



Town of Gorham  
September 8, 2014

**PLANNING BOARD MINUTES**

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

**Members Present**

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

**Staff Present:**

**THOMAS POIRIER, Town Planner**  
**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 all members were present.

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**APPROVAL OF THE JULY 21, 2014 AND AUGUST 4, 2014 MINUTES**

**Melinda Shain MOVED and Thomas Hughes SECONDED a motion to approve the minutes of July 21, 2014 as written and distributed. Motion CARRIED, 7 ayes.**

**Melinda Shain MOVED and James Anderson SECONDED a motion to approve the minutes of August 4, 2014 as written and distributed. Motion CARRIED, 7 ayes. [7:07 p.m.]**

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**COMMITTEE REPORTS**

**A. Ordinance Review Committee.** Mr. Herrick reported that the Committee met this evening prior to the regular meeting to discuss the proposed airstrip language; the next step will be a full Board workshop at the next meeting.

**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** – No report.

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**ADMINISTRATIVE REVIEW REPORT** – Mr. Poirier reported that staff is currently signing plans for Champagne's Energy for their expanded gravel area on 630 Main Street.

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**ITEM 1 PUBLIC HEARING - SITE PLAN REVIEW: Insurance Auto Auctions, Inc.** request for approval of a 5.74 acre expansion of IAAI's gravel vehicle storage area with a 40-foot wide access driveway and security fence on land leased from Shawn Moody, located at 9 Moody Drive, Map 19, Lot 1, Suburban Residential-Manufactured Housing zoning districts.

Mr. Poirier advised the Board that a site plan review was held on July 21, 2014, and a site walk was held at the project on July 31, 2014. The item is on tonight's agenda for the first time as a public hearing. Mr. Poirier said that the applicant has a waiver request from the requirement to show submission details on the portion of the lot not being developed as part of the gravel pad. The staff notes indicate that the applicant will need to get a minor modification of its DEP permit due to the wetland impacts of the sound barrier fence. This is not quite accurate; the permit is being modified to let DEP know that the fence will be installed as it was not included in the DEP permit.

Shawn Frank, Sebago Technics, said there is a DEP permit for the site. Subsequent to the permit, the noise study was updated, and Scott Boswell, noise expert, suggested that a sound barrier fence be added along the driveway to dampen noise. The fence was added to the DEP permit as a minor modification.

James Katsiaficas, Perkins Thompson, counsel for IAAI, introduced Shawn Frank, Scott Bodwell, Michael Madden, IAAI Vice President, and Shawn Moody, owner of the site, and gave the Board an overview of the project, noting that the project involves some 5.74 acres of development for overflow automobile salvage auction storage. He said that the use was approved by the Zoning Board of Appeals in October of 2012; the approval was extended further last month until October 18, 2015 to allow the applicant to go through the Planning Board process and make the minor modification with DEP. The Site Location of Development Permit was issued in January of this year.

Mr. Zelmanow confirmed that the sound barrier fence was discussed during the site walk. Mr. Anderson said that there is no information about what the fence is to be made of; Mr. Frank replied that it will be two-inch thick tongue and groove wood, probably pine. Mr. Frank said that detail will be called out on the plans. Ms. Sunnell asked if the Town's review engineer's comments about erosion control methods have been added to the plans. Mr. Frank replied that an erosion control mat for the berm will be specifically called out on the plans and there will be a concrete catch F-type basin called out as well.

In reply to a query from Ms. Shain, Mr. Poirier said that staff will make sure that everything is addressed.

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

Mr. Zelmanow noted that the applicant is requesting a waiver from the requirement to depict all existing and proposed information for the total property. Mr. Frank said the waiver request is because Mr. Moody owns some 150 acres at the site, and the applicant is only impacting 11 or 12 of those acres.

**Thomas Hughes MOVED and Melinda Shain SECONDED a motion to grant IAAI's request to waive Site Plan Submission requirement under Chapter IV, Section VIII, C, b. Existing Conditions and c. Proposed Development Activity. Motion CARRIED, 7 ayes.**

Mr. Poirier confirmed that the Board wants the plans changed to reflect what type of material the fence will be made of.

**Melinda Shain MOVED and Thomas Hughes SECONDED a motion to grant IAAI's request for site plan amendment approval to construct a gravel pad for vehicle storage on Map 19, Lot 1, and Map 39, Lot 22 in the Narragansett Development and Suburban Residential-Manufactured Housing zoning districts, with Findings of Fact and Conditions of Approval was written by the Town Planner. Motion GRANTED, 7 ayes. [7:16 p.m.]**

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**ITEM 2 PUBLIC HEARING – SITE PLAN AMENDMENT – 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 668 Gray Road (Route 202/4), Map 52, Lot 12, Urban Residential – Manufactured Housing zoning districts.

Mr. Poirier told the Board that this public hearing is continued from the Board's May 5, 2014 meeting. A site walk was held on May 14, 2014. Mr. Poirier said that the applicant has provided the DEP NRPA Permit by Rule, which was received on July 30, 2014. As requested at the site walk, a memo from Cindy Hazelton, Recreation Department Director, has been provided which outlines the field configurations, timing of games, and how the phasing in of the playing fields will occur. The applicant is requesting a waiver for a boundary survey.

Owens McCullough, Sebago Technics, told the Board that the Little Falls Facility was part of a master planning effort undertaken by the Town last winter to begin looking at its assets and to determine what to prioritize and focus on. Both the Little Falls Facility and the Chick property assumed priority. The current proposal for the Little Falls Facility is to have 4-phased approval to reconstruct an existing multipurpose field, replace an existing baseball field with a new multipurpose field, and add a new multipurpose field along with all required drainage and water irrigation for the fields. In phase 1, field 1 will be reconstructed to make a full 180 by 360 foot field, with associated irrigation, conduit for lighting and stormwater infrastructure. Construction of phase 1 would occur in 2015. A portion of the existing gravel road will also be relocated, and water and electric will be extended into the site. When that field is up and running, phase 2 calls for field 2 being raised with approximately 2 feet of fill and associated irrigation, conduit for lighting and storm drainage. Phase 2 timing is anticipated in 2016. Phase 3 will be to remove a small hill to accommodate the construction of field 3, along with associated irrigation, conduit for lighting, stormwater drainage infrastructure and relocation of the parking area from the rear of the site to the front of the site. Phase 3 would also include building a 76-space parking lot to occur in 2017. Phase 4 includes the setting of light pole bases, installation of the light poles and fixtures, and running underground power through the existing field conduit and into the light pole bases. A performance outline for the lighting will have to be established to determine the best value for the Town once a design-build contractor has been chosen.

Regarding the waiver request, Mr. McCullough said that most of the field work will be within the existing developed footprint, with the exception of one small corner which projects further into the Town's property and not into the property line. The closest they would get to a property line is 30 feet. The entire parcel is some 30 acres.

In reply to Ms. Shain, Mr. McCullough replied that at most electric conduit would be run into the site when the roads are realigned, but no electric lines would be run to the lights or foundations put in, as that would all be proprietary to the individual lighting companies.

Ms. Sunnell asked about cut and fill of the site early on and is field 1 filled from outside the site. Mr. McCullough said that field 1 is coming up in elevation some 2 to 3 feet, and some portion of the fill may be obtained from another area on the site. When the hill is cut, however, for the field in phase 3, somewhere off site will have to be found for that fill.

Mr. Fox asked if any study has been done indicating what is expected for cars coming in and out of the site, and how that might relate to parking that is available now. Mr. McCullough said that in the ITE manual, the traffic engineers' manual, there is nothing listed for baseball fields. There is some information for multipurpose soccer fields. What is found is that generally a demand for a field will range from approximately 13 vehicles to perhaps 40 or 45 parking spaces, depending on the type of game involved, whether it is regional or local. Demographics play a role in that urban areas have higher per capita uses for fields than do rural areas. One source indicated that about 20 spaces per baseball diamond would be required, and 16 spaces for soccer, lacrosse and football. Mr. Fox said those numbers sound reasonable for normal use of the fields, but he is concerned about some of the parking requirements for challenger soccer events and other similar events. Mr. Fox asked if there is an opportunity here to build the parking and access plans around the expected normal usage but also to be able to deal with those exceptional events in the near term. He said that knowing improved parking does not occur until the end of the first two phases means to him that the project does not meet the expectations for access and parking. Mr. McCullough said the master plan does have more parking involved but that is not in the foreseeable future. However, parking can be utilized across the street at the Little Falls School, which has been done in the past.

Ms. Hazelton discussed challenger soccer, which in Gorham involves 85 to 90 children and which is handled easily at Little Falls. When GYSA comes in with 280 children, that is not the case. This year GYSA held their event at the Middle School on the new multipurpose field in the middle of August before varsity starts, with plenty of parking and access. She said in the future that event will be held at the Middle School, which has proved to be an excellent alternative to Little Falls. When Gorham hosts a GYSA event, it will be held between here at Little Falls, the Middle School multipurpose field, the high school field, two fields at Great Falls and at the Chick property. A lot will depend on who is playing and the date and time of year.

Mr. Fox said he has been critical of the access plans but he would like to support this plan, and it sounds as though an awareness and some plans have been developed to deal with some of the bigger, rare events. He said if that is the case, then he is alright with the access and parking under normal field usage conditions. He said if there are plans to deal with the exceptional events going forward, then he is on board.

Mr. Hughes, Mr. McCullough and Ms. Hazelton, discussed the distance of the baseball field backstop from the parking lot. Ms. Hazelton said this is a 60-foot diamond with a 200-foot fence,

and mostly it is children aged 12 and under playing on it. What is proposed for the future would be a 200-foot flexible fence put in for children, and 275 feet for adults.

Ms. Hazelton confirmed to Ms. Shain that funding will limit the timing of the phases and there is a plan already to minimize usage of the Little Falls fields. Mr. Zelmanow asked if the phase 3 field and parking will occur concurrently or one after the other. Mr. McCullough said that before field 3 is a usable, playable surface the parking will have to be done. The field number designates in which phase it will occur. Mr. Zelmanow asked that sheet 2 of the plans indicate that the parking is part of phase 3. Ms. Sunnell asked why lighting is included in the package at this time, since technology will undoubtedly change. Mr. McCullough replied that lighting was discussed among the committee members to have it as an opportunity in place if the Town decides to bond more work across all of the fields or if grant funding becomes available. Ms. Shain confirmed that if approval is given for lighting in a fourth phase it could make it easier to apply for grants or seek funding. Mr. McCullough agreed, saying that sometimes part of the criteria for funding is having approvals and plans already in place.

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

**George Fox MOVED and Melinda Shain SECONDED a motion to grant the Town of Gorham's request to waive Site Plan Submission requirements for a boundary survey under Chapter IV, Section VIII, C. a. 6. Motion CARRIED, 7 ayes. [8:01 p.m.]**

Mr. Poirier confirmed that the Conditions have been shared with the applicant.

**Melinda Shain MOVED and James Anderson SECONDED a motion to grant the Town of Gorham's request for phased approval of the overall site plan for Little Falls Recreation Facility located on Map 52, Lot 12, in the Urban Residential – Manufactured Housing zoning districts, with Findings of Fact and Conditions of Approval as written by the Town Planner. Motion CARRIED, 7 ayes. [8:02 p.m.]**

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**ITEM 3 PUBLIC HEARING – SITE PLAN REVIEW – Town of Gorham** –request for approval of proposed recreational improvements for the Chick Property Athletic Fields to construct a new 90-foot diamond baseball field and associated parking along with multi-purpose playing fields, basketball courts and reconfiguration of the existing skating area at 270 Main Street, Map 26, Lot 4, Urban Residential-Office Residential zoning districts.

Mr. Poirier advised the Board that this item is an amendment for the Chick Property. The applicant has submitted an amendment request to the DEP Site Location of Development Act Permit.

Owens McCullough, Sebago Technics, told the Board that as part of the recreational master planning effort undertaken by the Town last winter, a shortage of 90 foot diamonds was identified within the Town for high school Babe Ruth baseball. A location on the Chick Property has been identified for such a 90-foot diamond. The approval being sought from the Planning Board is to reconstruct the ice skating rink, install two basketball courts, construct two multipurpose playing

fields, a 90-foot baseball field and additional parking for 78 spaces. At the request of the Council, also shown on the plan is a sidewalk along Chick Drive, utilizing the current shoulders along the road.

Mr. McCullough gave a history of the Chick Property, explaining that the site never received a Site Location of Development Act Permit so the Narragansett School was in violation of that requirement. A master plan was developed in 2008 to secure that Permit, as well as a stormwater quality treatment pond and a master plan for the entire property. The DEP violation was corrected, the pond was built, as was Chick Drive. In 2010, an artificial turf field was approved, it was engineered and submitted to the DEP for an amendment to the Site Law Permit, which was received, but the turf field failed in referendum. The decision was then made to revert back to the original master plan, which included a 90-foot diamond, a parking area, a couple of multipurpose playing field and basketball courts, and reconstruction of the existing ice skating area. That DEP permit was what was filed recently.

Mr. McCullough said there are recreational funds, some \$250,000, available from impact fees that have been assessed; it is proposed to utilize those funds to construct the baseball field. Part of the modifications includes some of the trail system being used by the high school and USM. Ms. Hazelton said that the Town has two 90-foot baseball diamonds, one at the High School and one at the Middle School. There are two teams at the Middle School and three at the High School, so there are 5 teams in the spring vying for 2 play surfaces, and into the summer there are 4 or 5 teams vying for play surfaces. She said that in the fall the outfield at the High School baseball field is the field hockey field and the outfield at the Middle School field is used for another soccer practice.

Ms. Shain asked about parking for the baseball diamond if it were built first. Mr. McCullough replied that there is a 58-space lot built by the police station, and there is the Narragansett School parking lot as well that could be used. He said that the master plan does show adding the 78 parking spaces, which they would like to include, possibly as a gravel lot at first and then paving it as part of the Town's annual paving program.

A discussion followed about traffic impact from Chick Drive on Gray Road and Main Street. Mr. McCullough said that the master plan anticipated that Chick Drive would have a dual purpose: for use by the police and fire departments and for access to the recreational fields and parking. He said that the width of Chick Drive and the travel surface is adequate to handle added traffic from the baseball diamond and two playing fields. Mr. Hughes noted that he voted against Chick Drive as he did not see the purpose of it at the time and was concerned about the abutting property owners, as he will be on this project, too. Ms. Shain asked if there has been any comment from the neighbors. Mr. McCullough replied that he has not had any conversations with the neighbors.

Bob Burns, Public Works Director, said he has not heard anything directly from the neighbors about this project submittal. He said that the number one contentious item in that area is the misuse of the "silver bullets" and asked that people not leave trash outside the containers.

Mr. Hughes asked if this project will trigger a traffic study. Mr. McCullough replied that as in the Little Falls project, there are no set numbers but he did find an article in an ITE publication from 2010 which talks about a range of between 13 and 45 parking spaces that might be needed. Mr. Zelmanow said that if more than 50 parking spaces are proposed, a parking study is required. Mr. Poirier noted that the Board has the ability to waive the traffic impact analysis. Mr. Anderson said

he believes that a traffic study would make sense, and whether fire and/or police accessing Chick Drive could be impacted if the fields were in use. Mr. Poirier said the Fire Chief's comments are included in the staff notes and said he will talk to the Police Chief about Chick Drive.

Mr. McCullough said that it might be more beneficial to wait to do the traffic impact analysis after more increments of the master plan come to fruition. He said he can talk to Chief Shepard and Bob Burns about Chick Drive, but this is just a small component of the overall master plan. Mr. Zelmanow noted that the same thing was said when Chick Drive and the little parking lot next to Narragansett School were approved, and suggested that the applicant throw something together explaining why the traffic impact analysis should be waived at this time. Mr. McCullough said he would put together a narrative and provide some predictions involving times of use.

In response to Mr. Zelmanow, Mr. McCullough said a photometric plan will be submitted. Mr. McCullough told Mr. Zelmanow that a boundary survey has been done for the Chick Property, and that an ability-to-serve letter would be provided from the Water District. The Board concurred that a site walk is not necessary.

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

**Melinda Shain MOVED and Thomas Hughes SECONDED a motion to table further review of the Town of Gorham's request for site plan approval pending responses to remaining issues. Motion CARRIED, 7 ayes. [8:50 p.m.]**

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*Ten Minute Break*

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**ITEM 4 PUBLIC HEARING – CONTRACT ZONE AMENDMENT –** Cumberland Farms request for approval of an amendment to the Hans Hansen Contract Zone approved October 21, 2011, to allow specific sign details, located at 74 County Road, Map 3, Lots 22.401, .402, .403, .404, .502, .504, .505, and .507 in the Rural-Suburban Residential zoning districts.

Mr. Poirier told the Board that the applicant is requesting a contract zone amendment that would allow changes to Cumberland Farms' signage that are not currently allowed on the site. Signs on lots that have approved contract zones are required to meet the roadside sign environment standards under the Sign Ordinance. The applicant as part of its initial submission did not provide signage details for the free standing sign, nor for the canopy signs, which means it must meet the roadside sign environment as required in the Hansen contract zone. Cumberland Farms' request tonight is to amend the Hansen contract zone to allow an increase in the amount of the free standing sign of up to 93.44 square feet; the roadside sign environment allows free standing signs up to 36 square feet. Currently the roadside sign environment does not allow any signage on the fuel island canopy; the applicant is requesting approval of signage on the fuel island canopy. The applicant has provided amended contract zone language, which has been submitted to the Town's Attorney for review, who is recommending changes to that language as shown in the Board's packets. Proposed signage details will be added as an attachment to the contract zone amendment language.

Mr. Poirier said there is a temporary sign at the site that shows what size the applicant would like the sign to be. Mr. Zelmanow confirmed that the sign there now is not what the Board approved, but the applicant received a temporary sign from the Code Office pending tonight's meeting.

Thomas Greer, Pinkham & Greer, civil engineer for the project, introduced Jisel Lopez, attorney, representing Cumberland Farms as well. Mr. Greer showed the Board the renderings that were prepared when they first went through the process, the signs were discussed as being similar to the signs at the Cumberland Farms site in Gorham village, and are the signs that they intended as part of the approval process. He said it was their opinion that the signs were approved as part of the overall review process. Because they were not attached to the contract zone as it was finally amended, staff has made the determination that they were not approved as part of that process. He said that it is a clerical error that the sign plans did not get attached but feels that the Board has seen these sign plans before. Mr. Greer said they are looking tonight for a recommendation from the Board that the signage is acceptable and that they can then go to the Council to have the contract zone amendment approved to allow the proposed signs.

Mr. Zelmanow summarized that the applicant is asking the Board to approve the currently-installed free-standing sign, and to approve two signs on the canopy. Ms. Shain said that this is an example of problems that can occur with contract zones; she said she remembers seeing the renderings and talking about the existing signs that were to be moved, and asked if the drawings were simply inadvertently omitted from the final package. Mr. Greer confirmed that the canopy and sign drawings were not submitted in the final package. In response to Mr. Fox, Mr. Poirier said that some of the presentation items never made it to the packet and therefore were not officially approved by the Board and the Council. Mr. Poirier said the building signs were approved as those plans were on the building plans submitted. Mr. Herrick said he looked up the recorded plan and amendments and the plan actually does show a two-pole eight foot wide pylon sign, although there are no specifications listed.

Mr. Zelmanow said he likes the free-standing sign that is currently in place but questioned the two smaller signs on the bottom. Ms. Sunnell said she believes this is very liberal, the existing sign works, but the canopy signs are way overkill, with Cumberland Farms having logos and signs everywhere. In reply to Ms. Shain, asking whether any discussions were held about canopy signs, Mr. Poirier said staff went through the plans and did not see anything about those signs. Ms. Shain said that a good pylon signs helps safety but agrees with Ms. Sunnell that the canopy signs are not necessary. Mr. Greer noted that the canopy signs were taken down at the request of the Code Enforcement Officer and will not be re-installed until after approval.

**PUBLIC COMMENT PERIOD OPENED:** Hans Hansen praised Cumberland Farms for its environmentally friendly project, extremely well done and an attractive site.  
**PUBLIC COMMENT PERIOD ENDED.**

Mr. Poirier said that the Board needs to be clear as to what they are recommending to the Council, whether it is one sign, both signs or neither of the signs. Mr. Zelmanow said that the Board is not approving the signs, the Board holds a public hearing, and then makes a recommendation to the Council that we are in favor or not in favor of the Council accepting one of the signs, both of the signs, or none of the signs.



**Melinda Shain MOVED and Thomas Hughes SECONDED a motion to recommend adoption by the Town Council of the proposed Cumberland Farms amendment to the Hans Hansen contract zone regarding the free-standing pylon sign. Motion CARRIED, 7 ayes. [9:07]**

**Melinda Shain MOVED and James Anderson SECONDED a motion to recommend adoption by the Town Council of the proposed Cumberland Farms amendment to the Hans Hansen contract zone regarding the two canopy signs. Motion CARRIED, 5 ayes (2 nays, Melinda Shain and Rachel Sunnell). [9:08 p.m.]**

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**ITEM 5 FINAL SUBDIVISION REVIEW – MICHAEL AND MELISSA GOULD –**  
request for approval of a 4-lot subdivision off Shaws Mill Road, Map 80, Lot 31.001, Suburban Residential zoning district.

Mr. Poirier told the Planning Board that preliminary subdivision approval was granted on July 21, 2014. There are no waiver requests. Mr. Poirier noted that as part of the preliminary approval review, a condition was to have been added at that meeting regarding sprinkling for the existing house. However, that condition was inadvertently omitted from the Conditions, so it has been added this evening as Condition of Approval #4.

Mr. Zelmanow noted that the Conditions of Approval are incorrectly numbered and need to be corrected.

In reply to Mr. Zelmanow, Mr. Poirier said that the letter of financial capacity is in the form of an email.

Wayne Wood, P.L.S., Wayne Wood & Co., advised the Board that Condition of Approval #4 has been added to the plan as requested by staff.

Mr. Zelmanow asked if the applicant agrees with the Conditions of Approval.

**PUBLIC COMMENT PERIOD OPENED:** Michael Wood, applicant, asked for an explanation of Condition of Approval #4. Mr. Poirier explained that because of the way the lot splits have been done, the existing house lot now becomes a numbered lot in the subdivision, and as such, it is required to be sprinkled should the house need to be reconstructed for any reason or if any substantial addition is added to the house.

**PUBLIC COMMENT PERIOD ENDED.**

**Melinda Shain MOVED and Rachel Sunnell SECONDED a motion to grant Michael and Melissa Gould's request for final subdivision approval for a four-lot subdivision located on Map 80, Lot 31.001, in the Suburban Residential zoning district based on Findings of Fact and Conditions of Approval as written by the Town Planner and renumbered by the Planning Board. Motion CARRIED, 7 ayes. [9:19 p.m.]**

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**ITEM 6      PRE-APPLICATION DISCUSSION – Kasprzak Land Holdings, Inc. - request for approval of 140 dwelling units with 35 buildings in the Pheasant Knoll Condominiums development, located off Fort Hill Road, Map 46, Lot 11.004, Urban Residential zoning district.**

Mr. Poirier explained that pre-application discussions are only between the applicant and the Planning Board. This application is for both subdivision and site plan approvals because it is a proposed condominium development. The parcel is zoned as a contract zone with the Town and allows the applicant to construct a total of 228 dwelling units, developed as housing restricted to H.U.D. standards for persons 55 years or older, with each unit occupied by at least one person 55 or older. Mr. Poirier said that the applicant has had some brief discussions with staff regarding the status of the proposed road network, whether it should be kept private or be a public network. The applicant in June of 2014 received approval for a subdivision/private way amendment to reconfigure Woods Edge Drive and layout of the condominium units, reducing the number of units by 4 dwelling units, due to concerns with steep slopes on the southwestern corner of the lot.

Bob Georgitis, Vice President of Kasprzak Homes, Inc., told the Board that the master plan for the buildout of the property known as Pheasant Knoll started in 2003. He told the Board that they had received approval in June of this year to drop a building and to do a slight re-alignment of the road, and decided that it is now time to move forward with the next phases. The most important reason to start the process now involves the ever-changing process with DEP and how stormwater is addressed. They would like to identify the stormwater management costs and lock them into place. They have a Site Location Permit for what has already been built, and based on that, a Permit can be obtained for this master plan and lock into how stormwater is treated under the current standards. Once they have approval from the Board, they would like to build in smaller increments in a phased development, at least three phases of 40 to 50 units in a condominium, with enough streets to serve 4 or 5 buildings at a time. Mr. Georgitis said they anticipate building 2 or 3 drainage ponds and would like to provide construction access from the back of the property.

Mr. Georgitis described the proposed buildings as 4-unit condominiums, two-story town houses, first floor living space with master bedroom, bathrooms, kitchen, dining and living rooms, 4-season sunroom or deck, and a second floor with either a loft and bedroom or two bedrooms and bath and storage area. Initially there were end units and middle units, now there are 5 different floor plans, and the middle units have been flipped to the ends to offer two car garages as an option. There are 11 different possible configurations to meet different needs, ranging from the smallest unit at 900 square feet with only a first floor finished, and up to 2100 square feet with two finished floors in the biggest footprint. They would like the Board to agree to a footprint, lock in the roads and utility connections, but the physical buildings themselves may change in size depending on market demand. Utilities will be underground, along with public sewer and public water. A new pump station was built on 114 sized to serve not only their master plan, but growth at the college and in that part of town as well. Sidewalks were extended and funding was paid to MDOT to re-align and straighten the road to improve site distance at the second entrance.

Mr. Hughes noted that he was on the Board 10 years when the applicant first came before the Board and offered his compliments on the development, noting the two entrances and looped roads. He asked Mr. Georgitis if the roads would be built before the dwelling units are built. Mr. Georgitis replied that houses will be built in a clockwise fashion and a construction access road will be built the other way. Mr. Zelmanow asked if it is proposed to connect with Ridgefield Drive. Mr.

Georgitis said that the residents there now do not want to see traffic from a new development come through their neighborhood, but Town staff does want to see that road connection. Mr. Georgitis said there could possibly be some kind of compromise, such as speed bumps, or a gate or signs that say "do not enter" or building that small section of road as gravel. He does believe that most of the traffic would take the main road, Falcon Crest Drive, straight out, rather than going through a neighborhood with curvilinear streets. Mr. Zelmanow said he believes it should be shown as connecting. Mr. Zelmanow and Mr. Georgitis discussed the old range road shown and there is no intention to use that as a connection, with Mr. Georgitis saying he would research it further. Mr. Poirier said that if the roadway is private, there is no requirement to connect to abutting undeveloped land, but if the roadway is public, then such a connection to abutting undeveloped land is required. In response to Ms. Shain, Mr. Georgitis said it is their preference to keep the roadway private. However, both the Fire Chief and the Police Chief would like to see the roadway public.

In reply to Mr. Zelmanow, Mr. Georgitis said that there appear to be more than sufficient parking spaces in the developed phases. He said that there is an extra parking space for every two units. In reply to Mr. Zelmanow, Mr. Georgitis said that Falcon Crest and Peregrine Drive are 24 feet wide, the interior roads, Ridgefield, Kingfisher Court and Brookfield Court, are 22.

**PUBLIC COMMENT PERIOD OPENED:** Richard Caldwell, president of the Ridgefield Homeowners Association, said that parking, while limited, is not a major problem except in the winter because of plowing. If a resident has two vehicles, one of them has to be outside all the time; the association rules state that a second car has to be parked in the overflow area until the driveway area is plowed. He said that occasionally residents from Brookfield Court will park on Ridgefield. A major problem will arise if Ridgefield becomes a thoroughfare from the new development and it does not make sense to make access into Ridgefield. In addition, Mr. Caldwell noted that the homeowners association maintains that road and it would not be fair to expect that to continue if there is access into the new developed area. Mr. Caldwell said that perhaps a gated access could be provided for emergency vehicles and asked if the speed could be limited. Mr. Zelmanow also suggested speed bumps, and suggested that the residents work with the developer on this issue.

**PUBLIC COMMENT PERIOD ENDED.**

Mr. Hughes and Mr. Georgitis discussed the length of typical driveways being no less than 25 up to 40 feet. Mr. Georgitis replied that setbacks refer to the perimeter of the entire property.

Mr. Poirier noted that the contract zone may need to be amended due to the phasing due to bonding requirements. This proposed phasing plan will exceed the time limitations so the contract zone may need to be amended to allow approval for all phases at once. Mr. Georgitis said when this was developed before, an age restriction was imposed of 55 and older, which means that under H.U.D. regulations, sales can be limited to persons 55 and older and 20% of sales can be to people under that age limit, but no one can have a child of 18 or younger living with them. This was done to prevent units being purchased for college students to live in, but they no longer feel that is an issue. Therefore, Mr. Georgitis said they will ask the Council to remove the contract zone limitation of 55 years or older. In reply to Ms. Shain, Mr. Georgitis said the price points will probably be from \$260,000 to \$320,000 to \$340,000, depending on buyer preferences.

The Board concurred that a site walk will be considered once an application has been submitted.

**OTHER BUSINESS**      **NONE**

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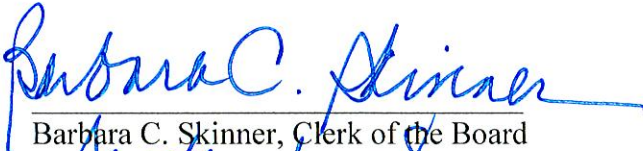
**ANNOUNCEMENTS**      Mr. Zelmanow announced that the next Board meeting will be  
October 6, 2014.

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**ADJOURNMENT**

**Thomas Hughes MOVED and James Anderson SECONDED a motion to adjourn. Motion CARRIED, 7 ayes. [9:58 p.m.]**

Respectfully submitted,

  
Barbara C. Skinner, Clerk of the Board  
September 8, 2014

**ITEM 1 INSURANCE AUTO AUCTIONS, INC.**

**FINDINGS OF FACT**

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

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

**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 location of the new gravel automobile storage area is in close proximity to the existing gravel automobile storage area used by IAAI. The close proximity of the two gravel automobile storage areas limits the amount of impact to undisturbed portions of the lot. The location of the gravel automobile storage area is in the portion of the lot with the least amount of wetland area.

*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 Narragansett Street, State Route 202/4, which is designated by the Maine Department of Transportation as an Other Principal Arterial.

The applicant estimates that there will 20 trips entering and leaving the site on a daily basis. The busiest a.m. hour will be between 8 a.m. and 9 a.m., with 9 vehicles entering and 1 vehicle exiting the site. The busiest p.m. hour will be between 3 p.m. and 4 p.m., with 1 vehicle entering and 5 vehicles exiting the site.

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

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

Access to the existing gravel storage yard from Narragansett Street is via Moody Drive, which is a 22' paved driveway. No changes to the existing driveway are proposed.

The proposed driveway between the existing gravel vehicular storage area and the new vehicular storage area will be a 26' wide gravel driveway.

*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.

Internal vehicular circulation will be via a network of gravel roads roughly 40' wide. The gravel access road network will be limited to car-hauling loaders and other IAAI vehicles.

*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.

Pedestrian access to the new automobile storage area will be limited to employees of IAAI.

Parking for visitors and employees is located near the IAAI leased building on the northern portion of Map 39 Lot 22, allowing direct access for pedestrians to enter the building.

No sidewalks are located or proposed along Narragansett Street, State Route 202/4.

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

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

Stormwater will be allowed to sheet flow across the proposed new gravel automobile storage area into 7 level spreaders located along the eastern side of the gravel storage area. The 7 level spreaders vary in size and will diffuse the stormwater into wooded buffer areas. The wooded buffer areas are either located next to or part of a forested wetland.

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

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

During construction a filter berm or silt fence will be installed along both sides of the disturbed area, as shown on the Grading Plan: Sheet 6 of 10; Erosion Control Plan & Construction Details: Sheet 9 of 10 provides details for erosion control measures to be installed and measures for the vegetation of the site.

*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 applicant is not proposing to extend water to serve the new gravel automobile storage area.

The existing IAAI building is served by public water from a 4" watermain coming from a Portland Water District watermain located in the Narragansett Street right-of-way.

*Finding: The existing system of water supply is adequate to provide 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 applicant is not proposing to extend sewage disposal to serve the new gravel automobile storage area.

The existing IAAI building is served by a private wastewater septic system located behind the building, roughly 20' off the southeast corner of the building.

*Finding: The existing sanitary sewer system is adequate to meet the use of the site as identified by 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.

No proposed utilities will be extended to serve the proposed gravel storage pad.

The existing IAAI building is served by underground utilities (power, telephone, and cable) from Narragansett 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 applicant is proposing to retain an 80' undisturbed wooded buffer area along the eastern property line. The applicant's proposal will also locate the proposed gravel pad area in the eastern portion of the lot to limit impacts to the large wetland located in the center of the lot. The proposal will impact 14,945 sq.ft. of forested wetlands.

No vernal pools were identified on the site.

The proposal has received a Natural Resources Protection Act and Freshwater Wetland Alteration permit from the Maine Department of Environmental Protection as part of the DEP's review, Permit #L-22639-26-D-B and Permit #L-22639-TC-E-N.

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 site will be directed to flow across the site into level spreaders that flow into forested buffers and allowed to recharge wetlands and groundwater.

The Maine Department of Environmental Protection also reviewed the project under the Site Location of Development Act, Permit #L-22639-26-D-B and Permit #L-22639-TC-E-N.

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.

No lighting is proposed for the new gravel automobile storage area.

The front parking lot is illuminated by a single full cut-off light pole. The existing IAAI building has three wall pack lighting fixtures located on the north, west, and east sides of the building.

Two pole mounted lights are no longer in use. One light is located at the end of the driveway in the vicinity of the damaged vehicle drop-off area and the second light located at the corner of the paved vehicle parking lot and crushed stone vehicle storage area.

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 not proposing any new waste disposal system for solid and hazardous wastes in the new gravel automobile storage area.

Solid waste is stored within a dumpster at the rear of the garage building for pick up by a licensed waste disposal contractor. As part of the Zoning Board of Appeals approval, no waste disposal is allowed to be picked up prior to 8:00 a.m.

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



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P. Landscaping: The development plan will provide for landscaping to define street edges, break up parking areas, soften the appearance of the development and protect abutting properties from adverse impacts of the development.

No additional landscaping is proposed to Map 39 Lot 22.

The applicant is proposing to plant a mix of deciduous and evergreen trees and shrubs totaling 114 plants along a 10' high berm. The location of plants as well as the planting details are shown on the Landscape Plan: Sheet 8 of 10.

*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 any of the Town's Shoreland Overlay Districts.

An unnamed stream is located in the center of the parcel and is buffered from proposed disturbed areas by roughly 400 +/- feet of forest upland and wetland area.

*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 on August 5, 2014 identifying its technical capacity to complete the project.

The anticipated costs to complete the project are estimated to be \$250,000. The project will be self-financed by the applicant. The applicant has submitted a letter and a financial statement on August 5, 2014 identifying its financial capacity to complete the project.

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

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

The applicant is proposing to buffer the residential property to the west by an 80' no-disturb forested buffer area. The applicant is also proposing to install a 6' wide and 10' tall berm between the no-disturb buffer and the automobile gravel storage area. The berm will run the length of the gravel pad as

well as turning to run easterly at the ends of the proposed gravel automobile storage area. The berm will be landscaped by 114 evergreen trees and shrubs.

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.

A 10' tall sound barrier fence will be installed along the new gravel access driveway and end at the beginning of the 10' tall landscaped berm. All loaders working within the new gravel automobile storage areas will be fitted with white noise back-up alarms.

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

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

**Conditions of Approval:**

1. That this approval is dependent upon, and limited to, the proposals and plans contained in this application and supporting documents submitted and affirmed by the applicants and that any variation from the plans, proposals and supporting documents is subject to review and approval by the Planning Board, except for minor changes which the Town Planner may approve;
2. That prior to the commencement of construction, the applicant is responsible for obtaining all required local, state and federal permits;
3. That the applicant shall provide property line information and site information in auto-cad format to the Town Planner;
4. That all site construction shall be carried out in conformance with the Maine Erosion and Sediment Control Best Management Practices, Maine Department of Environmental Protection, latest edition and in accordance with the erosion and sedimentation control information contained in the application;
5. That prior to the pre-construction meeting, the applicant must provide estimated costs for the proposed improvements and must establish the performance guarantee per the Land Use and Development Code;
6. That the loaders working within the gravel automobile storage areas will be fitted with white noise back-up alarms;
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 the Planning Board Chairman is authorized by the Planning Board to sign the Findings of Fact on behalf of the entire Board; and
  10. That the site plan shall be recorded at the Cumberland County Registry of Deeds 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 2 TOWN OF GORHAM LITTLE FALLS RECREATION FACILITY**

### **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 applicant has provided a site plan index containing 8 plan sheets, site plan application, and accessory information which outlines the proposed changes to 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 will be on Gray Road, State Route 202, and no additional trips are proposed to be generated by the proposal.

*Finding: The 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.**

Vehicular access into the site will be via a 20' gravel driveway located off Gray Road, State Route 202. The driveway will be relocated just before the western parking lot between multipurpose fields 2 and 3. No changes to the access into the site are proposed with the site plan amendment.

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.

Access to the western and eastern gravel parking lots is currently via a 20' gravel driveway. The gravel parking lots allow for vehicles to turn around and drive out of the site without needing to back out onto the public road.

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 is proposed to be open which will allow pedestrians parking in either the eastern or western parking lot to walk across grassed areas to access the multipurpose fields.

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.

Stormwater from the fields will be directed to the ends of the fields through a system of 6" underdrain pipes. The stormwater will then be directed into storm drains and catch basins to the western and northern portions of the site.

The applicant is required to obtain a Maine DEP Stormwater Permit-by-Rule.

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 Grading, Utility, and Erosion Control Plan: Sheet 4 of 8 shows the locations for the required filter barriers and erosion control blanket. Erosion Control Notes and Details: Sheet 7 of 8 provides details and notes 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 applicant will be extending a 4" watermain into the site for field irrigation. The actual field irrigation shown on the plans is conceptual; the layout of final field irrigation may be relocated once the applicant chooses a design-build contractor to provide the specific irrigation to meet the applicant's requirements.

The applicant has received an ability-to-serve letter, dated April 21, 2014, from Rico Spugnardi, P.E., Senior Project Engineer, 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.

During events on the fields the site will be served by portable restrooms supplied by a licensed contractor.

Finding: *The development will be provided with adequate sewage disposal for the use of the site.*

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

Underground electrical lines will provide power to the field light poles. No other electrical or telephone lines are proposed.

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.

The proposal requires some removal of wooded vegetation in the area for multipurpose field 3 and for the northern portion of multipurpose field 1. The wooded area between multipurpose field 2 and the two unnamed streams will remain undisturbed.

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 reconstruction of the site's multipurpose field will not disturb the groundwater on the site. The applicant will be installing a stormwater drainage system meeting local and state stormwater requirements.

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 applicant is proposing to illuminate the three multipurpose fields. The lighting shown on the plans is conceptual; the type of lighting and the final locations of the light poles may be relocated once the applicant chooses a design-build contractor to provide the specific lighting to meet the applicant's requirements.

The conceptual plan shows each field will be illuminated by lights on 4 light poles which are proposed to be 70' tall.

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.

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 proposal is to utilize existing vegetation onsite to provide the required relief and protect abutting properties from the adverse impacts of the development.

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 contains two unnamed streams in the rear third of the lot. The proposal will not disturb any wooded vegetation between the unnamed streams and multipurpose field 2.

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 proposes to fund the project through annual appropriations within the municipal budget, impact fees, and/or municipal bonds.

The Town of Gorham has had many experiences with the construction, operation, and maintenance of similar projects throughout the Town.

*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 of the site will have 520' +/- of wooded buffer between multipurpose field 2 and the rear property line. An 86' +/- wooded buffer will be retained between multipurpose field 3 and the southern property line. A 10' +/- wooded buffer will be retained between multipurpose field 1 and the northern property line.

*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 the Planning Board Chairman is authorized by the Planning Board to sign the Findings of Fact on behalf of the entire Board; and
6. 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.

**ITEM 5 MICHAEL AND MELISSA GOULD SUBDIVISION**

**FINDINGS OF FACT**

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

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

**C. PRELIMINARY PLAN REVIEW**

- 2) The Planning Board shall include in its review the following general and specific requirements that the development has proposed for approval:
  - a) Shall be in conformance with the Comprehensive Plan of the Town, and with all pertinent State and local codes and ordinances, including the Performance Standards related to specific types of development which are stipulated in Chapter II.

The lots in the subdivision will range in size from 1.38 acres to 9.04 acres with road frontages ranging in size from 200 to 350'. The lots sizes and frontages meet the minimum requirements for single-family dwelling units in the Suburban Residential District.

The Comprehensive Plan's future land use map identifies the lot as located within an area identified as a "Neighborhood with Center."



*Finding: The Shaws Mill Road Subdivision conforms with the Comprehensive Plan of the Town, and with all pertinent State and local codes and ordinances.*

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

The subdivision lots are located along Shaws Mill Road. Shaws Mill Road is classified as a Rural Sub-collector by the Town of Gorham. The sight distance for the proposed driveways will be a minimum of 500' looking northerly and 1,651' looking southerly.

*Finding: The Shaws Mill Road Subdivision will not cause congestion or unsafe conditions with respect to use of the highways or public roads 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.

M80/L31.1 is currently served by underground power, cable, and telephone. Map Lots 80/31.001, .002 and .003 will be served by underground power, cable and telephone.

*Finding: The Shaws Mill Road 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.

M80/L31.1 currently has a private water supply well located north of the existing house. Map Lots 80/31.001, .002 and .003 will be served by private water supply wells.

Sweet Associates completed a Groundwater Impact Study on the Michael and Melissa Gould property dated May 5, 2014, based on proposed disposal fields designed for individual three-bedroom houses with water provided by individual on-site drilled bedrock wells.

*Finding: The Shaws Mill Road 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.

M80/L31.1 is currently served by a private septic system designed by a licensed site evaluator. Map Lots 80/31.001, .002, and .003 will have a private septic system designed by a licensed site evaluator. The applicant has provided a Class A soil survey by JRK Soil Search, Inc., dated March 20, 2014, which includes passing soil test pit locations for Map Lots 80/31.001, .002, and .003.

Household waste disposal for all lots will be through the Town's contracted waste disposal company.

*Finding: The Shaws Mill Road 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 existing private septic system located on M80/L31.01 was designed by a licensed site evaluator. The septic system is located on the south side of the existing house. The proposed private septic systems for Map 80/L31.001, .002 and .003 are required to be designed by a licensed site evaluator. All private septic systems are required to meet the requirements of the State of Maine Subsurface Wastewater Disposal Rules.

*Finding: The Shaws Mill Road 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 applicant is proposing to locate single family dwellings on the four lots. Portions of the lot not cleared for the construction of the single-family dwellings and accessory structures will remain wooded or lawn area.

*Finding: The Shaws Mill Road 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.

Stormwater from the impervious areas of the proposed subdivision lots will be allowed to flow into the surrounding wooded portions of the lots.

*Finding: The Shaws Mill Road 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 lots do not contain any historic sites and rare or irreplaceable natural or manmade assets. Kathy Wood, Wetland Delineator with Sweet Associates, checked the site for wetlands and no wetlands were located on the parcel.

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

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

The applicant has provided a letter received on August 5, 2014, stating that no proposed improvements are required as part of the subdivision approval.

*Finding: The applicants have adequate financial resources to construct the proposed improvements and meet the criteria standards of the regulations.*

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

The applicant is not proposing any open space and recreational land and facilities as part of the proposed subdivision. The payment of a Recreational Facilities and Open Space Impact Fee shall be paid for each lot as part of the cost of the building permit fees for the single-family residences.

*Finding: The Recreational Facilities and Open Space Impact Fee shall be paid to the Code Enforcement Office as part of the costs of the building permit fees for each lot's single-family residences.*

- 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 subdivision does not include any open space as part of the subdivision approval and no homeowners association is proposed as part of the subdivision approval.

*Finding: Not applicable.*

### **CHAPTER III - SUBDIVISION, SECTION IV –FINAL PLAN REVIEW**

#### **D. FINAL PLAN REVIEW**

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

The applicant has submitted revised plans, dated August 2014, letter of financial capacity, and final subdivision application.

*Finding: The applicant has submitted the required subdivision plan and accessory documentation showing that the required changes requested by the Planning Board at Preliminary Subdivision approval have been completed.*

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

The subdivision received preliminary subdivision approval on July 21, 2014.

*Finding: The plan is approved by the Planning Board within 12 months of Preliminary subdivision approval.*

#### **Conditions of Approval**

1. That this approval is dependent upon, and limited to, the proposals and plans contained in this application and supporting documents submitted and affirmed by the applicants and that any variation from the plans, proposals and supporting documents is subject to review and approval by the Planning Board, except for minor changes which the Town Planner may approve;
2. That the applicant shall provide property line information and site information in auto-cad format to the Town Planner;
3. That the houses shall be properly numbered with the numbers being visible from the street year around;
4. That Map 80, Lot 31.1 is required to meet the Town of Gorham's sprinkler requirements and should any additions to the structures or should substantial damage occur to any of the existing structures, then the applicant will be required to sprinkle the structure per the Gorham Sprinkler Ordinance;
5. That all the buildings shall be sprinkled meeting all applicable sections of the Town's sprinkler ordinance;
6. That the building sprinkler plans shall be submitted to the Gorham Fire Dept. and the State Fire Marshal's Office for review and permitting with the plans being submitted to the Fire Dept. at least two weeks prior to the start of installation of the system;
7. That Sprinkler test papers must be submitted to the Gorham Fire Dept. prior to the Certificate of Occupancy being issued;

8. That the subsurface wastewater disposal systems for the lots will be located as shown on the approved plan unless the applicant can provide the Code Enforcement Officer with a report from a certified Hydro-geologist stating that the new location will not impact any drinking supply wells or negatively impact any abutting lots ability to locate drinking supply wells;
9. That the individual wells for lots will be located within the acceptable well zone unless the applicant can provide the Code Enforcement Officer with a report from a certified Hydro-Geologist stating that the new location is suitable for drinking water supply;
10. That the Planning Board Chairman is authorized by the Planning Board to sign the Findings of Fact on behalf of the entire Board;
9. That the subdivision 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 plan is required to be recorded within one year of original approval or the approval becomes null and void; and
10. That once the subdivision plan has been recorded at the Cumberland County Registry of Deeds, a dated mylar copy of the recorded subdivision plan shall be returned to the Town Planner prior to issuance of a building permit for a lot within the subdivision.