



Town of Gorham
January 6, 2014
PLANNING BOARD MINUTES

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

Members Present

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

Members Absent

GEORGE FOX
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 Mr. Fox and Mr. Theriault were absent.

APPROVAL OF THE DECEMBER 2, 2013 MINUTES

Melinda Shain MOVED and Thomas Hughes SECONDED a motion to approve the minutes of December 2, 2013 as written and distributed. Motion CARRIED, 5 ayes (George Fox and Corey Theriault absent). [7:02 p.m.]

COMMITTEE REPORTS

- A. Ordinance Review Committee:** Mr. Zelmanow reported that the Committee met earlier this evening to discuss proposed dog kennel performance standards language and campground overlay language as amendments to the Land Use and Development Code. He said that there would be further meetings on these two items, either as committee meetings or as full Board workshops, which will be noticed to the public.
- B. Streets and Ways Subcommittee:** Ms. Shain said that this subcommittee has not met since the last Board meeting.
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CHAIRMAN'S REPORT – Mr. Zelmanow said there was no report this evening.

ADMINISTRATIVE REVIEW REPORT – Mr. Poirier said there were no new Administrative Review projects.

Mr. Hughes noted that the Merritt Bennett application should no longer be listed as a “multi-use social institution.” Mr. Poirier said that the change will be made. In response to Ms. Shain, Mr. Poirier said that the lots being developed at the front of the Allen Acres site are outside of subdivision review, were not reviewed by the Planning Office and are subject to building permits by the Code Office.

ITEM 1 Public Hearing (continued from 11/04/13 Meeting) – Site Plan Review
Maine Automation request for approval of a building renovation with associated parking and landscaping, located at 61 County Road, Map 6 Lot 36, Winslow-Richards Contract Zone.

Mr. Poirier told the Board that the first public hearing on this item was on November 4, 2013, followed by a site walk on November 18. He said that the applicant is requesting two waivers from Site Plan submission requirements, as well as requesting that the easement legal documents be provided as a condition of approval, which is shown in Condition #5. Mr. Poirier noted that the waivers were received on October 10 and December 23, 2013.

Thomas Greer, Pinkham & Greer, said that the conditions of approval have been added to the plan. He gave the Board an overview of the site, noting the easements that have been added to gain access across the site. Construction easement areas of 5 feet have been added to either side of the 5 foot sidewalk easement. A vehicle easement has also been added. Mr. Greer said that they are asking that the written text for the easements be provided to staff after approval. Mr. Greer pointed out the proposed location for the 7 parking spaces, and said that currently Maine Automation is the only occupant currently planned for the building, with 2 people primarily on site and occasionally the 2 owners on site as well. A meeting is scheduled with the contractor and the State Fire Marshal's office as required by the conditions of approval.

Mr. Anderson asked about the current impervious surface on site. Mr. Greer pointed out that with the driveway that will be removed as well as some gravel in another location on the site, the total increase in impervious surface will be only a little over 600 square feet. Mr. Zelmanow asked about erosion control details; Mr. Greer replied that silt fencing is used on the project because there is no chipping of stumps to create an erosion control berm, and the length of the stabilized construction entrance has been on the drawing since the beginning.

Mr. Poirier replied to a question from Ms. Shain that there is no standard easement language, that this is the first instance for such language. He said that staff will be working with the Town Attorney on drafting language because the easement will be going to both the abutters to construct the sidewalks and the road and to the Town of Gorham. The easements will have to be accepted by the Town Council because the use of the sidewalk will be by the general public.

Mr. Zelmanow asked Mr. Greer to explain why the applicants are requesting a waiver from the requirement to submit stormwater engineering calculations; Mr. Greer replied that what is proposed is an extremely small increase in the impervious area, there is an existing building on site, and most of the miscellaneous pavement on site will be removed. Mr. Greer described the proposed stormwater management.

Thomas Hughes MOVED and Melinda Shain SECONDED a motion to grant Scott Richards and Daniel Winslow's request to waive Site Plan Submission requirements under Chapter IV, Section VII c. 8. D. Motion CARRIED, 5 ayes (George Fox and Corey Theriault absent).

Mr. Zelmanow read the second waiver request of the submission requirement to show the location

of wetlands on the entire site per Chapter IV, Section VII, b, 7 as follows: "All construction work takes place in previously development areas."

Melinda Shain MOVED and James Anderson SECONDED a motion to grant Scott Richards and Daniel Winslow's request to waive Site Plan Submission requirements under Chapter IV, Section VII, b. 7. Motion CARRIED, 5 ayes (George Fox and Corey Theriault absent).

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

Mr. Greer acknowledged that the conditions of approval are satisfactory.

Ms. Shain confirmed with Mr. Poirier that condition of approval #5, "That the applicant shall submit the required easement deeds for review and approval by Town Staff and the Town Attorney prior to the Planning Board's endorsement of the final plan;" does not imply that the easements will be accepted by the Town Council.

Melinda Shain MOVED and James Anderson SECONDED a motion to grant Maine Automation's request for site plan approval of a building renovation with associated parking and landscaping at 61 County Road, Map 6 Lot 36, in the Winslow-Richards Contract Zone with Findings of Fact and conditions of approval as written by the Town Planner. Motion CARRIED, 5 ayes (George Fox and Corey Theriault absent).

Item 2 Subdivision Amendment – Strawberry Fields Subdivision – request by Gregory McCormack for approval to change lot lines for Lots 1, 2, and 3 in the Strawberry Fields Subdivision approved in 1995, located off 192 South Street, Map 104 Lots 10 and 10.003, Urban Residential zoning district.

Mr. Poirier explained that this subdivision amendment is before the Board for the first time. He explained that the amendment will not increase the density of the subdivision; basically lot lines will be changed so that one lot will be increased and two will be reduced. Mr. Poirier noted that Strawberry Lane was designed to an old private way standard of 2 to 3 lots, which is no longer allowed under Gorham's Land Use and Development Code; however, the private way does not need to be upgraded as part of this review. Mr. Poirier said that there are three 1" water lines installed in the private way, with each lot to be served by one of the 1" water lines, which is different from what is typical for public water extensions to serve three lots. Typically a water main extension would be run down the entire length of the private way with individual service for the lots coming off the water main extension. The Portland Water District signed off on the original approval for the three 1" lines, but it does have some concerns; staff has added conditions of approval to address those concerns.

In response to Mr. Zelmanow, Mr. Poirier said that the Board can condition that the applicant needs to meet the criteria of the Portland Water District.

Gregory McCormack, 24 Strawberry Lane, came to the podium and told the Board that in 1995 he and Hartley Marsh petitioned the Town for approval of a 3-lot subdivision called Strawberry Fields. The subdivision was approved, with Lot 3 was for Mr. McCormack's primary residence. Mr. McCormack said he also purchased Lot 2 and Mr. Marsh retained Lot 1. At this time, Mr. McCormack has entered into a contract to purchase additional land from Mr. Marsh, which would add more land to Lot 3 and reduce Lots 1 and 2. No additional lots will be created, only the lot lines are being changed. Mr. McCormack said each lot has its own public water, there is a meter pit out by the street and a new soils test has been done on Lot 1.

Mr. Poirier advised Mr. McCormack that the Water District's records show a 2" service line crossing the street with a 2" curb stop valve controlling all three service lines and then the pipes splits into three lines with 1" curb stop valves near the property line. Mr. Poirier said that the survey plan does not pick up these valves, and the District wants to ensure that the services do indeed enter along the property and asked that they be shown on the plan for confirmation. Mr. Poirier suggested that a meeting between Mr. McCormack, BH2M and the District would probably resolve the District's concerns. Mr. Zelmanow commented that condition of approval #3 ("That the applicant shall submit a letter from the Portland Water District identifying that all its concerns have been addressed and that the Portland Water District will be able to serve the revised lots within the subdivision prior to the Planning Board's endorsement of the final plan") should address Mr. McCormack's questions.

Mr. McCormack confirmed to Ms. Sunnell that he owns Lots 2 and 3 and has a purchase and sales agreement to buy Lot 1 from Hartley Marsh. Mr. McCormack said that the buffer strip is part of Mr. Marsh's lot and is included in the sale.

Mr. Poirier advised the Board that the applicant is requesting a waiver from the requirement for a Subdivision Plan requirement in Chapter III, Section III to submit a nitrate plume analysis for lots served by private sewage disposal areas and that public water is being provided to Lots 1 and 2. Mr. McCormack confirmed to Mr. Hughes that all the lots in the area have public water.

Melinda Shain MOVED and Rachel Sunnell SECONDED a motion to grant Greg McCormack's request to waive Subdivision Plan Submission requirements under Chapter III, Section III. Motion CARRIED, 5 ayes (George Fox and Corey Theriault absent).

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

Mr. Poirier read the conditions of approval; Mr. McCormack indicated he was agreeable to the conditions. The numbering of the conditions will be changed from "5, 6, 5" to "5, 6, 7."

Melinda Shain MOVED and Thomas Hughes SECONDED a motion to grant Greg McCormack's request for subdivision amendment to Strawberry Fields Subdivision, Map 104 Lots 10 and 10.003, Urban Residential district, with Findings of Fact and seven conditions of approval as written by the Town Planner. Motion CARRIED, 5 ayes (George Fox and Corey Theriault absent). [7:43 p.m.]


OTHER BUSINESS NONE

ANNOUNCEMENTS NONE

ADJOURNMENT

Thomas Hughes MOVED and James Anderson SECONDED a motion to adjourn. Motion CARRIED, 5 ayes (George Fox and Corey Theriault absent). [7:45 p.m.]

Respectfully submitted,


Barbara C. Skinner, Clerk of the Board
January 6, 2014

ITEM 1

MAINE AUTOMATION SITE PLAN

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 applicants have submitted a floor and elevation plan for the renovation of the existing single-family residence into an office building. The building will continue to have sloped roofs. The new siding of the building will be neutral tan clapboard with bronze window trim.

Site improvements to the lot are located on areas that are best suited for development and that have been previously disturbed. No wetlands, steep slopes, flood plains, or other unique natural features will be impacted by the proposed redevelopment of the site.

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

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

The lot has access to County Road, State Route 22 and State Route 114. The applicants are estimating that there will be 20 vehicle round trips to the site, the busiest a.m. hour being between 7-8 a.m. with 5 round trips, and the busiest p.m. hour being between 4:30-5:30 p.m. with 5 round trips.

Finding: County Road, State Route 22 and State Route 114 have adequate capacity to accommodate the traffic generated by the development.

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

Vehicles will enter and exit from a 24' wide paved driveway with 20' paved radii. The driveway will have adequate sight distance and will provide for safe and convenient access into the site. An existing asphalt driveway located west of the building will be removed and the area loamed and seeded.

The applicants are also providing the ability for future interconnected vehicular access to the site via a driveway easement to the Town of Gorham and the abutting eastern property (Map 6 Lot 36.001). The driveway construction will be the requirement of the abutting property owner should they move forward with commercial or mixed use development of that 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 first phase parking lot will be located to the east side of the existing building and is designed to have seven spaces, one being for handicap parking. The second phase of the parking lot construction will add four more parking spaces to the north side of the phase 1 parking lot.

The Planning Board granted the applicants' hardship request to locate the onsite parking lot to the side of the building. The hardship request is granted based on the evidence that significant expenditure would be required to locate the parking spaces at the back of the building and to provide handicapped accessibility into the building.

The site plan shows the proposed parking lot will have the required minimum 9' by 18' parking spaces and 25' access aisles to allow vehicles to back out of the parking stalls without needing to back out onto County Road (State Routes 22 and 114).

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 applicants are proposing to install two pedestrian walkways. A 5' wide walkway directs pedestrian circulation from the front of the building to the parking lot. An 8' wide walkway directs pedestrians from the east side of the building to the parking lot. No off-site walkways are proposed for the development.

The applicants are also providing the ability for future interconnected pedestrian access to the site via a driveway easement to the Town of Gorham and the abutting eastern property (Map 6 Lot 36.001). The driveway construction will be the requirement of the abutting property owner should they move forward with commercial or mixed use development of that site.

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.

Storm water from the parking lot will flow from southwest to the northeast and be directed into a rip rap swale which will flow into a small plunge pool. Storm water will then be discharged into the wooded area to the north of the plunge pool.

The amount of impervious area will not increase on the site, but existing impervious area on the western portion of the site will be removed and new impervious area will be added to the eastern portion of the site.

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 location of the parking lot to the east side of the building and adjacent to disturbed areas is designed to limit the removal of natural vegetation and amount of fill needed to construct the parking lot.

Plan Sheet C2.1: Erosion Control Plan, Notes & Details shows the location for erosion control devices as well as providing erosion control details, notes, and reseeding details.

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 an existing private water supply well from the southeastern corner of the lot. No change to the existing water supply is 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 has an existing private disposal septic system located in the southwestern portion of the lot. The septic system was designed by Norman G. Scott, Site Evaluator Number 207, and installed in 2005.

Multiple sheets in the plan sets show the location of the existing septic system on the site and copies of the approved 2005 HHE-200 have been provided for review.

No change to the sewage disposal is 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 underground power, cable and phone from County Road. No change to the existing utilities is 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 trees located to the front of the site, which have been extensively trimmed by the utility company because of their location directly under the power line, will be removed. The proposed construction will disturb only a small portion of the existing tree line behind the building for the installation of the storm water infrastructure. Trees and other vegetation located on the northern two-thirds of the site will not be impacted by 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.

The site has an approved private disposal septic system located in the southwestern portion of the lot which was installed in 2005. The septic system was designed by Norman G. Scott, Site Evaluator Number 207, and inspected by Clint Cushman, the Town's Licensed Local Plumbing Inspector.

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 plan sets shows the location of the following exterior lighting: one 20' high pole mounted full cut-off light located in the parking lot, two canister lights located in the overhang for the front entrance to the building, and one canister light located in the canopy for the side entrance.

The applicants provided a photometric plan by Pinkham & Greer and a Spaulding Lighting catalog sheet for the pole mounted full cut-off light located in the parking lot.

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 applicants are not proposing to locate a dumpster on the site. Solid waste from the site will be stored in the building prior to its disposal by a licensed private waste hauler. No storage of outdoor waste is proposed for 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.

Sheet C1.3: Grading, Landscaping, & Utility Plan details the locations, types, and quantities of landscaping proposed to be installed on the site. Sheet C3.1: Details provides the necessary shrub and tree planting specifics.

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 applicants have demonstrated that he has the financial and technical capacity to carry out the project in accordance with this Code and the approved plan.

The applicants have described their technical ability to complete the project in the December 18, 2013, response to Planning Review Memo.

The applicants have also provided a letter dated November 18, 2013 from Ross Grifkin, Vice President, Client Manager from Bank of America, demonstrating their financial capacity to complete the project.

Finding: *The applicants have 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.

Buffering in the forty-foot front setback includes the following:

- Four crimson king maples trees will be installed along the front of the building.
- A mix of northern bayberries, hostas, and hetzii junipers are to be installed along the front and side of the building.
- Four hetzii junipers are to be located around the business sign.
- One 14" oak tree and three other oak trees are to remain on the east side of the parking lot.

The buffering of the residential properties to the east and west will be via existing vegetation located within the eastern and western side setbacks. No removal of existing vegetation is allowed within these setbacks without the approval of the Town Planner.

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

T. Noise: The applicants have 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 (7 a.m.-7 p.m.) and 60 dBA nighttime (7 p.m.- 7 a.m.).

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

CONDITIONS OF APPROVAL

1. That this approval is dependent upon, and limited to, the proposals and plans contained in this application and supporting documents submitted and affirmed by the applicants and that any variation from the plans, proposals and supporting documents is subject to review and approval by the Planning Board, except for minor changes which the Town Planner may approve;
2. That prior to the commencement of construction of the site plan, the applicants are responsible for obtaining all required local, state and federal permits;
3. That the applicants shall provide property line information and site information in auto-cad format to the Town Planner prior to the pre-construction meeting;
4. That any proposed use on the site shall meet the sound level requirements outlined under Chapter IV, Section IX, T. Noise;
5. That the applicant shall submit the required easement deeds for review and approval by Town Staff and the Town Attorney prior to the Planning Board's endorsement of the final plan;
6. That the building shall meet all applicable sections of the NFPA 101 Life Safety Code and the NFPA Fire Prevention Code 1;
7. That a set of building construction plans showing the proposed layout of the interior shall be submitted to the Gorham Fire Department and the State Fire Marshal's Office for review;
8. That a stamped set of plans from the Fire Marshal's Office along with a copy of the State construction permit shall be submitted to the Fire Department before the construction starts;
9. That should the building be sprinkled the following will apply:
 - a. That the building sprinkler system shall meet all applicable sections of the Town's sprinkler ordinance and a complete set of sprinkler plans shall be submitted at least two week prior to the start of installation of the system to the State Fire Marshal's Office and the Gorham Fire

- Department for review and permitting.
- b. That the Gorham Fire Department shall approve the use of an NFPA 13R system for this building.
 - c. Sprinkler test papers shall be submitted to the Gorham Fire Department at the time of certificate of occupancy.
10. That prior to the pre-construction meeting the applicants 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;
 11. That prior to the commencement of any site improvements, the applicants, 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;
 12. 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;
 13. That the applicants shall pay the contract zone application fee of \$3,500 which is due at the closing of the lot and no building permits may be issued until the fee has been received by the Town;
 14. That the applicants shall pay the \$10,000 fee towards the future extension of public sewer and the fees are due before a certificate of occupancy is issued;
 15. That the applicants shall pay an additional \$10,000 fee towards the future extension of public sewer for any additional business units or lot splits with the additional fees being due before a certificate of occupancy or use permit is issued;
 16. That the Planning Board Chairman is authorized by the Planning Board to sign the Findings of Fact on behalf of the entire Board; and
 17. 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 2 STRAWBERRY FIELDS SUBDIVISION AMENDMENT – GREGORY MCCORMACK

CHAPTER III - SUBDIVISION, SECTION III - PRELIMINARY PLAN

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

Because this an amendment to only the lot lines and lot sizes in an approved subdivision, some of the Standards are not applicable, as indicated below.

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 three lots will have the following lot sizes: 31,724 square feet for lot 1; 24,772 square feet for lot 2; and 359,763 square feet for lot 3. Road frontages for the three lots are between 110' and 410' on a private way approved and built under a previous private way standard for 2-3 lots. The lot sizes and road frontages for lots 1, 2, and 3 meet the minimum requirements for single-family dwelling units in the Urban Residential District.

Finding: The subdivision amendment to Strawberry Fields 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 lots are served by a private way meeting the requirements of a past private way standard, which was known as the 2-3 lot private way standard. No changes to the existing private way are proposed. The applicant is not proposing any new lots or dwellings units to be served by the private way.

Any future subdivision of lots 1, 2, or 3 will require the applicant to upgrade the private way to a current private way or public road standard.

Finding: The subdivision amendment to Strawberry Fields Subdivision and Strawberry Lane Private Way 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.

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

Finding: *Not applicable.*

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

The three lots will be served by three 1" water lines located in the Strawberry Lane right-of-way. The 1" water lines will tap into the existing Portland Water District water main located in South Street, State Route 114.

Any future subdivision of lots 1, 2, or 3 will require the applicant to install a water main meeting the requirements of the Portland Water District and serve all the lots in Strawberry Fields Subdivision.

Finding: *The proposed subdivision amendment to Strawberry Fields 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.

The applicant has provided a letter dated December 3, 2013 from Mark J. Hampton, L.S.E. and C.S.S., with Mark Hampton Associates, Inc., identifying that the soils are present on lot 1 to support a private septic system. Attached to the letter is the soil test pit information taken on December 3, 2013 showing the results of Mark Hampton's site visit. The proposed septic system location for lot 2 is the same location as the original septic system location for lot 1. Lot 3 has an existing septic system to serve the single-family house.

Any future subdivision of lots 1, 2, or 3 will require the applicant to install a public sewer system meeting the requirements of the Portland Water District and the Town of Gorham and shall serve all the lots in Strawberry Fields Subdivision.

Finding: *The proposed subdivision amendment to Strawberry Fields 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.

No changes are proposed to the approved subdivision regarding the impact on surficial or ground waters are proposed.

Finding: *Not applicable.*

- 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.

No changes are proposed to the approved subdivision that will impact the capacity of the land to hold water.

Finding: Not applicable.

- 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 lot does not have any known historic sites or rare or irreplaceable natural or manmade assets located on it.

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 applicant shall provide property line information and site information in auto-cad format to the Town Planner;
3. That the applicant shall submit a letter from the Portland Water District identifying that all its concerns have been addressed and that the Portland Water District will be able to serve the revised lots within the subdivision prior to the Planning Board's endorsement of the final plan;
4. That any future subdivision of lots 1, 2, or 3 will require the applicant to install a public water main and sewer main to serve all the lots in Strawberry Fields Subdivision, which shall meet the requirements of the Portland Water District and the Town of Gorham;
5. That all relevant conditions of approval from the original subdivision approval shall remain in effect;
6. That the Planning Board Chairman is authorized by the Planning Board to sign the Findings of Fact on behalf of the entire Board; and
7. 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.