



Town of Gorham
May 5, 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
RACHEL SUNNELL

Members Absent

THOMAS HUGHES

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 was absent.

APPROVAL OF THE APRIL 7, 2014 MINUTES

Melinda Shain MOVED and George Fox SECONDED a motion to approve the minutes of April 7, 2014 as written and distributed. Motion CARRIED, 5 ayes. (Thomas Hughes absent). [7:03 p.m.]

COMMITTEE REPORTS

A. Ordinance Review Committee. Mr. Zelmanow reported that the Committee has not met since the Board's last meeting.

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

CHAIRMAN'S REPORT – Mr. Zelmanow reported that a 7th Planning Board member has been appointed by the Town Council. The new member will be at the Board's June meeting.

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

ITEM 1 Public Hearing – Gorham Land Use and Development Code – Amendments to Chapter I, Section V and Chapter II, Section VI, regarding a Campground Overlay District.

Mr. Poirier said that this item amends both the Land Use Code and the Land Use Map as an overlay district will be added to parcels being utilized as Wassamki Springs Campground. Mr. Poirier suggested that the Board review the version dated May 5, 2014, which is the latest updated revision from the Board's April 7, 2014 Ordinance sub-committee workshop. Mr. Poirier said that there was

no campground permitted use in any of the zoning districts; the Council did not want to move forward with an amendment permitting campgrounds as a permitted use in any district, but did want to make Wassamski Springs legal as a permitted use as it has been in existence for a number of years. In order to do that, an overlay district was created for Wassamki Springs that would allow them to continue in operation and to be able to use the normal review process for any future changes, rather than having to go before the Zoning Board of Appeals.

Mr. Zelmanow confirmed that Wassamki Springs is located both in Gorham and Scarborough. Ms. Sunnell commended the sub-committee on the well written language of the proposed ordinance. Ms. Shain noted that the landowner affected by this change participated in an earlier work session of the Ordinance sub-committee and was both satisfied with and welcoming of the proposed language.

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

Melinda Shain MOVED and Rachel Sunnell SECONDED a motion to recommend adoption by the Town Council of the May 5, 2014 version of the proposed ordinance amendments to Chapter I, Section V – Definitions, and to Chapter II, Performance Standards – Section VI – Seasonal and Recreational. Motion CARRIED, 5 ayes (Thomas Hughes absent). [7:10 p.m.]

ITEM 2 Public Hearing – Site Plan Review – Little Falls Recreation Facility – Town of Gorham request for approval of improvements at the Little Falls Recreation Facility involving multipurpose fields to be constructed with associated storm water management and parking, located at the property at 668 Gray Road, Map 52 Lot 12, Urban Residential-Manufactured Housing zoning districts.

Mr. Poirier explained that the Town of Gorham is represented by Owens McCullough and Craig Burgess of Sebago Technics in this matter. Mr. Poirier said that while the applicant has not yet requested waivers, three submission requirement items are missing which the Board should discuss with the applicant. He said that two permits will be required from the Maine Department of Environmental Protection, the Permits-by-Rule for Stormwater and for NRPA; the applicant will be submitting applications for these permits in the near future. Mr. Poirier said that this item did not go to the Town's review engineer, Woodard & Curran, for peer review; instead, Bob Burns, the Town's Public Works Director, did the peer review and had no comments.

Craig Burgess, Sebago Technics, appeared on behalf of the Town. He explained that the Town has initiated an athletic field improvement program that includes the Little Recreational Facility, located on the westerly side of Route 22 in northeast Gorham. Mr. Burgess said that the project is basically a grading exercise, but more than 10,000 cubic yards of earth moving activities will be generated, estimating that there will be 24,300 cubic yards of earth moving activities. The project includes the renovation of the existing baseball field to be regraded as multipurpose field 1. Multipurpose field 2, where the existing soccer field is, will be lifted approximately 2 feet to improve surface drainage. A third brand new multipurpose field is proposed to be created. The existing drive is also proposed to be rerouted. There will be an underdrain system, irrigation system, and a lighting plan for each multipurpose field, as well as the installation of new stormwater drainage to improve existing

problem areas and enhance stormwater drainage. The new storm drainage system for multipurpose field 2 will be discharging within 75 feet of an existing stream so a NRPA Permit-by-Rule will be required. A stormwater Permit-by-Rule will also be required as there will be more than one acre of disturbed area. Conceptual lighting and irrigation plans will be covered under a design-build contract, so they are requesting that both of those vendors submit plans to be approved by the Town. Electrical and water services will be extended westerly into the site from Gray Road.

Mr. Burgess said that the bulk of the work will be on multipurpose field 3, including the removal of the existing on-site field and recreating a brand new multipurpose field. This will involve most of the earth moving activities, which will be kept primarily on site. Mr. Burgess said that the project is to be constructed in three phases: the first phase will be multipurpose field 1 with all of its associated utilities and storm drainage and re-routing the existing gravel drive; phase 2 will involve raising multipurpose field 2 two feet; and the 3rd phase will be multipurpose field 3.

Ms. Shain confirmed where most of the clearing will take place. Mr. Burgess explained that most of the clearing will take place on multipurpose field 3, which is where the small hill is, as well as some clearing near multipurpose field 1. Ms. Shain said that adding trees to create a small amount of shade between the fields would be welcomed by the spectators. Mr. Zelmanow asked that the phasing schedules be added on the plans.

Mr. Zelmanow said his major concern is vehicular circulation and parking. Owens McCullough, Sebago Technics, came to the podium to respond to the Board's questions. He said that this project is a very small piece of a much larger master plan of the Little Falls project. He explained that the Town does not have the funding at this time to re-build the basketball and tennis courts, re-do the baseball field and add a significant parking lot. Therefore the first project to be attempted with available funds is to improve the playing surfaces of what is out at Little Falls now, but not looking to do anything with the parking at this time. However, on the master plan down the road, Mr. McCullough said that significant parking improvements are proposed.

Mr. Fox noted that with the proposed improvements will come a greater usage with more access and traffic issues. The Board discussed at length with Mr. McCullough the question of parking, access and pedestrian safety, with Mr. Zelmanow noting that the Board will need to find that the Code's requirements for internal vehicular circulation and pedestrian circulation have been satisfactorily addressed. Mr. Poirier replied to Mr. McCullough that this project falls under the category of site plan review criteria because it involves more than 10,000 cubic yards of earth moving. Mr. McCullough said that the master plan has all of the traffic stopping toward the front and that the gravel path will be for pedestrian use but wide enough to accommodate emergency equipment should that be necessary. Mr. McCullough said that any widening of the path with this project to accommodate more traffic would have to be taken out later.

Mr. Zelmanow asked if it would be possible to "shoehorn" parking as one of the phases, perhaps not the first phase, but perhaps after the second phase, so that the parking and vehicular circulation will be on the plan, thereby prioritizing the parking higher. Mr. McCullough said perhaps with the addition of the third field that would be the time to kick in with some additional parking. Mr. Zelmanow agreed, saying that it would then be on the plan and could be considered as part of the Board's review of the site plan criteria. Mr. Fox said he would have concerns about even the existing conditions being adequate. Ms. Sunnell said that she does not believe lighting is a priority

until the safety and parking issues have been addressed, and asked that the applicant bring the master plan the next time the project is before the Board.

PUBLIC COMMENT PERIOD OPENED: Joe Wyman, 10 Mallison Street, said he is concerned about drainage and asked if it will be ditched or hooked up to public sewer. Mr. McCullough replied that the master plan anticipates bringing in sewer for a concession building, but sewer is not proposed for this project. Mr. Zelmanow confirmed that the improvements being considered at this time will not change runoff onto neighboring properties and may even improve conditions. Mr. McCullough said that no drainage patterns are being altered or changed on the property, and all of the drainage now is going to the rear of the property where all of the work is going to be done. **PUBLIC COMMENT PERIOD ENDED.**

The Board concurred that a site walk should be scheduled and indicated that the corners of the fields should be staked, as well as the northern boundary.

A discussion of the three missing submission requirements followed, with the first being the requirement to submit the type of light fixture. Mr. Poirier said that a design-build proposal would be approved by the Board, but the contractor would choose the fixtures and the Board would not see what that choice was. Mr. McCullough said that a performance specification would be created for quotes for a design-build. Mr. Zelmanow suggested that the RFP be included as part of the final submission. With regard to the requirement to identify the location of sewer mains and basins, Mr. McCullough said there is no sewer on the property. Mr. McCullough said they will be working entirely within the footprint of the property so there is no need for a boundary survey, the third missing submission requirement. Ms. Sunnell asked how close the abutting property is to the northern boundary line; both Ms. Sunnell and Ms. Shain said they would like to see a boundary survey. Ms. Sunnell said that what would be helpful regarding the lighting would be understanding how close the houses are and what impact this type of stadium lighting would have. Mr. McCullough said they would provide a specific photometric plan to the Board.

Melinda Shain MOVED and James Anderson SECONDED a motion to table further review of the Town of Gorham's request for site plan approval pending responses to remaining issues and the scheduling of a site walk. Motion CARRIED, 5 ayes (Thomas Hughes absent). [8:00 p.m.]

ITEM 3 Site Plan Amendment Review – Peter A. Lyford, Inc., request for after-the-fact approval of an 11,297 square foot gravel pad and construction of a storm water treatment swale to serve the new gravel pad, located at 54 Olde Canal way, Map 34, Lot 3.007, Industrial zoning district.

Mr. Poirier said that this item is on for a public hearing and public comment. This site received site plan approval in 2008. In 2012 the applicant constructed an 11,297 square foot gravel pad on the site that was not permitted as part of the site plan approval. The application this evening is for after-the-fact approval of the gravel pad, as well as approval of stormwater improvements that are required to treat the gravel pad area. The DEP has placed a strict timeline of June 1, 2014 for the applicant to complete construction of the new stormwater swale for the gravel pad, so staff recommends that any changes proposed by the Board be conditioned on being completed prior to

Planning Board signature of the final plan. The applicant is asking for a waiver of the requirement to submit two foot contours of the new gravel pad.

Craig Burgess, Sebago Technics, appeared on behalf of the applicant, and advised the Board that in 2010 the applicant finished construction of the building, paved areas and sidewalks in general conformance with the plans approved by the Board. The 2010 improvements resulted in .79 acre of new impervious area. In 2012, the applicant created a .26 acre gravel pad area for brush and tree storage, and with that, exceeded the impervious threshold that was part of the original site plan approval and DEP site law approval by .24 of an acre, bringing the project to a total of 1.05 acres. The original permitted threshold was .81 acres, so the applicant has exceeded that threshold by .24 of an acre. The lawn area was originally permitted with .13 acre of new lawn area, and that is actually about .5 acre. The proposed improvements include a 90-foot drainage swale which will convey all the gravel pad area runoff to a new pipe which will tie into the existing on-site storm drainage system and ultimately to a wet pond for detention and treatment. DEP site law amendment approval has been received, and as part of that application, calculations had to be submitted to show that the pond has the capacity to treat and detain the runoff, so that peak rates did not exceed the predevelopment levels. DEP has asked for a June 1, 2014 deadline because it is an after-the-fact improvement.

Mr. Anderson said that the original plan shows plantings in the gravel area, and asked where those plantings went. Mr. Poirier said that one of the downbursts came through this area and wiped out the trees and vegetation that were there, so the applicant cleared the area and the Board required that a certain number of trees should be planted. Ms. Sunnell said she has an issue with after-the-fact approval requests and perhaps there should be some consideration given to that issue. Mr. Burgess replied to Mr. Zelmanow that the applicant did not realize that what he had done needed permitting. The Board and Mr. Burgess discussed what is being stored on the gravel pad.

Mr. Zelmanow said that based on what Mr. Poirier had said about the downburst, the Board would not enforce planting what was shown on the original plan. Ms. Sunnell asked if that is something that the Board could request and said she would support a number of additional trees being installed. Ms. Shain suggested additional planting along the no disturbance buffer. Mr. Fox said he does not feel any plantings are necessary. Mr. Anderson said if there was a requirement for trees and he did not plant them, does that mean he did not abide by the conditions of the original approval. Mr. Poirier said he believes that the trees were installed, but he is not sure when they were removed. Mr. Poirier said there is a "no disturb" buffer along the back between this property and the abutting Mosher property because it is a zoning boundary between the Rural and Industrial zoning districts but none of that has been disturbed. He said that staff is requiring that boundary be flagged prior to starting any work to ensure that no one disturbs that buffer. Mr. Poirier said that buffering requirements in an Industrial zone are somewhat less restrictive than they would be if it were a residential or other kind of zoning district. Ms. Shain suggested additional planting along the no disturbance buffer.

PUBLIC COMMENT PERIOD OPENED: Abbott Mosher, abutter to the north. Mr. Mosher confirmed that the microburst created severe damage, breaking trees of 12 to 14 inches in diameter. He asked whether it would be better to let stormwater disseminate in this area rather than piping it 400 or 500 feet and concentrating it in an area that could be stressed with the additional flow. Mr. Burgess said that DEP wants all that impervious area treated and does not want the stormwater to enter the wetland area without being treated. Mr. Burgess confirmed to Mr. Anderson that the

existing pond is sized to accommodate the additional stormwater and the culvert sizing is adequate as well.

PUBLIC COMMENT PERIOD ENDED.

Mr. Zelmanow referred to the applicant's request for the submission requirement to submit two-foot contours for the gravel pad under Chapter II, Section VIII, subsection C 1) b.12 – Existing Contours, and read the applicant's explanation for the request that "Visual inspection of the gravel area confirmed that it is generally graded as shown on the Grading, Utilities and Details Plan (Sheet 2 of 2) by Sebago Technics, latest revision 04-20-2014."

James Anderson MOVED and Rachel Sunnell SECONDED a motion to grant Peter A. Lyford, Inc.'s request to waive Site Plan Submission requirement under Chapter IV, Section VIII, C., 1), b., 1. Motion CARRIED, 5 ayes (Thomas Hughes absent). [8:21 p.m.]

Mr. Zelmanow asked for Board consensus that trees be added along the no disturb buffer, which Mr. Poirier will add as a condition of approval. Mr. Poirier asked if the Board wants to see trees added on the final plan, or does the Board want staff to make a determination in the field as to where trees should be planted. The Board concurred that staff make that determination. Mr. Poirier quoted a new Condition of Approval #12 as follows: "that the applicant will add trees to the No Disturbance buffer meeting the approval of the Town Planner." Mr. Zelmanow confirmed with Mr. Burgess that all the conditions, including the new one, meet with the approval of the applicant.

Melinda Shain MOVED and George Fox SECONDED a motion to grant Peter A. Lyford, Inc.'s request for site plan amendment approval for an after-the-fact gravel storage pad and drainage swale located on Map 34, Lot 3.007, in the Industrial zoning district, with Findings of Fact and Conditions of Approval as written by the Town Planner and amended this evening by the Planning Board. Motion CARRIED, 5 ayes (Thomas Hughes absent). [8:20 p.m.]

ITEM 4 Subdivision Amendment Review – Peter A. Lyford, Inc. request for approval of an amendment to the Maximum Lot Development Table for Lot 7 of the Olde Canal Business Park, located at 54 Olde Canal Way, Map 34, Lot 7, Industrial Zoning district, Shoreland Overlay district, and Resource Protection Sub-District.

Mr. Poirier said that when Olde Canal Business Park was approved, each lot was identified with a certain amount of impervious area and lot coverages. Due to the applicant's exceeding those coverages with the after-the-fact gravel area, an amendment to the subdivision plan is also required to identify those new numbers for Lot 7. Only the numbers on the approved subdivision plan will be changed to correspond with the new numbers allowed by DEP.

Craig Burgess, Sebago Technics, told the Board that several items on the revised subdivision will be changed: the permitted threshold of .81 acres will now read 1.05, and the .13 acres of lawn area will now read .5 acres. Also included is a note that identifies what has been changed. Mr. Burgess confirmed that the applicant is satisfied with the conditions of approval.

Melinda Shain MOVED and George Fox SECONDED a motion to grant Peter A. Lyford, Inc.'s request for subdivision amendment to Olde Canal Business Park, located on Map

34, Lot 7, in the Industrial (I) district, Shoreland Overlay district, and the Resource Protection Sub-District with Findings of Fact and Conditions of Approval as written by the Town Planner. Motion CARRIED, 5 ayes (Thomas Hughes absent). [8:21 p.m.]

Twenty Minute Stretch Break

ITEM 5 Private Way Review – John and Cindy Kennie request for approval of a 159 foot private way designed to the one-lot private way standards, located off Mighty Street, Map 67 Lot 6, Rural and Stream Protection Sub-district.

Mr. Poirier told the Board that this application is for a one-lot private way that will be created off Mighty Street. All of staff's comments have been addressed, except that the applicants would like to change the name of the private way from Whitetail Way to Whitetail Drive, and what has been labeled as a house is actually a two-car garage.

Andrew Morrell, BH2M Engineers, told the Board that the applicants' grandparents own the 73 acre parcel and are looking to gift a parcel to their grandson. He said that the lot has changed slightly from when the plans were originally submitted; it has increased from 1.58 acres to 2.05 acres, expanding by some 150 feet to the northeast. Mr. Morrell confirmed that the name of the private way is to be changed to "Whitetail Drive" from "Whitetail Way."

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

Mr. Poirier noted that Finding of Fact #9 will need to be changed to reflect the new size of the lots, changing from 83,187 square feet and 68,981 square feet to 89,496 square feet and 75,290 square feet. Mr. Morrell confirmed that the applicants are satisfied with the Conditions of Approval.

Melinda Shain MOVED and James Anderson SECONDED a motion to grant John and Cindy Kennie's request for approval for a 159 foot private way designed to the Town's one-lot private way standard, located on Map 67, Lot 6.003 and situated in the Rural zoning district and Stream Protection sub-district, based on Findings of Fact and with the Conditions of Approval as written by the Town Planner and amended by the Planning Board. Motion CARRIED, 5 ayes (Thomas Hughes absent). [8:45 p.m.]

ITEM 6 Private Way Review – Sam Strumph, Jr. request for approval of a 153' private way designed to the one-lot private way standards, located off North Street, Map 63 Lot 20, Rural zoning district.

Mr. Poirier advised the Board that this application is a one-lot private way and staff comments have been addressed.

Andrew Morrell, BH2M Engineers, told the Board that the parcel contains 1.61 acres and has 148.23 feet of frontage with the private way providing the adequate frontage. The name of the

private way is Betty Lou "Drive" not Betty Lou "Way." Mr. Zelmanow noted that the Findings will be changed to reflect "Drive" instead of "Way."

In reply to a question from Ms. Sunnell, Mr. Zelmanow replied that the private way will provide the necessary street frontage for the lot split.

PUBLIC COMMENT PERIOD OPENED: None offered.

PUBLIC COMMENT PERIOD ENDED.

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

Melinda Shain MOVED and James Anderson SECONDED a motion to approve Sam Strumph, Sr.'s request for approval for a 153 foot private way designed to the Town's one-lot private way standard, located on Map 63, Lot 20.001 and situated in the Rural zoning district, based on Findings of Fact and Conditions of Approval as written by the Town Planner and amended by the Planning Board. Motion CARRIED, 5 ayes (Thomas Hughes absent). [8:49 pm.]

ITEM 7 Pre-Application Discussion – Ridgewood II Senior Apartments – Avesta School Street, L.P., request for approval to subdivide a 1.2 acre lot from the existing Ridgewood Apartments lot at 99 School Street to construct a 3 or 4 story building to provide 24 or 31 elderly housing apartments with associated parking, Map 101 Lot 18, Contract Zone/Urban Residential zoning district.

Mr. Poirier said the item is on for discussion of a site plan amendment for a lot off School Street. It will also come forward with either an amendment to extend an existing Contract Zone into this parcel to get the density required or it will be a new Contract Zone. The Town Council has already heard the Contract Zone request and has forwarded it to the Planning Board for review as part of the site plan.

Ms. Sunnell asked to be recused from discussion of the item as she is a member of the project's design team.

Melinda Shain MOVED and James Anderson SECONDED a motion to recuse Rachel Sunnell from participation in the discussion on this item. Motion CARRIED, 4 ayes (Rachel Sunnell abstaining and Thomas Hughes absent). [8:52 p.m.]

Seth Parker, Avesta Housing, introduced Shreya Shah of Avesta, Dan Diffin of Sevee & Maher Engineers, and Rachel Sunnell of Gawron-Turgeon. Mr. Parker said that Ridgewood II, located at 99 School Street, is proposed to be either a three story building with 24 senior apartments or a four-story building with 31 senior apartments, the final number of units to be determined based on whether funding is available through the spring or fall submission cycle. To provide the density for the additional units, Avesta proposes to amend the current Contract Zone for the Village Square Housing property, located at 121 School Street, to include the existing Ridgewood I, the proposed Ridgewood II, and the undeveloped property to the east of this property. The proposed development will be located opposite the existing Ridgewood I, which consists of 20 senior housing units. It is adjacent to two other Avesta project, Village Square, which has 48 independent living

residences, and the Inn at Village Square, a 37 unit assisted-living facility. Ridgewood I has 20 independent living residences, with the entire community having more than 100 seniors living on the campus. There is a two to three year waiting list for the adjacent senior housing projects.

Mr. Parker said that the project will cost approximately \$5 million, with financing through USDA's Rural Development and the low income tax housing credit program administered by Maine Housing. There would be 24 units of full rental assistance through Rural Development, the rents between \$870 to \$1000 per month, with individuals paying up to 30% of their income toward that rent with the remaining balance covered through Rural Development. Incomes would be capped at \$40,000. The size of the building and the number of apartments will be finalized based on whether funding is obtained through the spring or fall submission cycle.

Amenities for the project would include a community room on site, on site laundry, personnel services, and on site parking. As part of their funding, they are committed to having the building be LEED Certified, an Enterprise for Green Communities building, energy star certified, and 55% on-site energy generation.

Mr. Parker said there is unused office space in the existing Ridgewood I, and one possible scenario for that space would be to turn it into a senior center.

Dan Diffin, Sevee & Maher Engineers, gave the Board an overview of existing conditions on site. He said there are currently two entrances, a very steep entrance to the north and a more gradual southern entrance. Existing parking wraps the Ridgewood I building around the south side. Mr. Diffin said that the existing Contract Zone provides for one unit per 5,000 square feet. It is anticipated that if the Contract Zone is amended to include what will be developed and the piece to be left undeveloped in the rear, it will provide 5,000 square feet for the 24-unit building and 4,500 square feet for the 31-unit new building.

Mr. Diffin said that the proposed development will be constructed on existing lawn and paved portions of the site in front of Ridgewood I. The 24-unit building, about 8,600 square feet, will be two stories in front and three in the rear due to a 12% grade change. It is proposed that the north entrance will be closed and the south entrance will be widened to 24 feet, to be used as the only entrance into the site to provide shared access for both Ridgewood I and Ridgewood II. The project will result in an increase of approximately 12,000 square feet of impervious area from the proposed building, walks and parking. Mr. Parker said that the Charlotte Millett School used to be in the area and this building will be sited as closely as possible to the Millett School's former site. Mr. Diffin told Mr. Zelmanow that the footprint of the building would not change that much between a three or four story building, the site plan would not change that much.

Mr. Diffin said that a copy of the Portland Water District response will be provided to the Town with the final site plan application. There is an existing water line on School street, electrical and telephone service is proposed off the existing pole near the entrance, and Maine Natural Gas has a main in School Street should Avesta chose to use it. There is an existing fire hydrant near the north curb cut that will remain, and the proposed building will have fire alarm and suppression systems.

Mr. Diffin discussed drainage, noting that there are some drainage issues in front of the existing building they hope to take care of. There are no wetlands within the proposed site disturbance footprint and the site is not within a floodplain.

In reply to Mr. Zelmanow, Mr. Diffin said that grading issues could impact the placement of sidewalks, but they will consider accessibility and walkability. Mr. Diffin told Ms. Shain that a landscaping plan has not yet been developed.

In reply to Mr. Anderson, Mr. Diffin explained that the historic parking demand for similar types of senior housing apartments buildings is 0.68 vehicles per apartment, with the actual vehicle to apartment ratio for the Ridgewood I building is only 0.6 vehicles per apartment. Therefore, Avesta estimates the parking spaces required per dwelling at the existing and proposed Ridgewood buildings to be 0.7 spaces per apartment, or 31 to 36 spaces depending on the final number of apartments proposed. Avesta proposes to reconfigure the existing parking to provide 41 spaces, with an additional 4 possible future spaces if necessary. Mr. Parker noted that creating parking produces major cost challenges in terms of infrastructure, runoff, stormwater management, and is not productive unless needed. In reply to Mr. Zelmanow, Mr. Diffin said there are 42 spaces for the existing building, and only 12 vehicles are registered to use the lot. Should it become necessary, there is also overflow parking space available at Village Square.

The Board discussed possible bus stops and turning radii on the site. Mr. Poirier asked Mr. Diffin about the one-way 12-foot pathway that is primarily for emergency vehicles and signage for it, and its possible use for van and/or bus access as well. Mr. Fox noted that there is a significant difference between the parking that is proposed and that which is required by Code, and suggested that if flexibility is requested for parking, then the site must be configured to be very walkable. Mr. Parker said he would try to figure out how much walking is taking place now and how much the sidewalk to downtown is used. Mr. Fox said that if current conditions are such that it is difficult to walk, measuring how much it is currently used for walking may not be the correct standard.

Mr. Zelmanow asked about proposed lighting around parking and the sidewalks. Mr. Diffin said consideration will be given to lighting. In reply to Mr. Zelmanow, Mr. Parker said that USDA Rural Development has the age cutoff at 62 for senior housing, but it would be 55 and older for a straight low income housing tax credit project.

Mr. Zelmanow asked for building elevations and landscaping plans. Mr. Anderson asked if the LEED Certification is a requirement of the funding; Mr. Parker said they committed in their application to Rural Development to do certain efficiency measures, including LEED Certification; it is pegged to be LEED Platinum. In reply to Mr. Zelmanow, Mr. Parker that they expect to hear back shortly on the spring application they have submitted; if successful in obtaining that funding from Maine Housing, that would complete the financing picture and the project could be moved forward, with construction proposed to start in the spring of 2015. If the spring application is unsuccessful, the fall application would be more competitive if it has Planning Board approval from the standpoint of readiness points.

Ms. Sunnell returned to the podium.

ITEM 8 **Pre-Application Discussion – Berube Builders, Inc.** request for approval of a 10-lot subdivision with public water and onsite subsurface disposal systems, located off

101 Longfellow Road, Map 11 Lot 22.01, Rural-Manufactured Housing zoning district.

Mr. Poirier told the Board that the lot is located in the Rural District, which will require the applicant to complete net residential calculations to determine the number of lots allowed. The plans show open space in the back, so Mr. Poirier said it is not clear if this is a cluster subdivision application or a traditional one. If it is proposed to be cluster, then both cluster and traditional plans need to be submitted for the Board to determine which is the best form of development. He said if the road is proposed to be public, there is also a requirement for a 50-foot right-of-way to undeveloped adjoining land.

Andrew Morrell, BH2M Engineers, described the parcel as 21.83 acres off Longfellow Road, about 500 feet west of Lowell Road. This is a wooded parcel that is abutted to the west by the CMP power line, to the east by a stream, and the southern boundary is the City of Westbrook town line. There is an existing outsale lot that was sold in 2000. The applicant is proposing to subdivide the parcel as a residential single family subdivision; net residential density calculations will be done to determine the number of lots. A 1,500 foot public road is proposed, and knowing what the parcel abuts, there is not a lot of opportunity to access anything around it. The lots will be served by public water from Longfellow Road, subsurface waste water disposal systems, underground electric, and there is an existing natural gas line along the CMP power line.

In reply to Mr. Zelmanow, Mr. Morrell said that nothing is proposed within 75 feet of the stream, but a detailed topography of the site has not been done yet. Mr. Morrell said it appears that there is one small piece that is landlocked in Westbrook. Mr. Poirier said he will check with Westbrook to determine if their review is required as well. Mr. Morrell said he will be required to notify Westbrook and give them the opportunity to review the plan. In reply to Ms. Shain, Mr. Morrell said the subdivision is intended to be a 60,000 square foot lot traditional one. The road will be 22 feet curb to curb, Rural Access standard. Mr. Morrell told Mr. Anderson that there will be no sidewalks. Mr. Morrell told Mr. Zelmanow that the site distance on Lowell Road is greater than 500 feet in either direction, but as part of the topography survey they will shoot the site distance in either direction to be sure that the requirements are met. Mr. Morrell said he will talk to the applicant to see if he would like to consider a waiver for the nitrate analysis because the site will have public water. Ms. Sunnell asked who owns the landlocked triangle parcel; Mr. Zelmanow said that should be identified on the plans. Ms. Sunnell and Ms. Shain both asked to see street trees.

Mr. Morrell said the wetlands shown on the plan are preliminary, the wetlands are still being worked on and finalized, but said he suspects they will be under any level of permitting. Mr. Poirier asked what the stream size is to the east; Mr. Morrell said he believes that the culverts that flow under Longfellow are relatively significant, 2 to 4 feet, and the stream is 4 to 6 feet in width and is year round. Mr. Poirier said that the parcel to the east looks relatively undeveloped, and the Code requires "... to provide access to abutting undeveloped land to provide road interconnection." Mr. Poirier said that if that stream will hinder a road connection, any information that Mr. Morrell could provide regarding stream flow and the cost to cross a stream of that size would be helpful in the Board's consideration of whether they want to see a connection or not. Mr. Poirier noted that Mr. Morrell will need to identify the flood plain as part of the net residential calculations.

OTHER BUSINESS

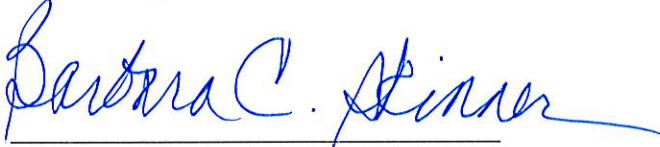
NONE

ANNOUNCEMENTS NONE

ADJOURNMENT

Melinda Shain MOVED and James Anderson SECONDED a motion to adjourn. Motion CARRIED, 5 ayes (Thomas Hughes absent). [9:45 p.m.]

Respectfully submitted,



Barbara C. Skinner, Clerk of the Board
May 5, 2014

ITEM 3 SITE PLAN AMENDMENT – PETER A. LYFORD, INC.

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.

Because the physical changes are proposed to only a portion of the site, some of the Standards are not applicable, as indicated below.

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 for after-the-fact approval of an 11,297 square foot gravel pad for storage and for a drainage swale to direct stormwater from the gravel area into the existing stormwater infrastructure on the site.

The Site Plan Amendment: Sheet 1 of 2, and the Grading, Utilities and Details Plan: Sheet 2 of 2 identify the existing site development and natural features which includes the location of the gravel pad and new drainage swale.

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 Olde Canal Way and no additional trips will be generated by the site plan amendment.

Finding: Not applicable.

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

Vehicular access into the site will be via a 24' wide paved driveway located off Olde Canal Way. No changes to the access into the site are proposed with the site plan amendment.

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.

Access to the gravel storage pad will be via a 23' wide gravel driveway located from the paved storage area. No other changes to the internal vehicular circulation are proposed with the site plan amendment.

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

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

A sidewalk is located along the front of the building to allow pedestrians safe access into the building from the front parking area. No sidewalks are located along Olde Canal Way. No changes to the pedestrian vehicular circulation are proposed with the amendment.

Finding: *Not applicable.*

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.

A swale will be located on the western side of the gravel pad to direct stormwater into a new 12" HDPE pipe, which will direct stormwater into an existing catch basin located in the paved storage area. No other changes are proposed to the stormwater management on the site.

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 of the swale a filter berm or silt fence will be installed downstream to stop sedimentation from flowing into the wetland. Erosion control blanket will be utilized on all the swale's slopes that are steeper than 3:1. Grading, Utilities, and Details Plan: Sheet 2 of 2 provides details and locations for erosion control measures to be installed.

Finding: *The project, building, and site designs and roadway layouts will fit and utilize existing topography and desirable natural surroundings to the fullest extent possible.*

H. Water Supply: The development will be provided with a system of water supply that provides each use with an adequate supply of water meeting the standards of the State of Maine for drinking water.

The building is served by a 6 inch and a 1 inch water service which are served by an 8 inch watermain located in Olde Canal Way. No changes to the site's existing water service 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 building is served by a 6 inch gravity sewer line which flows into the sewer main located in Olde Canal Way.

Finding: *Not applicable.*

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

Utilities are supplied to the lot from overhead utility lines located along Olde Canal Way. The utilities run underground from a pole located within the Olde Canal right-of-way to the building. No changes to the site's existing utility lines are proposed.

Finding: *Not applicable.*

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 gravel pad area and the area proposed to be disturbed for the drainage swale are located in areas with no rare or unique natural features. The proposal is to keep wooded vegetation in the rear yard buffer area and along both side yard side backs.

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.

Stormwater from the new gravel pad will be directed into the existing stormwater infrastructure located on lot 7 and within Olde Canal Business Park for treatment. The applicant has received Maine Department of Environmental Protection approval to a minor amendment to the Site Location of Development Permit, DEP #L-23520-39-C-B.

The gravel pad will be used for the storage of landscaping and construction materials for the landscaping company.

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 gravel pad is not proposed to be illuminated. The site does have an existing light pole located at the driveway way entrance. No changes to the site's exterior lighting are proposed as part of the amendment.

Finding: *Not applicable.*

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

No changes to the site's existing waste disposal are proposed with the amendment.

Finding: *Not applicable.*

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 rear, eastern, and western side setbacks are currently wooded. The trees within these setbacks will remain in place to buffer and break up the appearance of the gravel storage areas from the abutting property owners. The front setback on Olde Canal Way has been landscaped along the front of the building.

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.

Peter A. Lyford, Inc. has provided professional hydroseeding and commercial landscaping in the State of Maine for over 20 years.

The construction of the swale will be completed with funds from Peter A. Lyford, Inc.

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

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

The rear and side setbacks on either side of the gravel storage pad are identified as “No Disturbance Buffers.” No removal of vegetation is allowed in the No Disturbance Buffers except for dead, dying, or diseased trees with the approval of the Town Planner.

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

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

The uses at the site are required to meet the A-weighted hourly equivalent sound level limits of 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 relevant conditions of approval from past Site Plan approval shall remain in effect;
4. That no clearing of vegetation in any of the “No Disturbance Buffers,” is allowed except for removal of dead, diseased, or dying trees with the approval of the Town Planner;
5. 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;
6. 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,
7. That the applicant shall provide an escrow for field inspection;
8. 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;

9. That these conditions of approval must be added to the site plan;
 10. That 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.) along the front and side setbacks and 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.) along the rear property line;
 11. That prior to the start of construction for the drainage swale a Professional Licensed Surveyor shall locate the edge of the No Disturbance Buffer located along the rear and side of the property.
 12. That the Applicant will add trees to the No Disturbance Buffer meeting the approval of the Town Planner'
 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 site plan and the site plan shall be recorded at the Cumberland County Registry of Deeds within thirty (30) days of the date of written notice of approval by the Planning Board, and a dated mylar copy of the recorded site plan shall be returned to the Town Planner prior to the pre-construction meeting.
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ITEM 4 SUBDIVISION AMENDMENT – PETER A. LYFORD, INC.

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.

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 amendment is to increase the developable and allowed impervious area on lot 7. The applicant has provided an amendment to the subdivision's Maine Department of Environmental Protection Site Location of Development Permit.

Finding: The subdivision amendment to Olde Canal Business Park Subdivision conforms with the Comprehensive Plan of the Town, and with all pertinent State and local codes and ordinances.

- b) Will not cause congestion or unsafe conditions with respect to use of the highways or public roads, existing or proposed on or off the site.

The lots are served by Olde Canal Way, which has been constructed to the Industrial/Commercial road standard in the Land Use and Development Code. The subdivision road is accessed via Mosher Road, State Route 237. No changes to the existing road or increase in vehicular trips are proposed.

Finding: Not applicable.

- c) Will not place an unreasonable burden by either direct cause or subsequent effect on the availability of the Town to provide municipal services including utilities, waste removal, adequate roads, fire and police protection, school facilities and transportation, recreational facilities, and others.

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

Finding: Not applicable.

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

The lots in the subdivision are served by public water. No changes to the existing water supply are proposed.

Finding: Not applicable.

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

The lots in the subdivision are served by public sewer and each lot is required to contract for solid waste disposal. No changes to the existing solid or public sewer system are proposed.

Finding: Not applicable.

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

The stormwater from the new impervious area located on Lot 7 will flow into a swale which directs the stormwater into the existing stormwater infrastructure located on Lot 7. Lot 7's stormwater infrastructure connects to the Olde Canal Business Park's stormwater

infrastructure, which will treat the stormwater per the Maine Department of Environmental Protection's stormwater requirements prior to discharge.

Finding: The subdivision amendment to Olde Canal Business Park Subdivision will not result in undue pollution of air, 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 applicant has received Maine Department of Environmental Protection's approval for a Site Location of Development Minor Amendment DEP permit number: L-23520-39-C-B.

The DEP approval allows the following changes to the Maximum Lot Development Table for Lot 7:

- Building envelope increases to 1.37 acres.
- Impervious area increases to 1.05 acres.
- Lawn area increases to 0.50 acres.
- Disturbed area increases to 1.55 acres.

Finding: The subdivision amendment to Olde Canal Business Park 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 subdivision is located in the Town's Shoreland Overlay District, Resource Protection Sub-district, and within the 100 year floodplain for the Presumpscot River. The proposed subdivision amendment only pertains to Lot 7 which is located outside the Town's Shoreland Overlay District, Resource Protection Sub-district, and outside the 100 year floodplain for the Presumpscot River. The new impervious area will be treated in the existing drainage system for Olde Canal Subdivision which meets State and local requirements.

Finding: The subdivision amendment to Olde Canal Business Park 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 lot does not have any known historic sites or rare or irreplaceable natural or manmade assets located on it.

Finding: Not applicable.

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

The applicant has submitted a letter dated from Peter A. Lyford, April 23, 2014, that identifies the applicant will be self-performing the required improvements to the storm water management design on lot 7.

Finding: The applicant, Peter A. Lyford, Inc., has adequate financial resources to construct the proposed improvements and to be approved by the Planning Board.

- 3) Every subdivision shall be responsible for providing open space and recreational land and facilities to the additional demand created by the residents of the subdivision. This requirement shall be met by the payment of a Recreational Facilities and Open Space Impact Fee in accordance with Chapter VIII.

Finding: Not applicable.

- 4) If an applicant chooses to create open space and/or recreational land and facilities within the subdivision in addition to paying the impact fee, the following applies:
- a) Land Improvements: The applicant shall improve the land according to the proposed use of the land and the requirements of the Planning Board.
 - b) Owners Association: A homeowners' association shall be formed to provide for the perpetual care of commonly owned recreation land.

Finding: Not applicable.

CHAPTER III - SUBDIVISION, SECTION IV –FINAL PLAN REVIEW

D. FINAL PLAN REVIEW

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

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

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

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

Conditions of Approval

1. That this approval is dependent upon, and limited to, the proposals and plans contained in this application and supporting documents submitted and affirmed by the applicants and that any variation from the plans, proposals and supporting documents is subject to review and approval by the Planning Board, except for minor changes which the Town Planner may approve;
 2. That the applicant shall provide property line information and site information in auto-cad format to the Town Planner;
 3. That all relevant conditions of approval from the original subdivision approval shall remain in effect;
 4. That the Planning Board Chairman is authorized by the Planning Board to sign the Findings of Fact on behalf of the entire Board;
 5. That the subdivision/site plan shall not be released for recording at the Registry of Deeds until the required performance guarantee has been posted meeting the approval of the Town Staff and the subdivision/site plan is required to be recorded within one year of original approval or the approval becomes null and void; and
 6. That once the site/subdivision plan has been recorded at the Cumberland County Registry of Deeds, a dated mylar copy of the recorded site/subdivision plan shall be returned to the Town Planner prior to the pre-construction meeting.
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ITEM 5 PRIVATE WAY – WHITETAIL DRIVE – JOHN AND CINDY KENNIE

FINDINGS OF FACT

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

(This section is modified for brevity. See the current Land Use and Development Code for exact wording.)

- 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 lot served by the private way is required to meet the requirements of the Rural zoning district. The lot served by the private way will be for a single-family dwelling. The maximum number of lots/dwelling units allowed to be served by the private way is one lot with a single-family dwelling.

Finding: The approved private way is designed to the one-lot private way standard and no more than one dwelling unit can be located on the lot served by the private way.

- 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 BH2M to prepare the private way plans which have been prepared by a registered land surveyor, Stephen Martin, P.L.S. #1262, and sealed by a registered professional engineer, Andrew Morrell, P.E. # 13285.

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 for Whitetail Drive 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.

The proposal is for one lot, so a private way maintenance agreement is not required as part of the private way review.

Finding: *Not applicable.*

- 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: *The right-of-way width for Whitetail Drive is 50' and a paved apron has been designed to conform 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 construct the 159' private way to the one-lot private way standard. The private way plan shows the required one-lot private way standard cross section. The private way will have the required turnaround located at station number 1+10.

Finding: *The private way 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 8) shall serve to limit the use of such private way for occasional use by and for agricultural purposes.

The applicant is proposing a one-lot private way to serve a single-family dwelling.

Finding: *Whitetail Drive private way is only serving one single-family dwelling unit.*

- 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 total lot area with the private way right-of-way is 89,496 sq.ft. The right-of-way area is 14,206 sq.ft., leaving the remaining lot with 75,290 sq.ft. The remaining lot area is enough to meet the lot sizes in the Rural zoning district.

The ownership of the right-of-way for Whitetail Drive will remain with the proposed new lot (Map 67, Lot 6.003).

Finding: *The land area of the 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 and meeting the requirements of Gorham's Land Use and Development Code;
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 the Planning Board Chairman is authorized by the Planning Board to sign the Findings of Fact on behalf of the entire Board; and
12. 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.

ITEM 6 PRIVATE WAY – BETTY LOU DRIVE – SAM STRUMPH, SR.

FINDINGS OF FACT

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

(This section is modified for brevity. See the current Land Use and Development Code for exact wording.)

- 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 lot served by the private way is required to meet the requirements of the Rural zoning district. The lot served by the private way will be for a single-family dwelling. The maximum number of lots/dwelling units allowed to be served by the private way is one lot with a single-family dwelling.

Finding: Betty Lou Way private way is designed to the one-lot private way standard and no more than one dwelling unit can be located on the lot served by the private way.

- 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 BH2M to prepare the private way plans which have been prepared by a registered land surveyor, Robert Libby, P.L.S. #2190, and sealed by a registered professional engineer, Andrew Morrell, P.E. # 13285.

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 for Betty Lou Way 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.

The proposal is for one lot, so a private way maintenance agreement is not required as part of the private way review.

Finding: *Not applicable.*

- 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:

- b) 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: *The right-of-way width for Betty Lou Way is 50' and a paved apron has been designed to conform 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 construct the 153' private way to the one-lot private way standard. The private way plan shows the required one-lot private way standard cross section. The private way will have the required turnaround located at station number 0+98.

Finding: *Betty Lou Way 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 8) shall serve to limit the use of such private way for occasional use by and for agricultural purposes.

The applicant is proposing a one-lot private way to serve a single-family dwelling.

Finding: *Betty Lou Way private way is only serving one single-family dwelling unit.*

- 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 total lot area with the private way right-of-way is 70,218 sq.ft. The right-of-way area is 9,984 sq.ft. leaving the remaining lot with 60,234 sq.ft. The remaining lot area is enough to meet the lot sizes in the Rural zoning district.

The ownership of Betty Lou Way's right-of-way will remain with the proposed new lot (Map 63, Lot 20.001).

Finding: *The land area of the 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 and meeting the requirements of Gorham's Land Use and Development Code;

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 the Planning Board Chairman is authorized by the Planning Board to sign the Findings of Fact on behalf of the entire Board; and
12. 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.