



**Town of Gorham**  
**June 2, 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**

**Members Absent**

**THOMAS HUGHES**  
**RACHEL SUNNELL**

**Staff Present:**

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

Edward Zelmanow, Chairman, called the meeting to order at 7:00 p.m. The Clerk called the roll, noting that Thomas Hughes and Rachel Sunnell were absent.

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**APPROVAL OF THE MAY 5, 2014 MINUTES**

**Melinda Shain MOVED and James Anderson SECONDED a motion to approve the minutes of May 5, 2014 as written and distributed. Motion CARRIED, 4 ayes. (Thomas Hughes and Rachel Sunnell absent; Scott Herrick abstaining). [7:03 p.m.]**

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**COMMITTEE REPORTS**

**A. Ordinance Review Committee.** Mr. Zelmanow reported that the Committee has not met since the Board's last meeting. Mr. Zelmanow noted that there is no chairman as yet for this committee.

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

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**CHAIRMAN'S REPORT** – Mr. Zelmanow welcomed Scott Herrick to the Planning Board.

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**ADMINISTRATIVE REVIEW REPORT** – Mr. Poirier reported that there is one new Administrative Review project, that of White Rock Outboard, who is coming forward with a building addition to the back of their existing facility for three new service bays as well as boat storage on the lot. The applicant is currently revising the plans based on staff comments.

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**ITEM 1 PUBLIC HEARING – SITE PLAN AMENDMENT – Anderson Equipment** – request for approval of an amendment to increase the size of the approved building by 3,450 square feet with associated site improvements at 18 Gorham Industrial Parkway, Map 12 Lot 26.001, Roadside Commercial zoning district.

Mr. Poirier said that the original approval for Anderson Equipment was in 2012, but the applicant has not moved forward. The applicant has since realized that its design no longer meets that approval and is now seeking approval to increase the approved building by 3,540 square feet. All of staff's revisions have been made.

Owens McCullough, Sebago Technics, gave the history of the project, which was the former Plan-It Recycling site, purchased by Anderson Equipment with a plan to re-purpose it for their facility. Anderson Equipment came into business in 1935 in Pennsylvania and is a family-owned business, participating in the mining industry originally, and has since moved into the construction and logging businesses. Anderson acquired the former R.C. Hazelton in Cumberland and intends to relocate that operation to this site, with excavators, compactors and other heavy equipment.

Mr. McCullough said that the only difference between the present plan and the 2012 plan is an enlargement of the building and some modifications to it. A design-build contractor has been selected, Mark Carrier Construction of New Hampshire, and during that process it was decided that some changes need to be made, which is why they are now before the Board. Mr. McCullough introduced Brandon Mace of Anderson Equipment and Guy Lebreque of CWS Architects. If these changes are approved by the Board, Anderson is ready to start and some 7 months of construction time are anticipated to build the site out.

Mr. McCullough gave the Board an overview of the proposed changes, which involve adding a fleet maintenance repair facility and an extension on to the existing building, which will allow onsite maintenance of vehicles. There will be a wash bay, interior retail area for parts for heavy construction equipment, and a display area and offices. Predicted traffic volumes anticipate 20 to 25 vehicle trips in the peak morning hours, with 4 or 5 FedEx or UPS delivery trucks on a daily basis. The site has public utilities and natural gas will be brought in to the site. One of the revisions near the building will be a 4,000 gallon waste oil tank, two 1,000 gallon fuel tanks on site, one off-road diesel and the other on-road diesel. The dumpster pad has been relocated further back on the site. As part of this revision, some pavement along the front of the building will be removed, reducing the amount of impervious surface. Mr. McCullough showed various elevations of the building, which will be pre-engineered metal, with a more elaborate entrance to be added. There will be two entrances, one for access to the storage yard and the other to the commercial side. There will be the same two free-standing signs as originally approved. The buildings lights will all be sharp cut-off shielded down lights.

Mr. Zelmanow referred to the Fire Chief's question about painting of equipment within the building; Mr. McCullough said there will be no paint booth on site. There will be a waste oil burner on site. Mr. McCullough and Ms. Shain discussed the removal of the white pines currently on site and the proposed substitution of American elms, crabapples, junipers, sages, and flowering vegetation.

PUBLIC COMMENT PERIOD OPENED: None offered

PUBLIC COMMENT PERIOD ENDED.

Mr. McCullough confirmed that the applicant is satisfied with the Conditions of Approval.

**Melinda Shain MOVED and George Fox SECONDED a motion to grant Anderson Equipment's request for site plan amendment approval for a 3,450 square foot increase of the approved equipment sales and service facility, on Map 12, Lot 26.001, in the Roadside Commercial zoning district, with Findings of Fact and Conditions of Approval as written**

**by the Town Planner. Motion CARRIED, 5 ayes (Thomas Hughes and Rachel Sunnell absent).** [7:20 p.m.]

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**ITEM 2 PUBLIC HEARING – SITE PLAN REVIEW – S.D. Warren** – request for 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, Tow Path Road, Map 53, Lot 39, Suburban Residential and Rural Districts, Shoreland Overlay District and Resource Protection sub-district.

Mr. Poirier explained that this item would normally be considered as an Administrative Review project, but its review shifted to the Board because it is located in the Shoreland Overly District.

Dustin Roma, Milone & MacBroom, introduced Brad Goulet, Hydropower Facilities Manager for S.D. Warren. Mr. Roma explained that this project is part of a comprehensive plan to provide enhanced recreation opportunities along the Presumpscot River. Sappi and S.D. Warren have obligations under their FERQ licenses and 401 Water Certification licenses with the DEP. In addition to other things normally associated with hydropower facilities such as fish passages and providing safe environments, there is a requirement to look at the recreation components.

Mr. Roma said what is proposed here is primarily a canoe portage take-out facility, as well as a boat launching facility for hand-carried watercraft. Currently Tow Path Road dead ends at a trail that goes on to land owned by the Presumpscot Regional Land Trust. It is proposed to widen the access road to 12 feet, maintained as a gravel surface, and to install four parking spaces at the end of the road. The road has been designed to accommodate small trailers with vehicles to be able to pull in past the parking spaces and back in to them and park. Actual access down to the River is steep with a fair amount of erosion, so a wooden stairway with a railing on one side and a v-shaped wooden ramp on the other side to slide boats is proposed to be installed down to the water. A concrete slab will be placed just below the water surface to provide a stable platform for launching boats.

Stormwater management involved with widening the access road will be to sheet all the water away from the River into the wetlands area, the favorable approach with the Army Corps of Engineers and the DEP. Approvals have been received from the Army Corps and the DEP. There is an existing corrugated metal culvert draining one low area of the road; an inspection of the culvert shows no evidence on the exposed end and riprap is proposed to be installed on the perched end. He said that the four gravel parking spaces will act as the trail connection down to the Presumpscot River Land Trust trail. A parcel boundary survey had been completed to establish lot lines to where the development is, but no boundary of the entire 31 acre parcel owned by the Land Trust was done. There may need to be a waiver request or a determination made that a partial boundary survey where development occurs is sufficient to meet the requirements of the ordinance.

In response to Ms. Shain, Mr. Roma addressed certain staff questions: the 100 year floodplain line is identified on the plan; the 250 foot Shoreland Overlay zoning overlay boundary extends beyond the scope of the project and shows up on the inset map. Mr. Zelmanow brought up the issue of the boundary survey; Mr. Poirier replied that it is at the Board's discretion as boundary surveys are required unless waived by the Board. In reply to Ms. Shain, Mr. Poirier said that the current submission does not include the partial boundary survey. Mr. Poirier said that the Board needs to grant an official waiver request, which Mr. Roma said he will provide.

In reply to Mr. Zelmanow about cars being allowed to drive down and off load boats at the wooden steps, Mr. Roma said the trail is sufficient for walking and the goal is not to provide vehicle access all the way down to the stairs but to stop at about 250 feet into the site. Mr. Roma said there is gravel path access for pedestrian, which will be identified on the plans as between the tree line and the open water, and there will be a “no parking” sign at the end of the gravel road offset from the center line of the trail. Mr. Roma told Mr. Zelmanow that if all 4 parking spaces were occupied, a 5<sup>th</sup> vehicle would have to back out. Mr. Roma told Mr. Anderson that the parking spaces will be 24 feet deep. As recommended by the Town’s review engineer, Mr. Roma said that erosion control matting will be used to stabilize the downstream slopes.

In response to Ms. Shain’s asking if this could come back before the Board as a consent agenda item, Mr. Poirier said that letters of technical and financial capacity are required, as well as a waiver request for the boundary survey.

PUBLIC COMMENT PERIOD OPENED None offered  
PUBLIC COMMENT PERIOD ENDED.

**Melinda Shain MOVED and George Fox SECONDED a motion to table further review of S.D. Warren’s request for site plan approval pending responses to remaining issues. Motion CARRIED, 5 ayes (Thomas Hughes and Rachel Sunnell absent). [7:45 p.m.]**

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**ITEM 3 PUBLIC HEARING – SUBDIVISION AND SITE PLAN AMENDMENT REVIEW – Kasprzak Homes & Landholdings, Inc. – request for approval for an amendment to the Woods Edge Condominiums at Ridgefield Condominiums, School Street, Map 46, Lot 11.2, Kasprzak Contract Zone, Urban Residential and Shoreland Overlay zoning districts.**

Mr. Poirier noted that this application is for site plan and subdivision amendment approval for Ridgefield Condominiums. Ridgefield Condominiums is composed of two subgroups of condominiums, Ridgefield Condominiums to the north and Woods Edge Condominiums to the south. The subject of tonight’s application is the Woods Edge Condominiums project. Mr. Poirier said that not all the Findings of Fact are relevant as this is an amendment. He said that the applicant has received DEP approval.

Bob Georgitis, Vice President of Kasprzak Homes & Landholdings, Inc. came to the podium and told the Board that the project was originally approved in 2004; Pheasant Knoll is the name of the property, Ridgefield Condominiums are the first two phases on the north side, and Woods Edge is phase three. Mr. Georgitis said concern arose concerning the slopes located along the southern property boundary, and as a result of recent test borings, it is now proposed to reconfigure Woods Edge Drive and reduce the number of dwelling units to 24 dwelling units. The DEP permit was received last week.

Mr. Georgitis advised Mr. Anderson that DEP was alright with the 950 feet of wetland impact. Mr. Georgitis said that the clustered mailboxes show up on the plan, subject to the approval of the Post

Office, and all other comments have been addressed. Mr. Georgitis said that the Conditions of Approval are satisfactory.

PUBLIC COMMENT PERIOD OPENED: None offered.

PUBLIC COMMENT PERIOD ENDED.

**Melinda Shain MOVED and James Anderson SECONDED a motion to grant Kasprzak Landholdings & Homes, Inc.'s request for subdivision and site plan amendment approvals to reconfigure Woods Edge Drive and to reduce the number of Woods Edge condominium units by 4 dwelling units, located on Map 46, Lot 11.001, in the Kasprzak Contract Zone, Urban Residential (UR) district, and the Shoreland Overlay District based on the Findings of Fact and with the Conditions of Approval as written by the Town Planner. Motion CARRIED, 5 ayes (Thomas Hughes and Rachel Sunnell absent). [7:55 p.m.]**

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**AS NEITHER THE APPLICANT NOR THE ENGINEER WERE PRESENT FOR ITEM 4, ITEM 5 WAS TAKEN OUT OF ORDER IN ITS STEAD.**

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**ITEM 5 PRIVATE WAY AMENDMENT REVIEW – Norman A. Martin, III – request for approval of a private way amendment to Norway Road for a 370' extension and upgrading the private way to the 7 to 10 lot private way standards, located off Fort Hill Road, Map 64, Lots 5.002 and 5.003, Urban Residential zoning district.**

Mr. Herrick stated that he had reviewed the prior minutes and packet contents and felt he will be able to participate in the discussion of this item.

**Melinda Shain MOVED and George Fox SECONDED a motion to allow Mr. Herrick to remain on the dais to participate in discussion of the item. Motion CARRIED, 4 ayes (Scott Herrick abstaining, Thomas Hughes and Rachel Sunnell absent).**

Mr. Poirier said this item was last before the Board on April 7, 2014. The applicant is revising a two to six lot private way to a seven to ten lot private way standard, as well as extending the road 370 feet. The applicant is requesting a waiver for the k-values for the vertical curve for the private way; the Public Works Director has written a memo, included in the Board's packet, on the waiver request. Mr. Poirier said that the Town Attorney has reviewed the most recent maintenance agreement for the private way and has approved it.

David St. Clair, St. Clair Associates, told the Board that Norway Road was constructed in 2000, and the purpose of the current extension is to address legal street frontages and legal address for Mr. Martin's home.

Mr. St. Clair replied to a question from Mr. Fox that Mr. Martin currently has a street address of 27 Mill Pond Road; Mill Pond Road is also called Buck Street, status currently unknown. Mr. Martin would like to extend Norway Road to his property to clarify his address.

Mr. Zelmanow reads the applicant's waiver request as being a waiver request from Table 1 – Street Classification and Design Standards for Private Ways, with the applicant explaining that a portion

of the existing segment of Norway Road does not meet the minimum k-values for a vertical curve, and reconstruction of this area to meet the standards would require a vertical cut of the roadway which would adversely affect access to an existing residence and impact underground power lines in the area. Mr. Zelmanow noted that the Public Works Director did submit a memo saying that he finds no issue with approving that waiver request.

**Melinda Shain MOVED and James Anderson SECONDED a motion to grant Norman A. Martin, III's request to waive the Street Classification and Design Standards, Table I, minimum k-values for the private way's vertical curve. Motion CARRIED, 5 ayes (Thomas Hughes and Rachel Sunnell absent).**

Mr. Poirier advised Mr. Zelmanow that the Town Attorney's questions have been addressed, and the latest maintenance agreement in the Board's packet has been approved by the Town Attorney. Mr. St. Clair said that the Conditions of Approval are satisfactory.

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

**Melinda Shain MOVED and James Anderson SECONDED a motion to approve Norman A. Martin, III's request for approval to extend and upgrade Norway Road to the 7-10 lot paved private way standards on 10.28 acres off Norway Road, Map 64 Lots 5.002 and 5.003, and situated in the Rural zoning district, based on the Findings of Fact and with the Conditions of Approval was written by the Town Planner. Motion CARRIED, 5 ayes (Thomas Hughes and Rachel Sunnell absent). [8:04 p.m.]**

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***TEN MINUTE BREAK***

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**ITEM 4 SITE PLAN REVIEW – Design Dwellings** – request for approval of 8 single family condominiums on Lot 25 of Allen Acres Subdivision, located at 308/312 Main Street, Map 26, Lot 7.225, Urban Residential zoning district.

Mr. Herrick stated that he had reviewed the prior minutes and packet contents and felt he will be able to participate in the discussion of this item.

**Melinda Shain MOVED and George Fox SECONDED a motion to allow Mr. Herrick to remain on the dais to participate in discussion of the item. Motion CARRIED, 4 ayes (Scott Herrick abstaining, Thomas Hughes and Rachel Sunnell absent).**

Mr. Poirier advised the Board that this item was last before the Board for site plan review on September 12, 2011, followed by a site walk on September 27, 2011. At that time the applicant was proposing 4 duplexes, which has now changed to 8 single family condominiums. This site received approval under the overall Allen Acres Subdivision, which is why it is now under site plan review.

Tom Greer, Pinkham & Greer, introduced the applicant Susan Duchaine. Mr. Greer showed the Board a visual of the proposed site, pointing out the heavily wooded area that will act as stormwater management as well as providing a buffer to neighbors to the site. Stone berm level spreaders,

roughly 18 inches tall and some 5 or 6 feet wide, will also be used as part of the stormwater management. All stormwater from the paved areas will be picked up in the storm drain system to the wet pond in the front of Allen Acres. There is also a small infiltration basin originally approved as part of the stormwater management.

Mr. Greer said that separating the originally proposed 4 duplex units into 8 single family condominium units adds 75 feet of road in order to get distance between the homes. The road itself, Connor Drive, comes off the end of Carnation Drive in a curve.

All utilities will come up through a 30-foot wide easement. Street trees will be installed and plantings by the front door of each unit. All units will be identical, except for three units on the end, where the topography allows for daylight basements. Additional landscaping will be added on the side to provide more separation and buffering from abutting properties. A sidewalk will connect to the sidewalk on Carnation Drive and an additional hydrant has been added. Mr. Greer said that each unit will have a post light; it is difficult to get residential type lights that are shielded, and there are no photometrics for residential lights, so they would like Board approval for what is proposed.

Mr. Greer said DEP approval is still pending, and it is anticipated that construction will be a continuous process.

Ms. Shain asked about maintenance; Mr. Greer said there will be a condo association to take care of maintenance. Mr. Greer said they have no issues with the Portland Water District comments. None of the Board expressed concerns with the proposed lighting. Mr. Fox and Mr. Greer discussed the trees in the 25 foot stormwater buffer, with the role to be played by the stone berm; Mr. Greer referred the Board to the page on the plans which depicts a stone berm level lip spreader as being 18 inches tall, two feet at the top, 6-1/2 feet at the base, and 2:1 on the back side running out 4 feet and 1-1/2 on the front, with a slight ditch in front. Mr. Anderson referred to a comment from the Town's review engineer about the elevation of the berm at the north; Mr. Greer said they will work with the contour lines to deal with that comment. Mr. Zelmanow and Mr. Greer discussed the design of a separate road coming off Carnation Drive. Ms. Shain and Mr. Greer discussed the proposed landscaping to be installed at the front entrance of each unit. Mr. Greer said that in response to comments from the Town Attorney, this association will become a member of the Allen Acres homeowners' association. In response to Ms. Shain, Mr. Poirier said that the Allen Acres development is proceeding as approved.

The Board agreed that the item could be tabled to the Consent Agenda if the DEP permit is received.

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

**Melinda Shain MOVED and James Anderson SECONDED a motion to table the item to the July consent agenda pending receipt of the DEP permit. Motion CARRIED, 5 ayes (Thomas Hughes and Rachel Sunnell absent). [8:30 p.m.]**

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**ITEM 6 SUBDIVISION AMENDMENT – Linwood Acres Subdivision – John and Cynthia McCormack – request for approval of a subdivision amendment to split lot**

6, located at 8 Jackie's Way, into two lots, Map 28 Lot 16.006, Suburban Residential district, Stream Protection Subdistrict, and Black Brook and Brackett Road Special Protection zoning districts.

Mr. Herrick stated that he had reviewed the prior minutes and packet contents and felt he will be able to participate in the discussion of this item.

**Melinda Shain MOVED and George Fox SECONDED a motion to allow Mr. Herrick to remain on the dais to participate in discussion of the item. Motion CARRIED, 4 ayes (Scott Herrick abstaining, Thomas Hughes and Rachel Sunnell absent).**

Mr. Poirier told the Board that this application was last heard at the Board's April 7, 2014 meeting. At that meeting, discussions were held regarding the applicants' waiver requests and proposed family burial plot. Three waivers were granted as follows: waiver granted for the revised lot 6 but required 2' contours to be provided for the new lot 11; waiver granted for the revised lot 6 but required a high intensity soil survey for the new lot 11; and waiver granted for the requirement to submit a nitrate plume analysis for lots served by private sewage disposal areas. The Board did not grant a waiver request that a registered professional surveyor or a registered professional engineer prepare a final plan. The applicants hired BH2M Engineers to prepare that plan, which has been included with the Board's packets.

Albert Frick, Albert Frick Associates, Inc., told the Board that the parcel has been surveyed and the metes and bounds for the easements are shown on the plans; and a topographic survey of proposed lot 11 with driveway grading plan and sight distances is provided. The applicants are proposing to grant an easement around the existing fire pond for the subdivision.

Mr. Poirier said there are no comments remaining from staff. In reply to Ms. Shain, Mr. Poirier said that the plan shows the fire pond easement area and staff is working with the Town Attorney to draft something for the applicants' signature.

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

Mr. Frick commented about Condition of Approval #6 concerning the recording of a signed mylar at the Cumberland County Registry and asked if the mylar could be signed remotely; Mr. Zelmanow replied that it could not be signed remotely, but Board members will come in and sign the mylar ahead of the July meeting as soon as it is available to do so. Mr. Frick said that there are no questions about the other Conditions of Approval.

**Melinda Shain MOVED and George Fox SECONDED a motion to grant John and Cynthia McCormack's request for subdivision amendment to Linwood Acres Subdivision, located on Map 28, Lot 16.006, in the Suburban Residential district and Stream Protection Sub-district and Black Brook and Brackett Road Special Protection districts with Findings of Fact and Conditions of Approval as written by the Town Planner. Motion GRANTED, 5 ayes (Thomas Hughes and Rachel Sunnell absent). [8:45 p.m.]**

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**ITEM 7 SUBDIVISION REVIEW – GRONDIN AGGREGATES, LLC – COLUMBIA WAY SUBDIVISION** – request for approval of an 11-lot cluster subdivision, located off Middle Jam Road, Map 97 Lot 31 and Map 98 Lots 1 and 6, Rural zoning district.

Mr. Poirier advised the Board that preliminary approval for this approval was granted in 2011, and since the ordinance has changed and final approval was not sought within a year, the time requirement has lapsed, so the applicant has re-submitted what was approved as preliminary in 2011. This is a new review for the Board as a number of the members were not on the Board in 2011.

Mr. Zelmanow asked what has changed since the first preliminary approval and what is before the Board tonight.

Shawn Frank, Sebago Technics, introduced Larry Grondin of Grondin Aggregates. He said that the Board granted preliminary approval for the exact same plan on September 12, 2011. A formal final subdivision application was made earlier that next year but, based on discussions with staff in May, what is before the Board is what was approved as preliminary in 2011. An agreement has been made with the Ventimiglias concerning land transfers to buffer their dug well. Mr. Frank said the parcel is approximately 27 acres and net residential density calculations allow 11 lots. There will be a 1,400 foot road ending in a cul-de-sac, it is a clustered subdivision with an open space area having a walking trail, some picnic tables, and landscaping to create a small local park owned by the homeowners' association. There will be subsurface sewage disposal systems, individual wells, a nitrate analysis has been performed, and the homes will be sprinkled. Stormwater management involves an underdrained pond to provide treatment as well as a detention basin to detain runoff associated with the roadway. There will be underground electric. The site was part of a gravel pit, so part of the construction of the subdivision will be the reclamation of the pit at the same time. Mr. Frank said that the applicant has met with the Public Works Director regarding Middle Jam Road and any associated impact on that road, and while there is no final agreement as yet, the intent is to have it worked out prior to final subdivision approval submission.

Mr. Anderson said he is familiar with the area and asked if there is enough land to taper back to a 3:1 slope. Mr. Frank said there is a buffer along the back and there is a grading plan showing that it could be graded back to a minimum of a 3:1 slope to provide acceptable building envelopes for the homes. Mr. Fox asked if there is something showing in more detail that there are buildable windows within each lot; Mr. Frank replied that he will make sure it is included with the next submission. Mr. Poirier referred the Board to the sheet called, "clustered development concept plan," showing house locations. Mr. Anderson and Mr. Frank discussed the well exclusion zones. Mr. Frank and Mr. Fox discussed the well location for lot 3. Mr. Frank confirmed that if the road is not accepted by the Town over a certain period of time, the owner of the outsale lot becomes part of the road maintenance agreement.

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

Mr. Poirier noted that the Town Attorney was asked about the land transfers between the Ventimiglias and Grondin Aggregates, and said that the land transfers must occur before final

subdivision approval. If the transfers do not occur, then the parcels need to revert back to Grondin and the Ventimiglias for the final submission.

**Melinda Shain MOVED and James Anderson SECONDED a motion to grant Grondin Aggregates, LLC's request for preliminary 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. Motion CARRIED, 5 ayes (Thomas Hughes and Rachel Sunnell absent). [9:05 p.m.]**

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**ITEM 8 SITE PLAN REVIEW – GORHAM ARTS ALLIANCE** – request for approval of a change of use for the former Odd Fellows Building, located at 34 School Street, Map 102, Lot 72, Urban Residential zoning district.

Mr. Poirier said that this proposal is for a site plan approval for the reuse of an existing building, the IOOF building at 34 School Street. The applicant is seeking a waiver from the requirement to submit a boundary survey and a waiver from the number of off-street parking standards required by the Code.

Amy Valentine, president of the Gorham Arts Alliance, told the Board that the Alliance was established in 2011 as a non-profit 501C3 organization, as a result of efforts by teachers, community members, and educators, wanting more arts and culture in the Town. Since 2011 over 200 students have been engaged in after-school programs, summer camps, and the like. Recently the Alliance entered into a lease agreement with Jon and Cindy Smith, current owners of the building, to create a Community Arts Center. Ms. Valentine acknowledges that there are issues with the building, including the requirement for a sprinkler system and other life safety requirements. She said that SMRT Engineers and Architects drew up a plan of existing conditions to submit to the State Fire Marshal, which was done on May 12, 2014. In addition, Sebago Technics provided an aerial boundary survey.

Ms. Valentine said that at a meeting with the State Fire Marshal on May 13, they were told that there could be no use of the building until a fire alarm system is installed, exit doors are modified, exit landings built and the main stairway enclosed by one-hour fire rated construction. However, the Gorham Fire Chief was able to secure limited use of the building of under 49 people on the first floor only of the building until funds could be raised to move forward with some of the life safety issues such as door swings, panic hardware and fire alarms, and giving them a year to raise the money to sprinkle the building.

Ms. Valentine said that Mr. Poirier identified that the project will need 25 parking spaces, and that there are 7 spaces in front of the building. She said that the Reverend David Butler of First Parish Church has provided a letter granting the Gorham Arts Alliance the use of 25 parking spaces in the parking lot on Church Street, not during church hours. Proposed use of the building will be in the mornings, an afternoon break, and then after school classes until 6:00 p.m. There will also be Saturday morning art classes for adults and children.

Ms. Shain said it sounds like no changes are proposed to the site, just to the building to make it safer and that permission has been given to use parking nearby. Ms. Valentine said that children will be dropped off by school busses or their parents will bring them if they don't take the bus and

pickup would be after classes, anywhere from 4:45 to 6:00. Ms. Valentine said she is still awaiting an ability to serve letter from the Portland Water District. Mr. Poirier spoke to Kylie Mason about relocating the handicapped spot to line up in front of an entrance to the building; Mr. Frank confirmed that there is a five foot separation between the building and where the cars park which would allow someone to walk through there. Mr. Poirier said that the water main stub will be located where the sprinkler system has to enter the building, and that could be added to the plan. Mr. Poirier said that the plans also need to show a fire access from the second floor egress to a public space. Ms. Valentine noted that the only difference to the building is that the three front doors would have to swing out with panic hardware, so there may be landings at two of the three doors or some type of porch with a handicap access ramp across the front. She said there is an existing pad that could be used. Mr. Poirier said the landing can be shown on the plan and flagged for the Board.

Mr. Zelmanow said that the applicant is requesting a waiver from Chapter II, Section II, A. that “It has been determined by Tom Poirier, town planner, that 25 parking spaces are needed for the Gorham Arts Alliance to use the building at 34 School Street as a Community Arts Center. We are requesting a waiver/variance of this ordinance. We have established 7 spaces on the College Avenue side and have a written agreement with David Butler, Minister of the First Parish Church, granting us the use of 25 parking spaces in the church owned lot on Church Street. Additionally there are 17 on-street parking spaces along School Street within 200 feet of the building.” Ms. Shain said she believes that what is proposed seems logical.

**George Fox MOVED and James Anderson SECONDED a motion to grant the Gorham Arts Alliance’s request to waive 18 off-street parking spaces under Chapter II, Section II, A. Motion CARRIED, 5 ayes (Thomas Hughes and Rachel Sunnell absent).**

Mr. Zelmanow said that the applicant also is requesting a waiver from site plan submission requirements for civil engineering services and a full boundary survey under Chapter IV, Section VIII, a., 6, and b. Existing Conditions and c. Proposed Development Activity. As reason therefor, the applicant has provided a lengthy explanation that it is a non-profit organization seeking to keep costs down, and to require the survey would cause the expenditure of a great deal of money, the building has been at its current location since 1807 and not much has changed. Basically the boundary survey is not necessary because nothing has changed. Mr. Fox asked if building out a porch or landing at some of the access doors would exceed the property boundary. In reply to Ms. Shain, Mr. Poirier said there is a stone wall bordering the sidewalk in front of the steps at the doors and he believes that stone wall is the property line, so the porch or ramp would have to be located between the doors and the stone wall, probably one long landing directing everyone toward the parked cars. Ms. Shain said she believes a better reason to grant the waiver, rather than having diminished resources, is that the applicant is not changing anything.

**George Fox MOVED and Scott Herrick SECONDED a motion to grant the Gorham Arts Alliance’s request to waive Site Plan Submission requirement under Chapter IV, Section VIII, a., 6 and requirements under b. Existing Conditions, and c. Proposed Development Activity. Motion CARRIED, 5 ayes (Thomas Hughes and Rachel Sunnell absent).**

Mr. Zelmanow noted that the only missing item is the ability to serve letter from the Portland Water District and suggested that it can be conditioned. Mr. Poirier said that this would be condition of approval #14, “That the applicant shall submit an ability-to-serve letter from the Portland Water

District prior to the Planning Board's endorsement of the final plan." The applicant agreed to the conditions.

PUBLIC COMMENT PERIOD OPENED: None offered.

PUBLIC COMMENT PERIOD ENDED.

**Melinda Shain MOVED and George Fox SECONDED a motion to grant Gorham Arts Alliance's request for site plan approval to utilize the former IOOF Building for an arts center in the Gorham Village Center District, located at 34 school Street, Map 102 Lot 72, with Findings of Fact and Conditions of Approval as written by the Town Planner and modified this evening by the Planning Board. Motion CARRIED, 5 ayes (Thomas Hughes and Rachel Sunnell absent). [9:29 p.m.]**

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**OTHER BUSINESS            NONE**

**ANNOUNCEMENTS        Mr. Zelmanow noted that the July Planning Board meeting will not be on July 7 but will be on July 21, 2014.**

**ADJOURNMENT**

**Melinda Shain MOVED and James Anderson SECONDED a motion to adjourn. Motion CARRIED, 5 ayes (Thomas Hughes and Rachel Sunnell absent). [9:33 p.m.]**

Respectfully submitted,

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

**ITEM 1      ANDERSON EQUIPMENT**

**FINDINGS OF FACT**

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

The Planning Board, following review of the Site Plan Application Amendment, makes these findings based on the Site Plan Review criteria found in Chapter IV, Section IX – Approval Criteria and Standards, of the Town of Gorham Land Use and Development Code.

**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 site plan sheet set, site plan application, and accessory information provided show that the lot can support the proposed lot improvements for the sales and service of equipment. No disturbance is proposed to the emergent/scrub shrub wetland located on the southern third of the site or natural drainage ways located on 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.**

Vehicular access to the site is along Gorham Industrial Parkway which is accessed off Main Street (State Route 25) and Laurence Drive. The applicant estimates 25 round trips to the site on a daily basis with an additional 5 delivery trucks per day.

No change to the site's vehicular access is proposed.

*Finding: Not applicable.*

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

The site will have two vehicular access driveways into the site from Gorham Industrial Parkway. The existing driveway located on the southwestern portion of the site will be for use by employees and customers. The driveway located on the northwestern portion of the site is for use by tractor trailer trucks hauling equipment into and off the site.

No change to the access into the site is proposed.

*Finding: Not applicable.*

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

The amendment relocates 9 parking spaces from the rear of the office/administration and parts building to the southern edge of the asphalt pavement near the recycling containers. The plan also adds 3 additional spaces along the front of the office/administration and parts building.

The driveway that parallels Gorham Industrial Parkway in front of the existing building which connects the two driveways will be removed and the area will be loamed and seeded.

The approved layout of the two access driveways keeps the passenger vehicle circulation separate from the tractor trailer traffic entering the site. The site has large amounts of paved and gravel surface located on all sides of the building which will allow for emergency vehicle access around the back of the building.

*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.

Customer parking spaces are located near entrances into the building, which will allow pedestrians exiting their vehicles to have safe access into the building. Employee parking spaces are to be located along the southern edge of the asphalt pavement area near the two recycling containers.

No off-site pedestrian improvements are proposed.

*Finding: The development plan will provide 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 current site drainage allows stormwater to sheet flow across the site to a vegetated ditch along Gorham Industrial Parkway and the undeveloped southern portion of the site. The proposal is decreasing the amount of impervious area on the site and no change to the site's existing drainage pattern is proposed.

*Finding: The site has adequate provisions for the disposal of all storm water collected on parking areas or other impervious surfaces through a stormwater drainage system and maintenance plan which will 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.

The plan set provided shows the location and installation details for erosion control best management practices to be installed on site. The applicant will also comply with the “Maine Erosion and Sediment Control Handbook for Construction: Best Management Practices,” Maine Department of Environmental Practices.

*Finding: The 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 site is served by public water from Gorham Industrial Parkway. No changes to the water supply are proposed.

*Finding: Not applicable.*

I. Sewage Disposal: A sanitary sewer system will be installed at the expense of the developer if the project is located within a sewer service area as identified by the sewer user ordinance. The Site Plan Review Committee or Planning Board may allow individual subsurface waste disposal systems to be used where sewer service is not available.

The site is served by public sewer from Gorham Industrial Parkway. Sewage and waste water leaving the proposed 10,180 sq. ft. maintenance and service building will pass through a 2,000 gallon oil and water separator before connecting into the public sewer system.

No changes to the site’s approved sewer disposal are proposed.

*Finding: Not applicable.*

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

Natural gas is proposed to serve the site. The natural gas service line will be installed from a natural gas main located in the Gorham Industrial Parkway right-of-way.

The lot is served by underground utilities from Gorham Industrial Parkway. The applicant is proposing to relocate the propane gas tank from the existing location to the southern edge of the existing asphalt pavement.

*Finding: The development will have 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.

No impacts are proposed to the existing emergent/scrub shrub wetland located along the southern third of 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 applicant is proposing to install three above-ground storage tanks. A 4,000 gallon tank for waste oil is to be located along the northern side of the maintenance and service building, and two 1,000 gallon tanks for fuel storage are to be located in the center of the lot along the edge of the gravel and asphalt pavement. The storage tanks will be double wall tanks and will be placed in a precast concrete secondary containment. The outside storage tanks are required to meet State of Maine regulations and meet the approval of the State Fire Marshal's Office.

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 site has 2 existing light poles located along the northern and northeastern property lines which the applicant is proposing to utilize to illuminate the area around the equipment display area. All lighting on the site is required to be full cut-off lighting.

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.

The applicant is proposing to install one dumpster located in the center of the lot along the edge of the asphalt pavement and gravel storage pad. The dumpster is to be placed on a concrete pad and screened by a 6' high fence. The applicant is also proposing to install two recycling containers on a 12' by 45' concrete pad located along the southern edge between the asphalt pavement and the undeveloped portion of the lot.

Finding: *The proposed 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.



The applicant is proposing to remove the existing pine trees located between Gorham Industrial Parkway and the northern edge of the pavement on the site and replace them with an extensive landscaped buffer made up of a variety of trees, shrubs, and plants. The applicant is also proposing a small landscaped island located on the western edge of the parking spaces.

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 not located in the Shoreland Overlay District.

Finding: *Not applicable.*

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

The applicant has provided a letter from William B. Gex, Chief Executive Officer, Anderson Equipment, dated August 31, 2012, identifying that it has the financial capacity to complete the project. Anderson Equipment is a national company that has completed numerous projects similar to the proposed redevelopment of the site.

No changes to the existing financial and technical capacity are proposed.

Finding: *Not applicable.*

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

The abutting properties to the north are developed by existing commercial uses, and the applicant is proposing to buffer the area with a revised landscaping plan along the northern property boundary. The abutting property to the south, located in Westbrook, is recreational in nature and is buffered from the facility by a large berm vegetated with white pine trees and the emergent/scrub shrub wetland. The existing buffer along the southern property line will remain undisturbed as part of the approval.

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

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

The uses at the site are required to meet the A-weighted hourly equivalent sound level limits of 70 dBA daytime (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 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 these conditions of approval must be added to the site plan;
5. That all natural gas regulators shall be protected by bollards;
6. That lock boxes for the gate and the building must be the same boxes used by Gorham Fire Department;
7. That the hydrant located near the scale house must be relocated to a position approved by the Gorham Fire Department;
8. That all applicable conditions of approval from past Site Plan approvals shall remain in effect;
9. 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;
10. That the Planning Board Chairman is authorized by the Planning Board to sign the Findings of Fact on behalf of the entire Board; and
11. 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.

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**ITEM 3            KASPRZAK LANDHOLDINGS & HOMES, INC. – SUBDIVISION AND  
SITE PLAN AMENDMENT**

**FINDINGS OF FACT**

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

The Planning Board, following review of the Site Plan Application Amendment, makes these findings based on the Site Plan Review criteria found in Chapter IV, Section IX – Approval Criteria and Standards, of the Town of Gorham Land Use and Development Code.

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 proposal is to relocate two of the proposed condominium buildings (8 dwellings units) away from the steep slope located along the southern property boundary.

*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 Falcon Crest Drive, which is designated by the Town as an Urban Sub-collector road. The first 750+/- feet of Falcon Crest Drive are owned and maintained by the Town of Gorham.

*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.

Woods Edge Drive is proposed to be designed to the Town's Urban Access Road standard. No changes are proposed to Falcon Crest Drive.

*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 western side of Woods Edge Drive will have a hammerhead meeting the requirements of the Town. The driveways and parking spots have 22 feet in Woods Edge Drive to back out of the spaces.

*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 sidewalk on Woods Edge Drive will be relocated to the western portion of the Drive. The sidewalk runs for only a portion of Woods Edge Drive and ends at station number 2+05.

No changes to the sidewalks along Falcon Crest Drive are proposed.

*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 site will continue to be directed to the same locations as originally proposed.

*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 the edge of the disturbed area, as shown on the First Amended Plan and Profile: Woods Edge Drive: Sheet 4 of 5. No other changes to the site's erosion control are proposed.

*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 continue to be served by public water from the Portland Water District. The same size 4" and 8" water mains are proposed to be located within the Woods Edge Drive right-of-way. An 8" water main is proposed to station number 2+90, then the water main will be reduced to a 4" water main for the remainder of the road. The water main design and installation are 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 continue to be served by public sewer from the Portland Water District. The same size 8" gravity sewer main is proposed to be located within Woods Edge Drive right-of-way. 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 units will be served by underground power, cable, and telephone. No changes to the type of utilities serving the condominium units are proposed.

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 relocate two four unit condominium units further away from the edge of the steep slope leading down to the stream running along the southern property line. This will allow more vegetation to remain along the top of the steep slope.

The relocation of the buildings will impact 950 square feet of wetland area.

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 building unit C and D will impact 950 square feet of wetlands.

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.

Three street lights are proposed along the western side of Woods Edge Drive.

The street lights are to be located on a fiberglass pole with the light fixture to be a decorative street light supplied by Central Maine Power. No changes to the type of light pole or fixture are proposed.

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.

First Amended Landscape Plan: Sheet 5 of 5 details the location of 8 street trees to be installed along Woods Edge Drive. The plan also contains landscaping details to be located along the typical condominium unit and details for the installation of deciduous and evergreen trees.

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

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 it has the financial and technical capacity to carry out the project in accordance with this Code and the approved plan.

Kasprzak Land Holdings & Homes, Inc. is the same owner as the original approved subdivision.

Finding: *Not applicable.*

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 woodlands are to remain along the southern property line that is located outside of the building and road construction envelopes. The condominium units will be landscaped per the First Amended Landscaped Plan: Sheet 5 of 5. Woods Edge Drive will also have 8 street trees located within the right-of-way.

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.).*

### **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 applicable conditions of approval for the original site plan and subdivision approvals shall remain in effect;
5. That the applicant shall make the final changes to subdivision plan meeting the requirements of Town Staff prior to the Planning Board signing of the final plan;
6. That the Planning Board Chairman is authorized by the Planning Board to sign the Findings of Fact on behalf of the entire Board;
7. 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
8. That once the subdivision/site amendment plan has been recorded at the Cumberland County Registry of Deeds, a dated mylar copy of the recorded subdivision/site amendment plan shall be returned to the Town Planner prior to the pre-construction meeting.

**ITEM 5 NORWAY ROAD AMENDMENT – NORMAN A. MARTIN, III**

**FINDINGS OF FACT**

**CHAPTER II, SECTION V, H., Standards for Private Ways**

- 1) Each lot having access from an approved private way may be improved with no more than two dwelling units and related accessory buildings and uses.

The lots served by the private way are required to meet the requirements of the Rural zoning district. The applicant is seeking to extend the existing private way and to upgrade the private way from the 2-6 lot gravel private way to the 7-10 lot paved private way standard. All lots located along the private way are required to have no more than two dwelling units. The maximum number of lots/dwelling units allowed to be served by the private way is 10 lots and/or dwelling units.

*Finding: Norway Road private way is designed to the 7-10 lot paved private way standards and no more than two dwelling units can be located on a lot served by the private way to a total of no more than 10 dwelling units and/or lots.*

- 2) A plan showing the private way shall be prepared by a registered land surveyor. The plan shall be drawn in permanent ink on permanent transparency material and shall be sealed by the registered professional engineer preparing the plan.

The applicant has hired St. Clair Associates to prepare the private way plans which have been prepared by a registered land surveyor, David St. Clair, P.L.S. #2317, and sealed by a registered professional engineer, Nancy St. Clair, P.E. # 6677.

The Plan title block reads "Plan of a Private Way"

The Plan has an approval block that reads: "Private Way, Approved by the Town of Gorham Planning Board."

The approval block also has a line for the signatures of a legal majority of the Planning Board, and includes a line for the date of approval.

The Plan shows information sufficient to establish on the ground the exact location, direction, width and length of the private way.

The street plan and profile, and street cross sections are in accordance with Chapter II, Section V., E., 3.

The Plan has a note that reads "The Town of Gorham shall not be responsible for the maintenance, repair, plowing, or similar services for the private way shown on this plan, and if the private way has not been built to public way standards, the Town Council will not accept it as a public way."



Finding: *The Plan of Private Way Amendment for Norway Road has been prepared by a registered land surveyor and sealed by a registered professional engineer meeting the requirement for private ways.*

- 3) If a private way provides access to 2 or more lots, a maintenance agreement shall be prepared for the lots accessed by any private way.

A maintenance agreement has been submitted titled, "Second Amendment to Declaration of Existence and Maintenance of Private Way".

Finding: *The Second Amendment to Declaration of Existence and Maintenance of Private Way provides for access and shared maintenance for the lots served by Norway Road.*

- 4) Private ways shall have a minimum right-of-way width of 50 feet and a paved apron 20 feet in length commencing at the existing edge of pavement where it intersects with the private way.

The existing paved apron has been constructed to the following standards:

- a) 9" of MDOT Spec. 703.06 Type E;
- b) 12" of base gravel MDOT Spec. 703.06 Type D;
- c) 3" of 1 ½" crushed gravel, Type A or reclaimed;
- d) a minimum of 4" of paved surface, or greater as specified by the Town Engineer;
- e) a negative 2.0% grade from the existing edge of pavement to an appropriate drainage way, but in no case less than 5 feet from the travel surface of the public way it intersects;
- f) approach radius shall be specified by the Town Engineer.

Finding: *Norway Road private way right-of-way width is 50' and a paved apron has already been installed that conforms to the paved apron standards outlined in this section.*

- 5) Private ways shall be designed to conform to the standards presented in Tables 1 and 2 and the typical cross sections depicted in Figures 9 and 10.

The applicant is proposing to upgrade the existing portion of the private way to the paved 7-10 lot private way standard and extend the existing private way 370' meeting the paved 7-10 lot private way standard.

The existing turnaround at station number 9+05 will be removed and the area will be loamed and seeded. The turnaround right-of-way area will be merged with the 76,953 sq.ft. lot owned by Norman A. Martin III and Julie W. Martin.

The new required turnaround for the private way will be located at station number 13+00.

Finding: *Norway Road meets all the criteria and design requirements presented in Tables 1 and 2 and the typical cross sections depicted in Figures 9 and 10 of the Gorham Land Use and Development Code.*

- 8) Notwithstanding other provisions of the Code to the contrary, no gravel surfaced private way shall provide access to or serve in any way to provide compliance with the requirements of the Code for more than the greater of six lots or six dwelling units; provided; however, nothing in

this paragraph shall serve to limit the use of such private way for occasional use by and for agricultural purposes.

The applicant is proposing a paved private way to serve 7-10 lots/ dwelling units.

Finding: *Not applicable.*

- 9) The land area of the private way may not be used to satisfy the minimum lot area requirements for any lot (whether the lot(s) to be served or any front lot over which the private way runs).

The lot where the private way extension is located has 10.28 acres with the private way extension right-of-way being .49 acres in size. The remaining lot area is more than enough to meet the lot sizes in the Rural zoning district.

Finding: *The land area of Norway Road private way is not being used to satisfy the minimum lot area requirements for the existing lot or any proposed future lot.*

### **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 private way, the applicant is responsible for obtaining all required local, state and federal permits;
3. That the applicant shall provide property line information and site information in auto-cad format to the Town Planner prior to the pre-construction meeting;
4. That any future extension of the private way shall be limited to less than 1,500' unless all the structures located on lots served by the private way have sprinkler systems meeting the requirements of the Town's Sprinkler System Ordinance.
5. That the underground electric lines shall be inspected by the Code Enforcement Office prior to burial;
6. That at least one week prior to the date of the pre-construction meeting, four complete sets of the final approved plan set will be delivered to the planning office to be distributed to: (1) Code Office, (2) Public Works Director, (3) Inspecting Engineer, and (4) Town Planner;
7. 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,
8. That the applicant shall provide an escrow for field inspection based on costs for improvements shown on the plan;

9. That prior to commencement of construction, the applicant, applicant's engineer and earthwork contractor shall have a pre-construction meeting with the Town's Engineer, Town Planner, Code Enforcement Officer, Public Works Director and Fire Chief;
  10. That all construction and site alterations shall be done in accordance with the "Maine Erosion and Sediment Control: Best Management Practices," Department of Environmental Protection, latest edition;
  11. That all relevant conditions of approval from the original approval shall remain in effect;
  12. That the approved private way maintenance agreement shall be recorded in the Cumberland County Registry of Deeds within thirty (30) days of approval by the Planning Board and a recorded copy of the private way maintenance agreement shall be returned to the Planning Office;
  13. That the Planning Board Chairman is authorized by the Planning Board to sign the Findings of Fact on behalf of the entire Board; and
  14. That these conditions of approval must be added to the private way plan and the private way 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 private way plan shall be returned to the Town Planner prior to the Pre-construction Meeting.
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**ITEM 6      SUBDIVISION AMENDMENT – LINWOOD ACRES – JOHN AND CYNTHIA MCCORMACK**

**FINDINGS OF FACT**

**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 is 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 two lots will have the following lot sizes: 213,444 square feet for lot 6 and 75,006 square feet for lot 11. Road frontages for the lots are 543' along Jackie's Way for lot 6 and 240' along Brackett Road for lot 11. The lot sizes and road frontages for lots 6 and 11 meet the minimum requirements for single-family dwelling units in the Suburban Residential District.

The applicants are proposing to give the Town of Gorham an easement to maintain the existing fire pond currently located on lot 6. The easement will meet the requirements of Town Staff and the Town Attorney.

*Finding: The subdivision amendment to Linwood Acres 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.

Lot 11 will have access from a driveway located on Brackett Road. The driveway is located in the southeastern corner of the site in order to get the required minimum sight distance. The site distance for the driveway is 400' +/- looking southward and 500' +/- looking northward.

The single family residence on lot 6 is served by a driveway off Jackie's Way; no changes are proposed to the existing driveway. Access to the proposed cemetery burial plot located on Lot 6 will be via Jackie's Way.

*Finding: The subdivision amendment to Linwood Acres 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.

No changes to the utilities for lot 6 are proposed with the proposed subdivision amendment. The electric, cable, and telephone for lot 11 will be overhead from Brackett Road. Trash removal will be through the Town's solid waste provider.

*Finding: The subdivision amendment to Linwood Acres 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.

Lot 11 will be served by a private water supply well located on lot 11. Lot 6 is served by a private supply well and no changes to lot's 6 existing water supply well are proposed with the subdivision amendment.

The lot is located in the Black Brook and Brackett Road Special Protection District's Limited Water Resource Management Area. Any private water supply well located within this area is done at the developer's own risk, and with the knowledge that the potential for contamination exists in the neighborhood. If any new water supply wells are found to be contaminated with chemicals attributed to the Wyman Auto Body site, such wells must be properly abandoned at the well owner's expense, pursuant to the well abandonment procedures established in Section F of the Special Protection District's ordinance and in accordance with the applicable regulations established by the State of Maine.

Finding: *The proposed subdivision amendment to Linwood Acres 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 Subsurface Wastewater Disposal System Application, HHE-200, for lot 11 prepared by Albert Frick, C.S.S. and L.S.E., with Albert Frick Associates, Inc. Attached to the application is the soil test pit information taken on February 28, 2014. Lot 6 is served by a subsurface wastewater disposal system and no changes are proposed for the subsurface wastewater disposal system on lot 6.

Finding: *The proposed subdivision amendment to Linwood Acres Subdivision provides for adequate solid and sewage waste disposal for present and future needs as reasonably foreseeable.*

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

The additional subsurface waste disposal system for a single-family dwelling has been prepared by Albert Frick, C.S.S. and L.S.E., meeting the requirements of Subsurface Wastewater Disposal Rules (10-144A CMR 241).

Finding: *The proposed subdivision amendment to Linwood Acres 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 applicants are proposing two wetland impacts on the site in the same location. The first wetland impact is for filling 72 square feet of wetland area for a pedestrian path to allow access from the eastern portion of the lot to the western portion. The second wetland impact is for 2,754 square feet to fill enough area to connect lawn from the eastern portion to the western portion of the site. The larger wetland impact will require the applicant to obtain a Maine Department of Environmental Protection Tier 1 Permit prior to filling of the wetland area.

A 12" S.D. culvert is proposed to be located under the 6' wide pedestrian crossing to allow water to flow from the north side of the wetland impact to the south side. If the applicant chooses to extend the wetland impacts beyond the pedestrian crossing, then the 12" S.D. culvert will have to be extended to allow water to continue to flow from the north side of the wetland impact to the south side.

Finding: *The proposed subdivision amendment to Linwood Acres 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.

The southern edge of lot 6 is located in the Town's Stream Protection Sub-District. No disturbances or removal of vegetation are proposed in the area of the Stream Protection Sub-District.

Finding: *The subdivision amendment to Linwood Acres 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 applicants are proposing to fill a maximum of 2,754 square feet of wetland scrub shrub and forest wetland area for use as yard area. Tree removal is required for the center of the lot and for a driveway off Brackett Road. The trees located on the northeastern corner of the lot and along the southern property boundary are to remain.

No historic site, rare or irreplaceable natural or manmade assets are located on the site.

Finding: *The subdivision amendment to Linwood Acres 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 applicants have provided a letter on May 20, 2014 identifying their financial capacity.

Finding: *The applicants have 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 VIII.

The applicant will be required to pay the Recreational Facilities and Open Space Impact Fee prior to issuance of the building permit for the new lot 11.

*Finding: The subdivision amendment to Linwood Acres 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 not proposing to create any additional open space, recreational land, or recreational facilities.

*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**

15. 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;
16. That the applicant shall provide property line information and site information in auto-cad format to the Town Planner;
17. That prior to filling more than the 72 square feet of wetland area the applicant shall submit copies of the approved Maine Department of Environmental Protection Tier 1 permit to the Code Enforcement Office and the Planning Departments, and the 12” culvert shall be extended to allow water to flow under the larger wetland fill area;
18. That all relevant conditions of approval from the original subdivision approval shall remain in effect;
19. That the Planning Board Chairman is authorized by the Planning Board to sign the Findings of Fact on behalf of the entire Board;
5. 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
6. 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.

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**ITEM 8      SITE PLAN REVIEW – GORHAM ARTS ALLIANCE**

**FINDINGS OF FACT**

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

The Planning Board, following review of the Site Plan Application Amendment, makes these findings based on the Site Plan Review criteria found in Chapter IV, Section IX – Approval Criteria and Standards, of the Town of Gorham Land Use and Development Code.

**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 existing IOOF Building will be utilized by the Gorham Arts Alliance. The building is proposed to be upgraded to meet the required Fire and Building Codes.

An emergency exist is required from the rear of the building to either College Avenue or School Street, State Route 114.

*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 building is anticipated to generate 50 vehicular trips on a daily basis. The busiest a.m. times will be 9:00 to 11:00 with an estimated 12 trips. The busiest p.m. time will be 5:30 to 6:30, which will generate 30 trips.

Vehicular access to the site will be on College Avenue and School Street, State Route 114.

*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 parking area pavement connects with the College Avenue pavement for roughly 75' +/-.

*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 site has an existing paved area located on the north side of the building between the building and College Avenue. Vehicles parking in the spaces are required to back out of the parking areas onto College Avenue. The applicant is proposing to paint the parking spaces and no other improvements are proposed for the site's internal vehicular circulation.

*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 site has a paved sidewalk along the entire length of the eastern side of the building. A concrete walkway connects two doorways on the north side of the building and connects to the 7 space parking area.

A public sidewalk is located along School Street, State Route 114, which provides pedestrian access to the building.

*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 stormwater from the site is allowed to sheet flow off the northern and eastern side of site. No changes to the existing stormwater management are proposed.

*Finding: The site has adequate provisions for the disposal of all stormwater 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.

Any earth moving activities shall be carried out in conformance with the Maine Erosion and Sediment Control Best Management Practices, Maine Department of Environmental Protection, latest edition.

*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 site is served by a 6” diameter water main located in the College Avenue right-of-way.

*Finding: The use of the site is 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 site is served by an 8” gravity sewer main.

*Finding: The use of the site is provided with sewer disposal that is adequate to meet State and Local requirements.*

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

The site is served by overhead power, cable, and telephone service from School Street.

*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 only outside improvements will be for a walkway from the rear of the building to College Avenue. No other disturbance to natural features is proposed.

*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.

No improvements are proposed to the site that will impact the groundwater.

*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.

One overhead light is located over each of the three doors along School Street; the lights are goose-neck style lights which direct the light toward the building and the doors. Two flood lights are located over two of the doors on College Avenue; the flood lights are pointing out toward the parking area and College Avenue.

*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 will be kept inside until picked up by a private waste disposal company. No outside storage of trash is allowed onsite.

*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.

A small bricked planting bed is located along the northern end of the building. A small lawn area with four trees is located to the western edge of the parking area. No additional landscaping 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 not located in the Shoreland Overlay District.

*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.

The applicant has submitted a letter dated May 13, 2014, from the Gorham Arts Alliance which outlines their technical and financial capacity to complete the project.

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

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

A majority of the lot is occupied by the building with a small grassed-in area located in the rear of the building. No changes are proposed to the exterior of the building or to the parking area located along College Avenue.

*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.).*

**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;
1. That prior to the commencement of construction of the site plan, the applicant is responsible for obtaining all required local, state and federal permits;
2. 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;
3. 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,
4. That the applicant shall provide an escrow for field inspection;
5. 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;
6. That these conditions of approval must be added to the site plan;
7. That the proposed building will meet all applicable sections of NFPA 101 Life Safety Code, NFPA Fire Prevention Code 1, and the State Building Code;
8. That the sprinkler system shall meet all applicable sections of the Towns Sprinkler Ordinance, the sprinkler plans shall be submitted to the Gorham Fire Department and the State Fire Marshal's Office for review and permitting;
9. That the sprinkler plans shall be submitted to Gorham Fire Department at least two weeks before the start of installation;
10. That the applicant and occupancy of the building is subject to the terms outlined in the Gorham Fire Chief's , May 27, 2014 memo, to Tom Poirier, Town Planner;
11. That the applicant shall provide 2 copies of the stamped plan sets from State Fire Marshal's Office, one to the Code Enforcement Office and one for the Fire Department prior to an occupancy permit being issued;

12. 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;
13. That the Planning Board Chairman is authorized by the Planning Board to sign the Findings of Fact on behalf of the entire Board;
14. That the applicant shall submit an ability-to-serve letter from the Portland Water District prior to the Planning Board's endorsement of the final plan; and
15. That these conditions of approval must be added to the site plan and the site plan shall be recorded at the Cumberland County Registry of Deeds within thirty (30) days of the date of written notice of approval by the Planning Board, and a dated mylar copy of the recorded site plan shall be returned to the Town Planner prior to the pre-construction meeting.