



Town of Gorham
July 21, 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
GEORGE FOX
SCOTT HERRICK
THOMAS HUGHES
RACHEL SUNNELL

Staff Present:

THOMAS POIRIER, Town Planner
CAROL WHITE, Acting Clerk of the Board

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

APPROVAL OF THE JUNE 2, 2014 MINUTES

Melinda Shain **MOVED** and Jim Anderson **SECONDED** a motion to approve the minutes of June 2, 2014 as written and distributed. Motion **CARRIED, 5 ayes.** (Thomas Hughes and Rachel Sunnell abstaining).

COMMITTEE REPORTS

A. Ordinance Review Committee. Mr. Zelmanow reported that the Committee does not have a chair at this time and has not met since the Board's last meeting.

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

CHAIRMAN'S REPORT – There was no Chairman's report.

ADMINISTRATIVE REVIEW REPORT – Mr. Poirier said that Administrative Site Plan Review committee had approved 2 projects since the last meeting – those were White Rock Outboard approved on June 26, 2014 and a real estate office of just under 2,000 sq. ft. located off Main Street and Libby Avenue in a vacant lot between the flag center and Libby Avenue was approved on July 2, 2014.

ITEM 1 Consent Agenda – Site Plan Review of Design Dwellings, Inc. requesting approval of 8 single family condominiums on Lot 25 of Allen Acres Subdivision located at 43 Carnation Drive on Map 26 Lot 7.225 in the Urban Residential zoning district.

Ms. Shain MOVED and Mr. Herrick SECONDED to move this item off the Consent Agenda and take it up for immediate consideration. (Motion carried, 7 ayes).

Mr. Poirier reviewed the items that were discussed at the June 2, 2014 meeting. One item was the DEP approval as well as Staff Comments. The applicant has resubmitted, staff reviewed and sent review comments to the applicant on July 2 – there are still a couple of minor items outstanding mostly to do with getting the plans and the condo docs identifying the same things because they seem to conflict with each other.

Ms. Duchaine, President of Design Dwellings, Inc., was available to answer questions as her engineer, Mr. Greer, was unable to attend tonight's meeting. The condo docs are completed and have been provided to your attorney a few weeks ago. There were a few changes that have been added to the plan and they will be submitting the final plan to Mr. Poirier for review before it gets recorded. Mr. Zelmanow asked if there was a letter provided regarding the technical capacity and Mr. Poirier said they had only received the financial capacity letter. The Planning Board could write a finding for identifying the technical capacity if they chose to tonight or wait until DDI submits a letter. Mr. Zelmanow asked if it had to be in writing. Mr. Poirier said it does not have to be in writing. Ms. Shain mentioned questions from the Town Attorney about the lot numbering – has that already been addressed? Mr. Poirier stated that this lot is located in Allen Acres subdivision and as part of the subdivision all the numbered lots in the subdivision are required to help pay for the storm water maintenance associated with the subdivision so Lot 25 as a whole are considered part of the Subdivision and will have to contribute to the Homeowner's Association. To ensure that the Condo Assoc is aware of that, we recommend that there is something written in the Condo Docs that addresses the fact that the Condo Association is one voting member of the Homeowners Association. That item is still outstanding. Ms. Shain suggested that if it has not been addressed yet, we can make it a condition of approval.

Mr. Zelmanow mentioned a number of little things that need to be addressed: exterior lights not meeting the code, and waste disposal. Ms. Duchaine said the exterior lighting was discussed at the last meeting and Troiano will be used during construction for waste disposal. The town will take over waste removal once the construction is done. Ms. Shain suggested that any small issues could all go into a condition of approval.

Mr. Poirier said that a new Condition #9 stating that "the applicant shall make the required changes to the plans and the legal documents addressing staff comments prior to the Planning Boards' endorsement of the final plan" will be added and existing Condition #9 will become #10 and the existing Condition #10 will become #11.

There was nothing further that the Board or staff had issues with or wished to discuss.

Ms. Shain MOVED and Mr. Fox SECONDED to grant Design Dwellings, Inc.'s request for site plan approval for 8 single family condominiums on Lot 25 of Allen Acres Subdivision at 43 Carnation Drive, at Map 26, Lot 7.225, in the Urban Residential (UR) zoning district, based on the Findings of Fact and with the Conditions of Approval as written by the Town Planner (and amended by the Planning Board). (Motion CARRIED, 7 ayes)

ITEM 2 Public Hearing (continued from June 2, 2014) – Site Plan Review – Tow Path Road – S.D. Warren / Sappi is requesting approval to upgrade portage and car-top boat access and parking adjacent to the Presumpscot River on land owned by the Presumpscot Regional Land Trust

located at the end of Tow Path Road on Map 53, Lot 39 in the Suburban Residential and Rural District, the Shoreland Overlay District and the Resource Protection Sub-district.

Mr. Poirier said that this project was last before the Board and Public on June 2, 2014. The applicant has submitted several sets of revised plans and staff has reviewed them. There are no outstanding comments from staff regarding this application. Staff has completed a set of Findings of Fact as well as Conditions of Approval for the Board's review this evening. Staff will answer any questions the Board has.

Mr. Roma, P.E. of Milone & MacBroom, Inc. representative for Sappi/SD Warren said they have cleaned up the comments from last meeting, and addressed their comments and have submitted plans for signing. They did find a recorded boundary survey that was used to create the parcel data and have included that in the package of information for reference. The metes and bounds have been added to the plans. Hopefully all the outstanding comments have been addressed. We have submitted mylar plans that have the CoA's outlined. We have read the conditions of approval -- they are the standard ones with no special conditions for this project so they find them acceptable.

COMMENTS FROM THE BOARD: There were no questions, concerns or comments from the Planning Board.

PUBLIC COMMENT PERIOD OPENED: None offered.

PUBLIC COMMENT PERIOD ENDED.

Ms. Shain MOVED and Mr. Hughes SECONDED a motion to grant S.D. Warren Company's request for site plan approval to construct improved car-top boat access and a gravel parking lot located on Map 53, Lot 39, in the Rural District, Suburban Residential District, Shoreland Overlay District, and the Resource Protection Sub-district, with Findings of Fact and Conditions of Approval as written by the Town Planner. (Motion CARRIED, 7 ayes)

ITEM 3 Site Plan Amendment Review – Insurance Auto Auctions, Inc. (IAAI) is requesting approval for a 5.74 acre expansion of IAAI's gravel vehicle storage area with a 40-foot wide access driveway and security fence on land leased from Shawn Moody, located at 9 Moody Drive off Narragansett Street on Map 19 Lot 1 & Map 39 Lot 22 in the Suburban Residential-Manufactured Housing and Narragansett Development zoning districts.

Mr. Poirier said this item was last before the board on June 2 in a workshop. The board discussed a number of items needed including a site walk and a noise review. The applicant has submitted the full site plan review which staff has completed. Reuter Consultants reviewed the Noise Report for Peer Review.

James Katsiaficas, Perkins Thompson, Attorney for IAAI and Shawn Moody, co-applicants, explained that IAAI has been leasing 11.68 acres from Mr. Moody for 3 years for use as an Automobile Salvage, Storage and Auction facility. Prior to that Mr. Moody had come to the Planning Board to obtain approval for all of the businesses along Narragansett Road. He also obtained approval for Site Location of Development for this property and the Natural Resource Protection Act. Tonight they are here for a Site Plan Amendment. The parcel to be leased is 8.45

acres. 5.74 will be developed for overflow parking area. It is an extension into the Narragansett Residential area. It is a nonconforming use but the code allows for extension of a nonconforming use when there is ZBA approval granted 10/2012 and extended to 10/2014. The use has been approved, so the question before the Planning Board is whether this project meets Site Plan criteria. A team has been assembled to answer any questions you might have: Michael Madden, VP of Real Estate and Development for IAAI, Craig Abernathy, New England Regional General Manager; Branch Manager, Tom Laravee so if you have specific questions about the facility and how it is run; Shawn Frank, Sebago Technics, site plan designer, and Scott Bodwell, Acoustic Engineer to speak about noise;

Michael Madden, Vice President of Real Estate and Development at IAAI in Chicago, Illinois discussed their operation at the site, their business model and questions about environmental practices and safety at the site at the pre-app. from abutters about their concerns. Gave background information about IAAI, subsidiary of KARR family industries. IAAI sells total loss vehicles in 170 locations in US and Canada and will probably sell close to 2 million cars this year. Auction model is hybrid model – live auction on site with auctioneer, buyers and internet buyers from anywhere in the world. Auctions are held every Monday at IAAI in Gorham, which opened for business about 3 years ago. The business has grown and now needs to expand. IAAI represents most of major insurance carriers in US and Canada, largest customer is Geico. One issue raised was this facility attracting criminals. After checking with local manager the only calls over the last 3 years since they have been in business have been false alarms or snow buildup. There is a perimeter fence and an electrified low voltage security fence inside the perimeter fence, which has proven to be very effective in dissuading anyone who might have less than honorable interests/acts in mind. Regarding the Environmental question: all properties in US and Canada are covered by a master environmental insurance policy, ACE, and are subject to unannounced audits on a yearly basis. All yard personnel are trained in environmental best practices. Please be assured that the company does not violate any environmental laws. If the company had problems they would not be able to get insurance. Will answer any questions you might have.

Shawn Frank from Sebago Technics provided an aerial view and spoke about the layout of the vehicles and the existing facility. We will have a plan showing the proposed expansion, access to the site, and an 80 foot wide No Disturbance area with a 10 foot high berm also and that will make it approximately 126 feet from the property line. Access to the site will occur as it always has - off Narragansett to Moody St then into the facility. The only access to the yard will be for IAAI employees. The auction that goes on now down at the existing building along Moody Drive will occur as it always has so this amendment is basically for overflow parking. It will be accessed from the original yard via a 26' wide gravel access drive. There are some wetlands, which we have worked around. Along the driveway there will a wooden fence plus the berm along the western perimeter. There will be no utilities extended to it whatsoever. There will also be a security fence that will go along the total perimeter of the gravel storage yard and actually connect into the existing fence that is there. We will be sheet flowing all storm water runoff, connecting that to a series of level lip spreaders and utilizing existing wooded buffers that will be deed restricted to be retained to provide the treatment to the runoff that is coming from the site. There are 2 existing monitoring wells which have been tested many times over the last 10 years and based on the clean results from that testing, the Maine DEP did not ask for any additional monitoring associated with them. Sebago Technics has looked at Staff review comments and will be requesting a waiver to standard boundary survey which we have done for the two main portions of Mr. Moody's property and will be cleaning up the plans to show the existing water and electrical and sanitary service to

the existing building. This will be self-financed and we will provide info associated with the project for technical and financial capacity. From Sebago Technic's standpoint it is a gravel storage yard. Ms. Shain verified that the security fence will be electrified and connected to the main fence.

Scott Bodwell, Noise Consultant for IAAI spoke in depth about the methodology used for reviewing the noise levels at the site. He explained how they did their review and the types of sounds they evaluated. He pointed out that the operating hours are 8 am to 5 pm which is a small window of operating time. They quantified the sound levels from equipment – basically 2 loaders, a passenger van and a conversion van and used them in the predictive sound model. Mr. Zelmanow asked if – at the property line -- does the sound level go over the 60-65 db level staying in compliance with the Noise Ordinance? Mr. Bodwell said yes it would be in compliance with the ordinance. Ms. Shain asked if what he was saying is that the current peak sounds in the residential area would be similar to the peak sounds that would be heard when the facility is in operation. She also asked if the time that Mr. Bodwell measured was on a full day of operations. Mr. Bodwell said that yes, he had measured all the operations. He wanted to clarify a statement on the Staff Notes that was misinterpreted that the tonal penalty was added to the maximum sound level for the loader and he did not do that – it is not required. Mr. Herrick asked if they did any sound testing on their busy day, Monday, with the additional traffic and activity on the site to see if it affects these sound levels at all? No. Mr. Frank explained that their “busy” day is busy for the people who work there for the most part. So they determined what during the weekly operation makes the loudest noise and focused on that. The bottom line is that the project will meet the noise standards of the Land Use Code.

Ms. Shain asked what Mr. Madden's experiences have been in their other facilities similar to this one that are near a residential area. Mr. Madden said that in Turnersville, NJ their facility is right across the street and there are no barriers whatsoever other than a fence. This facility was there before the residential area was built but they have had no complaints. They are building a new facility outside of Chicago in East Dundee, Illinois which abuts a residential area in Barrington Hills, IL which is sort of an equestrian community with a minimum 5 acres zoning. I don't think the folks are really the happiest about it, but if you buy next to power plants, asphalt plants, it's your business. In Miami they are adjacent to a single family residential area and have had no problems and IAAI came in after the homes were built. All of our facilities are available for aerial view on Google Earth.

Mr. Katsiaticas said that of the 150 acres that Shawn Moody owns, portions of it have been used for auto repair and for auto parts as an automobile graveyard, since the late 1950s. Shawn Moody has operated here since 1978 and there has been an auto salvage facility here at this site the whole time.

Mr. Fox asked if the berm design is a fairly expensive way to deal with the noise in this area and he is curious if the decision to go with a berm instead of a noise reduction fence was due to concerns about compliance with the noise standards or was it something else. Mr. Frank said it was based on 1) the past experiences that Mr. Moody has had with this parcel, and 2) the fact that there are existing berms around the property already. We needed something a bit more formalized because of the proximity to some of the residences. We also thought that because we could vegetate a berm it will provide something that melds in with the buffer that we are maintaining, any trees that grow up will add that much more enhancement at least from the visual standpoint as well as the noise. Mr. Fox asked where is the soil for the berm coming from? Mr. Frank said it's going to be a mix, they are hoping to get most of it from the site as they create the berm and the rest will come from off site.

Ms. Sunnell would like to know how the applicant plans on dealing with the landscaping of the berm. This is going to be a 2:1 slope and will be difficult for the vegetation to take hold. How will the applicant be dealing with die-off of vegetation of the berm? She would like to see an annual inspection of the berm and replacement of any vegetation that dies off. Mr. Katsiaficas said it is pretty common to have a 1-year Performance Bond to cover vegetation that has to be replaced for public improvements, but this is private, but they could agree to a 1-year guarantee. Ms. Sunnell felt that one year is not enough time to determine if berm is stable with the trees. Mr. Katsiaficas felt we should have the same standard for private development that we do for public development. Ms. Sunnell pointed out that the PB is protecting the neighborhood and they will be here more than a year.

THERE WERE NO FURTHER QUESTIONS FROM THE BOARD.

PUBLIC COMMENT PERIOD OPENED:

Shawn Moody said that as far as these berms are concerned, there are many that have been around for a while, and there is no way to prevent the vegetation from growing on them.

PUBLIC COMMENT PERIOD ENDED.

Discussion of the proposed site walk: The board would like to see a balloon showing the 10' berm and how high that will be, stake the boundaries of the parking expansion, the buffer zone, along the edge of the undisturbed area. Tom Poirier questioned whether the board wanted to do a site walk on a Monday, which is the busiest day for IAAI or do you want to do another day of the week.

BREAK FROM 8:25 TO 8:35.

ITEM 4 Final Subdivision Amendment Review – Columbia Way Subdivision. Grondin Aggregates, LLC is requesting final approval of an 11-lot cluster subdivision located off Middle Jam Road in the former Middle Jam Pit on Map 97 Lot 31 and Map 98 Lots 1 & 6 in the Rural zoning district.

Mr. Poirier explained that this item was last before the board and got Preliminary approval on June 2 by the Planning Board. One of the larger items to note is there was going to be a land swap with one of the abutters – the Ventimiglia family – and that needs to be taken care of before the final approval can take place. However, due to issues with the bank and the timing that Grondin needed for the approval, the land swap has been taken off the table and Ventimiglia will keep his land and Grondin will have his land. In the future if they decide to make that land swap, they will have to come in for a Subdivision Amendment. Staff has reviewed the proposal and provided comments as well as providing a set of Findings of Fact and Conditions of Approval for this evening.

Shawn Frank, P.E. of Sebago Technics, and Ken Grondin are here to answer questions. Mr. Frank showed the corner of property that the land swap was going to take place. They need to update the addresses in the subdivision based on comments from the Assessor's office. There is a memorandum of recommended improvements from the Public Works Department regarding improvements to Middle Jam Road. Mr. Herrick or Anderson asked about the timing of the road repairs and when they will happen. Mr. Poirier said that it will be bonded as part of the Performance Guarantee. The plan is basically the same as the original plan.

PUBLIC COMMENT PERIOD OPENED: None offered.

PUBLIC COMMENT PERIOD ENDED.

Mr. Fox noted that in looking at the well exclusion zones, “d) sufficient water supply”, he has difficulty understanding how the wells will be put in considering the slopes that they will have to deal with. Mr. Frank said that the majority of the wells on that side will actually be on top of that slope and they will drill down from there. They have actually discussed whether it makes sense for the developer to go and do the wells as they work their way through – it has not been finalized yet, but the wells will have to be at the top of the slope and will be connected by a pipe to the proposed house. Mr. Fox asked if the elevation change is 20-25 feet and Mr. Frank said yes, that is about right. Mr. Frank said they will be regrading a lot of those slopes as well, so they will be reworking this whole area. Mr. Frank said he is not sure if we will go up that property line or work it along the common property line with the Town of Standish. If that doesn’t work, they will either redesign it, keeping in mind that they have a 100’ buffer between the septic system and the well, so we would have to look at whether they could relocate the septic system and find another spot or if they have to do something from the lot standpoint.

Mr. Poirier said that if they have to move the septic system or the well, they would have to provide us with a new study to show us that 1) the new location is OK and 2) that it wouldn’t impact any of the surrounding wells or septic systems.

THERE WAS NO MORE DISCUSSION FROM THE BOARD.

Ms. Shain MOVED and Mr. Fox SECONDED a motion to grant Grondin Aggregates. LLC’s request for final approval of an 11-lot cluster subdivision off Middle Jam Road located on Map 97, Lot 31 and Map 98, Lots 1 and 6 in the Rural zoning district, based on the Findings of Fact and with the Conditions of Approval as written by the Town Planner (Motion CARRIED, 7 ayes)

ITEM 5 Preliminary Subdivision Review – Stonefield IV Subdivision: Gilbert Homes is requesting approval of a 36-lot subdivision off Ichabod Lane with a 2,900’ roadway to connect to Stonefield Phase II and III and a 400’ dead end road to support 4 lots located on Map 50 Lot 6 in the Rural, Shoreland Overlay and Resource Protection Sub-District zoning districts.

Mr. Poirier mentioned that this project was last discussed at the April 7, 2014 PB meeting and a Site Walk was held on May 8. The minutes and Site Walk notes are included in the board’s packet. Staff has reviewed the applicant’s proposal included in the packet and we have started to draft some of the Findings of Fact.

Andrew Morrell, BH2M Engineers discussed the Portland Water District easement on the site and Snowmobile & Pedestrian access that is currently over those trails. A meeting was held on site with the Conservation Commission, PWD, Snowgoers, and the Applicant where a lot of these issues were discussed and it has been agreed upon that the Snowmobile and Pedestrian Access Trail, which is currently through the smaller ROW through the middle of the site, will be moved to the

large PWD easement which is 100' wide on the western portion of the site mostly within the open space of the project.

Mr. Zelmanow questioned whether the PWD water main going through the middle of some of these lots and the potential of all of us in Cumberland County for losing our water if somehow that main is broken. Mr. Morrell said that PWD has identified 7-8 lots that will be affected by the easement and they have suggested changing the setbacks in the front. The intent is to meet with PWD and see what kind of solutions we can come up with to make this a better situation. The 1st 2 phases of the project were similar and we worked closely with them on that. There have been no issues on those affected lots to his knowledge. PWD is possibly interested in some kind of loop system to combine the 2 large water mains. That will be part of the discussions we will have with them to see where they would want to make this connection and the size pipe they will use.

Mr. Anderson asked if PWD will allow you to run a sewer line over their water line as shown on Lot 46 of the plans. Mr. Morrell said they have allowed it on other lots, but he isn't sure if they will actually do that. This is a conceptual layout only and they would like to avoid that kind of layout if at all possible

Ms. Sunnell reminded Mr. Morrell that the last time they came in with this application the board requested street trees and Mr. Morrell said they will have those showing on their next submittal.

Mr. Poirier asked if the trails will be moved on the 100' easement? Mr. Morrell said that they would be moved. The lot at the end of Ichabod lane has 50' of the easement in it and that is in phase 3. If we are going to put the snowmobile trail on that lot it will need an amendment to that phase. Mr. Morrell said in next submission they will show the trail location on the plans.

Mr. Zelmanow noted that there are a lot of questions that still need to be taken care of in order to grant preliminary approval tonight. Ms. Shain noted that we can do preliminary and final approval in the same meeting once the DEP approval has been received.

PUBLIC COMMENT PERIOD OPENED:

Ms. Suzie Phillips, an abutter from Harding Bridge Road came to the podium and suggested that the Trail move should be shown on the plan and since this is the major trail for walking, biking, snowmobiling from Gorham to Sebago it needs to be wide enough for all including the equipment they need for grooming the trail.

Bernard Broder, Attorney, 49 Phinney Street, came to the podium and said that he has concerns about the Water Main because of the proposed landscaping and the trees and their roots which adds more potential for damaging the water main and it should be a prime concern for the board and not controlled by a private developer.

Mr. Poirier asked for a poll of the board before the applicant goes through with going through the process of getting a waiver for the nitrate plume analysis. The board felt that that would not be a problem.

PUBLIC COMMENT PERIOD ENDED.

Melinda Shain MOVED and James Anderson SECONDED a motion to table further review of Gilbert Homes LLC's request for preliminary subdivision approval pending responses to remaining issues (and finalizing revisions to the plan). (Motion CARRIED, 7 Ayes)

ITEM 6 Preliminary Subdivision Review: - Subdivision on Shaws Mill Road: Michael and Melissa Gould are requesting approval of a 4-lot subdivision off Shaws Mill Road. The property is located on Map 80 Lot 31.001 in the Suburban Residential zoning district.

Mr. Poirier advised the Board that this application was last before the board on March 3, 2014 as a pre application review. Staff has completed a review of the project and completed the Findings of Fact which are in the back of your packet.

Wayne Wood, from Wayne Wood & Co came to the podium representing the Gould family. We have looked at the Staff Comments and have modified the plans accordingly to all but a few of those comments. We don't have any concerns but we do need to have some clarification. Do you need to have an actual detail of the driveways that will be built after approval according to town specs. And do you need a detail of what the underground utilities for each lot owner will be held to? CMP usually produces those for normal installations anyway and he is looking for some input from the board on whether these items are necessary to be included in the final plans. If so, we can do that. It seems like a redundancy of your Land Use Code because any homeowner has to do this anyway when they come in for their building permits. Mr. Zelmanow explained why this information is need for final approval. Mr. Wood felt that driveway information had been noted on the plan and Mr. Zelmanow explained that this should be measurable on the plan and asked what the board would like. Mr. Wood said they could put this information on the plans. Mr. Zelmanow mentioned that the applicant is missing both the financial and technical capacity and Mr. Wood explained there will be no improvements to the property whatsoever. Mr. Poirier said there is usually a letter from the applicant stating that there will be no improvements to the lots by the applicant. They are just selling the lots as is.

PUBLIC COMMENT PERIOD OPENED: None offered.

PUBLIC COMMENT PERIOD ENDED.

Ms. Shain MOVED and Mr. Hughes SECONDED a motion to approve the request for preliminary subdivision approval for a four-lot subdivision located on map 80, Lot 31.001, in the Suburban Residential zoning district based on Finds of Fact and Conditions of Approval as written by the Town Planner. (Motion CARRIED, 7 ayes).

ITEM 7 Land Use & Development Code Amendment: Amendments to the Gorham Land Use & Development Code pertaining to Chapter I, Section V – Definitions to add definitions for Airstrips, Runways and Landing Strips; Section VII – Suburban Residential District, B. Permitted Uses, Section VIII – Rural District, B. Permitted Uses; and a new section added to Chapter II: General Standards of Performance, titled: Section XIV -- Airstrips, Runways and Landing Strips.

Mr. Poirier reviewed the item saying this item started back in July 2013 and it has gone through quite a review, as you can see from the amendment tracking box. We did a preliminary review on performance standards for airstrips and as part of those standards we were basically taking airstrips from an accessory use which is how it used to be defined by the Code Officer, to any other permitted use. The Town Council wanted to separate airstrips as an accessory use into a permitted use, and then not define it as a permitted use in any district which basically would not allow it in the town any more. At the Town Council Public Hearing some members of the public expressed concern about allowing airstrips to continue. The proposed amendment then went back to the Town Council Ordinance Committee where a list of performance standards that would allow airstrips to remain in the Suburban Residential and Rural districts was drafted. Those are included with the Planning Board's packet this evening. At the Town Council for Public Hearing some councilors expressed concern about the side line buffer that was identified in the performance standards, and someone else talked about yearly licensing requirement for airstrips. Staff did not put this on for a Public Hearing tonight because staff wanted to get the Planning Board's feedback on whether they wanted to send it to the Planning Board Ordinance Committee to look through it and then make a recommendation back to the Planning Board, so it is on just for discussion tonight.

Mr. Poirier does recommend opening it up for Public Comment tonight anyway.

Mr. Zelmanow inquired how much of this language has changed from the last submission we sent up to the Town Council. Mr. Poirier said that the black/bold type is what has changed. All we did was define it the last time but all the performance standards will be new to the Land Use Code.

Ms. Shain said she thinks it needs to go to the Planning Board Ordinance Committee and Mr. Zelmanow agreed even though we don't have a chair for that committee at this time but we will as so as we meet.

PUBLIC COMMENT PERIOD OPENED.

Bernard Broder spoke and is concerned about this revision to the Land Use Code. He feels that the problem should not be whether we have airstrips but whether we have new airstrips and he is in favor of not having additional airstrips. Allowing new airstrips would benefit just a very select group of people and could put the entire population at increased risk for accidents and additional noise in the town. Gorham is one of the fastest growing towns in the county, which means more buildings, people and opportunities for mishap if we allow this. Specific concerns on the language are located on page 3 of 3 in the Staff Notes. Specifically: Item 3) which may just be a typo with the "maximum length shall be a minimum of 500' and a maximum of 2,000'". Item 4) is concerning relaxing the setbacks -- if his neighbor had an airstrip 50' from his property, he hopes that they have millions of dollars in insurance. And Items 8) and 9) about who could use and own the airstrips - if only the owner is allowed there could potentially be multiple owners if the owner is an LLC. Also, Item 10) If we are looking at airstrips that only owners can use, why would anyone else be on the property to begin with. This seems as if it would encourage other people to use the airstrip which seems difficult to enforce. Finally, #13) the 500 gallons allowed for storage of airplane fuel is concerning, especially considering the proposed setback change.

PUBLIC COMMENT PERIOD CLOSED.

ITEM 8 Pre-Application Discussion – LAND & BUILDINGS, LLC and WEBBCO, LLC are proposing a seven lot cluster subdivision at 43 Clay Road. The property is located on Map 54 Lot 19.101 in the Rural zoning district.

Mr. Poirier introduced the project explaining that this is a cluster subdivision proposal in the rural district and reviewed the questions he has included in the staff notes.

Jim Nadeau from Nadeau Land Surveys came to the podium and reviewed the history of the project. They did the perimeter boundary survey a number of years ago and cut a house lot off which is the one in the north corner, waited a few years and cut the 2nd piece out and now the owner is interested in selling the remaining piece and going through subdivision. They have engaged Al Frick to do soils calculations and found that there are no vernal pools or wetlands of large impact. Our net density calculations comes out with 441,000 square feet or 7.35 allowable acres, so we are proposing seven lots. They are aware of the private way restrictions of 6 lots that can be serviced by a gravel private way and they are proposing that Lot 1 would access its lot from Clay Road and would not have any right of access to Benjamin Way, the proposed private way, because if there were 7 lots accessing the private way they would have to pave the private way. They have done 9 or 10 test pits which have all proved favorable. They are not marked at this point, but they will be shown on the preliminary plan. Mr. Zelmanow noted that the driveway appears to be close to the private way. Mr. Nadeau said they would like get a sense of what the board is thinking about regarding the cluster subdivision or conventional subdivisions. Ms. Shain stated that the cluster arrangement looks very good and the only suggestion she had was that the applicant may want to beef up the open space a little bit to be compliant with the code. Mr. Anderson agreed that he is leaning more toward the cluster subdivision layout. Mr. Nadeau said they are open to suggestions about specifics for the open space and will be fine tuning the use before they submit the application. Ms. Sunnell agreed that the Cluster plan is the direction she would lean as well.

Mr. Poirier noted that the application includes septic and well and the board will require a nitrate plume analysis.


OTHER BUSINESS Mr. Poirier reminded the board that the Ordinance Committee meeting will be set up for 6:00 pm August 4, before the Planning Board meeting unless he hears otherwise from the board.

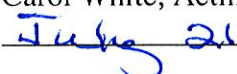
ANNOUNCEMENTS NONE

ADJOURNMENT

Mr. Hughes MOVED and Mr. Fox SECONDED a motion to adjourn. Motion CARRIED, 7 ayes. [9:55 p.m.]

Respectfully submitted,



Carol White, Acting Clerk of the Board
, 2014

DESIGN DWELLINGS, INC. – SNOWBIRD CONDOMINIUMS

FINDINGS OF FACT

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

The Planning Board, following review of the Site Plan 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.

CHAPTER IV, Section IX – Approval Criteria and Standards

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

The layout of the 8 single family residential condominiums project does not impact any wetlands or naturally sensitive areas. The eastern end of the lot with the steepest slopes will be utilized as a forested stormwater buffer.

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

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

Vehicular access to the site will be on Carnation Drive, which is approved by the Town as an Urban Access road. Carnation Drive is accessed via Main Street, State Route 25.

The estimated number of trips entering and exiting the site on a daily basis is 40. The busiest a.m. hour is between 7 and 8, with the busiest p.m. hour being between 5 and 6.

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 intersection of Carnation Drive and Main Street, State Route 25, exceeds the minimum site distance. Connor Drive is located at the end of Carnation Drive between the road and the turn around.

Finding: The vehicular access into the development will provide for safe and convenient access.

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 units will be served by Connor Drive, which is designed to the Urban Access road standard. The northern side of the driveway will be signed as "No Parking." The driveway is to remain private and will be maintained by the Snowbird Condominiums Homeowners' Association.

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

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

A five foot sidewalk is to be located along the northern side of Connor Drive. The sidewalk will be maintained by the Snowbird Condominiums Homeowners' Association. The sidewalk on Connor Drive connects to the sidewalk located along Carnation Drive.

Finding: The layout of the site provides for a system of pedestrian circulation within and to 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 western half of the site will be directed into the stormwater infrastructure approved as part of Allen Acres Subdivision. Stormwater from the eastern half of the site will be directed easterly to a large stone berm and allowed to flow through a forested buffer.

Infiltration basin #1 is required to be maintained by the Allen Acres Homeowners' Association. Snowbird Condominiums Homeowners' Association is required to be a member of the Allen Acres Homeowners' Association.

The large stone stormwater berm and all other stormwater infrastructure located on the site are required to be maintained by the Snowbird Condominiums Homeowners' Association.

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.

During construction a filter berm or silt fence will be installed along the edge of the disturbed area, as shown on the Sheet C2: Grading, Erosion, Control, & Utility Plan, with erosion control installation and seeding details being located on Sheet C5: Grading, Erosion Control Notes, & Details.

Finding: The project, building, and site designs and roadway layouts will fit and utilize 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 condominium units will be served by public water from the Portland Water District. An 8" water main is proposed to be located within Carnation Drive which will serve the site. The Snowbird Condominiums units will be served from 348' of a 4" watermain located under Connor Drive. The water main design and installation is required to meet the requirements of the Portland Water District.

Finding: 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.

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 condominium units will be served by public sewer from the Portland Water District. An 8" gravity sewer main is proposed to be located in the Carnation Drive right-of-way. An 8" gravity sewer will be located under Connor Drive and connect into the Carnation Drive sewer at sewer manhole #8. The sewer main is required to meet the requirements of the Portland Water District.

Finding: The sanitary sewer system will be installed at the expense of the developer meeting the requirements of the sewer user ordinance.

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

The proposed units will be served by natural gas, underground power, cable, and telephone.

Finding: The development will be provided with electrical and telephone service adequate 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 proposal is to keep a forested buffer along the eastern portion of the site. No wetlands or other naturally significant features are located on the site.

Finding: The landscape will be preserved in its natural state insofar as practical by minimizing tree removal, disturbance and compaction of soil, and existing vegetation will be retained insofar as 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 condominium dwelling units will not utilize groundwater for use by the occupants of the units. The construction of the dwelling units will not impact the groundwater on the site.

Finding: *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.*

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 individual condominium units will have a decorative post light located at the end of the driveway and a decorative porch light located near the front entrance.

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

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

Trash removal will be through the Town's solid waste provider.

Finding: *The development will provide 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.

Each of the condominium units will have individual foundation plantings located to the front of the units. A total of twelve trees are proposed to be located along Connor Drive. Additional buffer plantings are proposed along the southern property boundary.

Finding: *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.*

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.

None of the proposed improvements are located in the Shoreland Overlay District.

Finding: *The development plan will not adversely affect the water quality or shoreline of any adjacent water body and will provide for access to abutting navigable water bodies for the use of occupants of the development.*

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

The applicant has provided a letter dated March 24, 2014, from Frederick G. Proctor, Vice President, Gorham Savings Bank, identifying its financial capacity to carry out the project in accordance with the Code and the approved plan.

Finding: *The applicant has demonstrated that it has the financial and technical capacity to carry out the project in accordance with the 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 plans identify an area of existing trees to the south as well the eastern edge of the property. An additional 21 arborvitae are proposed to be planted along the southern property boundary. A forested stormwater buffer is proposed for the eastern end of the parcel. Removal of vegetation is limited to dead, diseased, and dying vegetation with prior approval from the Town Planner.

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

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

The uses at the site are required to meet the A-weighted hourly equivalent sound level limits of 60 dBA daytime (7 a.m. - 7 p.m.) and 50 dBA nighttime (7 p.m. - 7 a.m.).

Finding: *The development will comply with the A-weighted hourly equivalent sound level limits of 60 dBA daytime (7 a.m. – 7 p.m.) and 50 dBA nighttime (7 p.m. – 7 a.m.).*

NOW THEREFORE on the 21st day of July, 2014, the Gorham Planning Board adopts each of the foregoing Findings of Fact and based on these Findings determines that the proposed project will have no significant detrimental impact, and the Gorham Planning Board hereby votes to grant **FINAL SITE PLAN APPROVAL** for Snowbird Condominiums with Findings of fact and Conditions of Approval listed below to Design Dwellings, Inc.

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, the applicant is responsible for obtaining all required local, state and federal permits;
3. That the applicant shall provide property line information and site information in auto-cad format to the Town Planner;
4. 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;

5. That prior to the pre-construction meeting, the applicant must provide estimated costs for the proposed improvements and must establish the performance guarantee per the Land Use and Development Code,
6. That the applicant shall provide an escrow for field inspection;
7. That prior to the commencement of any site improvements, the applicant, its earthwork contractor, and the design engineer shall arrange a pre-construction meeting with the Town's Review Engineer, Public Works Director, Fire Chief, Code Enforcement Officer and the Town Planner to review the proposed schedule of improvements, conditions of approval, and site construction requirements;
8. That the applicant shall provide a recorded copy of the approved Snowbird Condominium documents to the Planning Office prior to issuance of a building permit;
9. That the applicant shall make the required changes to the plans and legal documents addressing staff comments prior to the Planning Board's endorsement of the final plan;
10. That the Planning Board Chairman is authorized by the Planning Board to sign the Findings of Fact on behalf of the entire Board;
11. That once the site plan has been recorded at the Cumberland County Registry of Deeds, a dated mylar copy of the recorded site plan shall be returned to the Town Planner prior to the pre-construction meeting.

**S.D. WARREN COMPANY- PRESUMPCOT REGIONAL LAND TRUST
IMPROVED CAR TOP BOAT ACCESS AND PARKING LOT**

FINDINGS OF FACT

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

The Planning Board, following review of the Site Plan 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.

CHAPTER IV, Section IX – Approval Criteria and Standards

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

The plan set included for approval of better access and parking for car-top boat access limits impacts to environmentally sensitive and natural drainage areas.

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

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

Vehicular access to the site will be on a municipal road, Tow Path Road, which is designated by the Town as an Urban Sub-collector road.

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.

Access to the parking and portage areas will be on a 12' wide gravel road.

The width of the road is restricted due to the lot being in both the Shoreland Overlay District and the Resource Protection Sub-district.

Finding: The vehicular access into the development will provide for safe and convenient access.

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

Vehicles parking in the parking lot will be able to turn around and drive out without needing to back out onto Tow Path Road. The width of the road is wide enough for one way traffic but is short and straight with good visibility to minimize traffic conflicts on the road.

The width of the road is restricted due to the lot being in both the Shoreland Overlay District and the Resource Protection Sub-district.

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.

Two trails are located in close proximity to the four-space parking lot. One trail runs from east to west, which directs hikers towards the middle of the lot. The second trail runs from south to north, which directs hikers along the edge of the Presumpscot River.

The river portage area is located 60' from the parking lot along the south/north trail.

No sidewalks are located along Tow Path Road.

Finding: *The layout of the site provides for a system of pedestrian circulation within and to the development.*

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

The proposed stormwater from the parking area will flow from east to west and be directed through vegetation into the wetland/pond located to the north of the proposed parking lot area. The road will be constructed to also drain from the east to the west through forested vegetation into the wetland located to the south of the proposed parking lot area.

The applicant is proposing to install a rip rap apron on the outflow of the existing 12" culvert located under the gravel access road.

Finding: *The site has adequate provisions for the disposal of all storm water collected on streets, parking area, 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.

During construction a filter berm or silt fence will be installed along both sides of the disturbed area, as shown on the Grading-Utility Plan: Sheet GRA-1. Erosion Control Plan & Construction Details. Sheet ESC-1 provides details and locations for erosion control measures to be installed.

Finding: *The project, building, and site designs and roadway layouts will fit and utilize 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 use of the site for recreational purposes requires people to bring in their own drinking water. No water supply currently serves the site and no public water supply will be provided as part of the improvements to the site.

Finding: The use of the site for recreational access to the Presumpscot River does not require the installation of a water supply to serve the site.

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.

No sanitary sewer system currently serves the site and no sanitary sewer system will be provided as part of the improvements to the site.

Finding: The use of the site for recreational access to the Presumpscot River does not require a sewage disposal system or a waste disposal system to be installed.

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

No proposed utilities are currently serving the site and no electrical and telephone service is proposed to be added to the site.

Finding: The development will be provided with electrical and telephone service adequate 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 addition of the site for a four-space gravel parking lot will impact 450 square feet of wetland and fill 80 square feet in the bank of the Presumpscot River for a boat access platform. The project has received Army Corps of Engineers approval for the proposed impacts, Army Corps of Engineers Permit #: NAE-2014-00551.

Finding: The landscape will be preserved in its natural state insofar as practical by minimizing tree removal, disturbance and compaction of soil, and existing vegetation will be retained insofar as 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 improvements for the gravel parking area could impact groundwater as part of the wetland filling process.

Finding: *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.*

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 use of the site is limited to sunrise to sunset. No lighting is proposed for the use of the site.

Finding: *The use of the site for recreational access to the Presumpscot River does not require the installation of exterior lighting.*

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

The existing use of the site has a carry-in/carry-out policy regarding solid waste. No hazardous waste is stored or allowed to be used on site. No change to the site's existing waste or hazardous waste disposal policy is proposed.

Finding: *The development will provide 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.

No additional landscaping is proposed. The parking area will be surrounded by the remaining forested area on the Presumpscot Regional Land Trust parcel. No clearing of the forested area is proposed.

Finding: *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.*

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 located in the Shoreland Overlay District and the Resource Protection Sub-district. The majority of the driveway widening will occur away from the Presumpscot River. The location of the Resource Protection Sub-district has been added to sheets EX-1, SITE-1, and GRA-1.

The proposal is to construct a set of wooden stairs and boat slide from Tow Path Road to the edge of the river to prevent soil erosion from pedestrian traffic walking up and down the banks of the riverbanks.

Finding: *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.*

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.*

Brad Goulet, Hydro Manager/ Utilities Engineer, with Sappi Fine Paper, submitted a letter dated May 4, 2014, to Thomas Poirier, Town Planner, identifying Sappi's financial and technical 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 lot is owned by the Presumpscot Regional Land Trust and is predominately forested with a mixture of deciduous and evergreen trees. The proposal requires only a minor amount of clearing in the area adjacent to the driveway and parking lot expansion. The remaining lot area will remain wooded.

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

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

The uses at the site are required to meet the A-weighted hourly equivalent sound level limits of 60 dBA daytime (7 a.m. - 7 p.m.) and 50 dBA nighttime (7 p.m. - 7 a.m.) per the standards identified under this section.

Finding: *The development will comply with the Noise requirements under T. Noise and listed in Table 1 – Sound Level Limits and associated ordinances.*

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 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;
4. That prior to the pre-construction meeting, the applicant must provide estimated costs for the proposed improvements and must establish the performance guarantee per the Land Use and Development Code,
5. That the applicant shall provide an escrow for field inspection;
6. That prior to the commencement of any site improvements, the applicant, its earthwork contractor, and the design engineer shall arrange a pre-construction meeting with the Town's Review Engineer, Public Works Director, Fire Chief, Code Enforcement Officer and the Town Planner to review the proposed schedule of improvements, conditions of approval, and site construction requirements;
7. That these conditions of approval must be added to the site plan;
8. That the uses at the site are required to meet the all applicable noise requirements under Chapter IV- Site Plan Review, Section IX- Approval Criteria and Standard, T. Noise;
9. That the Planning Board Chairman is authorized by the Planning Board to sign the Findings of Fact on behalf of the entire Board; and
10. That these conditions of approval must be added to the site plan and the site plan shall be recorded at the Cumberland County Registry of Deeds within thirty (30) days of the date of written notice of approval by the Planning Board, and a dated mylar copy of the recorded site plan shall be returned to the Town Planner prior to the pre-construction meeting.

GRONDIN AGGREGATES, LLC – COLUMBIA WAY SUBDIVISION

FINDINGS OF FACT

CHAPTER III - SUBDIVISION, SECTION III - PRELIMINARY PLAN

The Planning Board, following review of the 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 0.93 acres to 1.41 acres and have between 121' and 624' of road frontage. A fifty-foot right-of-way has been provided to the abutting parcel located to the north.

The Comprehensive Plan identifies this lot into two future land use designations, Moderate Density Residential and Neighborhood.

The applicant has provided a Clustered Development Concept Plan.

Finding: Columbia Way 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 Columbia Way, which has been designed to the Town's Rural Access street standards. The sight distance at Middle Jam Road is 400' looking westerly and 350' looking easterly.

The subdivision lots are required to have access on Columbia Way.

Improvements to Middle Jam Road will meet the requirements outlined by the Public Works Director in his July 15, 2014 memo to Tom Poirier, Town Planner.

Finding: Columbia Way 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 residential home sprinkler systems.

Clustered mailboxes will be installed at the entrance of Columbia Way adjacent to the open space lot.

Finding: Columbia Way 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.

Middle Jam Road subdivision lots will be supplied with individual drilled wells.

The applicant has provided plan sheet, Figure 3, Nitrate Analysis Plan for Middle Jam Subdivision by Donald C. McFadden, Certified Geologist, with Black Point Environmental, LLC. The plan identifies that the site will have sufficient water supply available and shows the locations for acceptable well zones.

Finding: Columbia Way 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 has a passing soil pit and the subdivision plans show proposed 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 the Nitrate Analysis Plan and Report completed by Black Point Environmental, LLC.

Finding: Columbia Way 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.

Stormwater from the site will be treated in an underdrained soil filter and a detention pond. Sewage disposal from the site will be treated in subsurface disposal systems designed by a Maine Licensed Site Evaluator.

Finding: Columbia Way 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.

The steep unreclaimed gravel pit slopes will be graded to less than 33%. All the residential house lots and the open space lot will be loamed and seeded to prevent soil erosion. The majority of the stormwater from the subdivision will be directed to the detention basin and underdrained soil filter located within the proposed open space.

Finding: Columbia Way 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 stormwater management plan, dated August 2011, has been submitted to address stormwater treatment and peak runoff volume associated with the subdivision.

The applicant has also submitted an erosion and sedimentation control plan detailing best management practices to be used on the site during construction activities. Plan Sheets 8 and 9: Details also identifies how erosion control measures will be implemented on the site.

No water bodies are located on the lot. Stormwater from the site flows eventually into the Presumpscot River, which discharges to Casco Bay.

Finding: Columbia Way 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 in an unreclaimed gravel pit and will provide housing, landscaping and amenities. No scenic vistas, historic sites or irreplaceable natural or manmade assets will be affected.

Finding: Columbia Way 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.

- 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.

The applicant has provided a letter from Roger C. Levesque, Executive Vice President, Gorham Savings Bank, dated May 29, 2014, to Thomas Poirier, Town Planner, identifying the bank's willingness to fund the construction of Columbia Way Subdivision.

The applicant has provided an estimated schedule of values for the construction of Columbia Way Subdivision on May 29, 2014.

The applicant has indicated that they are not sure of the start date for construction and that it will depend on housing market conditions. The applicant believes that the time length on construction, once started, will be 6 months.

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 eleven (11) lots within the subdivision.

Finding: Columbia Way 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 5.50 acres of open space with 2 picnic tables, landscaping, stormwater detention pond and underdrained soil filter, and a 5 foot wide walking trail. The Columbia Way homeowners' association shall be required to take care of the common open space and the stormwater drainage infrastructure.

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

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 applicant has submitted the revised final subdivision plan, final subdivision application, and required documentation on June 17, 2014.

Finding: The proposed changes made to the final subdivision plans and associated documentation meet the approval of the Planning Board.

- 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 Planning Board granted a new preliminary subdivision approval on June 2, 2014.

Finding: The proposed Final Plan will be approved by the Planning Board within 12 months from the issuance of Preliminary 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 is responsible for obtaining all required local, state, and federal permits;
3. That the applicant shall provide property line information and site information in auto-cad format to the Town Planner;
4. That the houses shall be sprinkled meeting all applicable sections of the Town of Gorham's Sprinkler Ordinance;
5. That the sprinkler plans shall be submitted to the State Fire Marshal's Office and the Gorham Fire Department for permitting and review at least two weeks prior to the start of installation of the system;
6. That the sprinkler test papers will be required to be submitted to the Gorham Fire Department at the time the certificate of occupancy is issued;
7. That all houses shall be properly numbered with the numbers being visible from the street year around;
8. That the road shall be properly named and signed and the name of the road shall be approved by the Police and Fire Chiefs, and the road sign shall be installed as soon as the road is constructed;

9. That the subsurface wastewater disposal systems for the lots will be located as shown on the approved plan unless the applicant can provide the Code Enforcement Officer with a report from a certified Hydro-geologist stating that the new location will not impact any drinking supply wells or negatively impact any abutting lots ability to locate drinking supply wells;
10. That the individual wells for lots will be located within the acceptable well zone unless the applicant can provide the Code Enforcement Officer with a report from a certified Hydro-Geologist stating that the new location is suitable for drinking water supply;
11. That all drilled wells shall be sealed at the top of the unweathered, unbroken zone to prevent infiltration of overburden groundwater into the wells;
12. That the applicant shall perform all off-site improvements outlined in the Public Works Director's Memo dated, July 15, 2014, to the Town Planner;
13. That the off-site costs work outlined for the developer in the Public Works Director's Memo dated, July 15, 2014, to the Town Planner shall be included in the schedule of values and the required performance guarantee for Columbia Way Subdivision;
14. That the applicant is responsible for recording the approved Columbia Way Homeowners' Association documents within 90 days of the date of approval of the subdivision by the Planning Board and a recorded copy of the Homeowners Association documents shall be returned to the Planning Department;
15. That prior to the start of construction on the site an escrow fund for field inspections will be established with the Town,
16. That a preconstruction meeting with Town Staff and the Town's engineer for construction scheduling shall be held with the applicant, their earthwork contractor, and the design engineer;
17. That the Planning Board Chairman is authorized by the Planning Board to sign the Findings of Fact on behalf of the entire Board;
18. That the subdivision amendment plan shall not be released for recording at the Registry of Deeds until the required performance guarantee has been posted meeting the approval of Town Staff; and the subdivision amendment plan is required to be recorded within one year of original approval or the approval becomes null and void; and
19. That once the subdivision amendment plan has been recorded at the Cumberland County Registry of Deeds, a dated mylar copy of the recorded subdivision amendment plan shall be returned to the Town Planner prior to the pre-construction meeting.