erosion. The majority of the storm water from the subdivision will be directed to the wetpond located within the proposed open space on the southern edge of the lot.

*Finding: Longfellow Woods Subdivision 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.

A storm water management plan, dated October 2014, has been submitted to address storm water treatment and peak runoff volume associated with the subdivision.

The applicant has plans detailing best management practices to be used on the site during construction activities. Plan Sheets 3, 4, and 5 show the locations for erosion control devices to be installed. Details B and C, Plan Sheets 7 and 8 have the erosion and sediment control plan and detail how erosion control measures will be implemented on the site.

No water bodies are located on the lot. Storm water from the site flows to the drainage way located on the southern end of the site and into the unnamed stream located along the eastern property boundary.

*Finding: Longfellow Woods Subdivision will not affect the shoreline of any body of water in consideration of pollution, erosion, flooding, destruction of natural features and change of ground water table so that a dangerous or unhealthy condition may result.*

- i) Will respect fully the scenic or natural beauty of the area, trees, vistas, topography, historic sites and rare or irreplaceable natural or manmade assets.

The proposed residential subdivision is located on an undeveloped wooded lot. The proposed subdivision lots will be for single-family houses with typical landscaping and amenities. The applicant is proposing 75' setbacks from the two unnamed streams located on and adjacent to the property. The southern end of the site will have 164,822 sq.ft. of open space and undeveloped woodlands to locate the storm water pond. No scenic vistas, historic sites or irreplaceable natural or manmade assets will be affected.

*Finding: Longfellow Woods Subdivision will respect fully the scenic or natural beauty of the area, trees, vistas, topography, historic sites and rare or irreplaceable natural or manmade assets.*

- k) Financial Capacity to meet Subdivision Regulations. The applicant must have adequate financial resources to construct the proposed improvements and meet the criteria standards of

these regulations. The Board will not approve any plan if the applicant has not proven its financial capacity to undertake it.

The applicant has provided a letter dated September 25, 2014, from Philip D. Fearon, Senior Vice President Director of Commercial Lending, with Saco & Biddeford Savings Institution.

The applicant has provided a project costs estimate for Longfellow Woods Subdivision.

*Finding: The applicant has adequate financial resources to construct the proposed improvements and meet the criteria standards of these regulations.*

- 3) Every subdivision shall be responsible for providing open space and recreational land and facilities to meet 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 VII.

The applicant will be required to pay the Recreational Facilities and Open Space Impact Fee prior to issuance of the building permits for all ten (10) lots within the subdivision.

*Finding: Longfellow Woods Subdivision is responsible for providing open space and recreational land and facilities to meet the additional demand created by residents of the subdivision.*

- 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.

The applicant is proposing to create 164,822 sq.ft. of open space with a storm water pond and a drainage way. The open space not occupied by the storm water pond will remain wooded. The Longfellow Woods Subdivision homeowners' association shall be required to take care of the common open space and the storm water drainage infrastructure.

*Finding: Longfellow Woods Subdivision is proposing to create open space and recreational land and facilities within the subdivision in accordance with the Planning Board requirements and the Longfellow Woods Subdivision homeowners' association shall be required to provide for the perpetual care of commonly owned recreation land.*