



Town of Gorham
April 6, 2015

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

SCOTT HERRICK

Staff Present:

THOMAS POIRIER, Town Planner
MARK BOWER, ESQUIRE, Town Attorney
BARBARA C. 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 Scott Herrick was absent.

APPROVAL OF THE MARCH 2, 2015 MINUTES

Melinda Shain **MOVED** and James Anderson **SECONDED** a motion to approve the minutes of March 2, 2015 as written and distributed. Motion **CARRIED**, 4 ayes (Scott Herrick absent; George Fox abstaining as not having been present at the meeting).

COMMITTEE REPORTS

A. Ordinance Review Committee – Mr. Zelmanow said that the meeting originally scheduled for this committee this evening was postponed and will be rescheduled.

B. Streets and Ways Subcommittee – Ms. Shain said that the Subcommittee has not met since the last Board meeting.

CHAIRMAN'S REPORT

Mr. Zelmanow suggested that anyone interested in volunteering for any of the Town's committees contact the Clerk's office.

ADMINISTRATIVE REVIEW REPORT – Mr. Poirier said there are no new Administrative review project applications. Mr. Zelmanow asked how long projects will remain open without any activity. Mr. Poirier replied that as the new ordinance language is written, a project can remain open for one year. He said that the Caruso application came in before the amendment change, but staff will check into its status.

ITEM 1 Public Hearing – Site Plan Review – Town of Gorham – Town of Gorham request for approval of a Public Safety Building consisting of a new 11,000 square foot police station and a renovated 18,000 square foot fire station, located at 270 Main Street, Map 26, Lot 4, Urban Residential-Office Residential zoning districts.

Mr. Poirier said this project was last before the Board at its Board's January 5, 2015 meeting. Discussed at that meeting was entrance in and out of the site, design of the new police and fire stations, pedestrian access into the site, and a decision that a site walk was not warranted. Mr. Poirier noted that the applicant is asking for two waivers this evening, one for the requirement for a boundary survey, and the other for the requirement to submit stormwater calculations.

Andy Hyland, Port City Architecture, introduced Tom Saucier of Site Design Associates. Mr. Saucier told the Board about some of the changes that have been made to the plans since the January meeting. There will be secured parking with 33 parking spaces and a fence around it to the east of the buildings. There will be a courtyard area between the buildings with a memorial stone and pavers connecting the two buildings. There will be underground electric from Main Street, the Water District has provided an ability-to-serve letter, gas exists between Chick Drive and the existing Public Safety building and there will be natural gas service to both buildings. Sewer will be re-routed around the proposed police station and will be gravity feed to the street. The landscaping plan incorporates foundation plantings along the police station and plantings in the courtyard area, and additional trees, 8 foot high Serbian spruce trees, will be added along the secured parking. Some trees will be relocated to between the police station and Main Street. A sidewalk add-alternate is shown on the plans along Chick Drive. An add-alternate for a 24 by 24' garage is still included. A sidewalk will be added from Main Street to the main entrance of the police station.

Ms. Sunnell discussed peer review stormwater issues with Mr. Saucier, who said the storm drain system has to tie in with existing fixed elevations, while trying to re-route it at the same time. He said he feels comfortable with the proposed design, which is not an uncommon one. Ms. Sunnell said that as the courtyard area will be used by the public, she feels that the pavers should be over bituminous rather than gravel or sand. She also said that something should be in the notes that the transplanted trees should be warranted and replaced if they fail; that crabapple trees are not a good idea for Chick Drive because of snow plowing issues and recommends street trees instead. Mr. Hyland said that the trees to be transplanted are those in front of the existing Public Safety building, which were installed not too long ago; putting in a guarantee of replacing any tree that dies will be fine. Ms. Sunnell asked about the condition of the existing pavement in the fire area, whether it needs an overlay. Mr. Saucier replied that the pavement is in good shape, having been installed at the same time Chick Drive was.

Mr. Zelmanow asked if the concrete pad for the dumpster will remain as currently shown on the plan, just about right outside where the emergency trucks – fire trucks – will come out. Mr. Saucier replied that it is right now unless there's a strong feeling that it should be relocated. Mr. Zelmanow asked if it can be flipped to the other side of the building, because to access it as it is located now, the trash truck would need to come up basically the same road that the emergency vehicles would use. Mr. Saucier said that there was a suggestion to locate it in the area of the slope going up to the parking lot, but he is not sure they could make that work. Mr. Zelmanow said that the other side would be safer and he believes the dumpster should be moved to that location.

Mr. Zelmanow commented that it appears there are 14 public parking spaces to serve both the fire and police stations. He asked where employees will be parking. Mr. Saucier replied that police employees will park in the secured parking area, and the fire department will park to the west of the building, as well as using an upper parking lot with some 18 to 20 spaces. Chief Lefebvre confirmed that there is a sign already in place noting that authorized vehicles only can enter from Main Street toward the fire bays. Mr. Saucier told Mr. Zelmanow that they did research into the question of a traffic light, and the two DOT warrants that would apply in this instance are not met. Mr. Zelmanow confirmed with Mr. Hyland that there will be a call box at the police station in the air lock lobby. Mr. Hyland said there is intended to be a light at the police station, as well as on the Public Safety building side facing Main Street and at the main entrance to the building.

Ms. Shain brought up the add-on alternate of sidewalks and asked what the proposed time line is for installing the sidewalk. She suggested that the sidewalks be added now rather than waiting until later. Mr. Hyland said

that a cost estimate for the add-on sidewalk would be about \$35,000.00. The Board discussed at length the public safety features of installing the sidewalk at this time and its cost, with the consensus being that the sidewalk should be added now, rather than later. Therefore Finding of Fact E., Pedestrian Circulation, will be changed as follows:

“Another sidewalk, roughly 550 feet long, *shall* be installed on the western side of Chick Drive and will direct pedestrians to the Narragansett School parent drop-off driveway.”

The Board then reviewed the applicant’s waiver requests, with the following results:

Melinda Shain MOVED and George Fox SECONDED a motion to grant the Town of Gorham’s request to waive the submission requirements under Chapter IV, Section VIII, c., 1), a. 5 and 6 for a boundary survey. Motion CARRIED, 5 ayes (Scott Herrick absent).

Melinda Shain MOVED and Rachel Sunnell SECONDED a motion to grant the Town of Gorham’s request to waive the submission requirements under Chapter IV, Section VIII, C., 1), c., 8.,d. to submit stormwater calculations.

Discussion: Mr. Poirier noted that the stormwater improvements and impervious area for the Public Safety Complex have already received a Maine Department of Environmental Protection’s amended Site Location of Development Permit. The Town requested that DEP include the Public Safety Complex as part of the review and approval for the ball fields and parking lot improvements located on the northwestern corner of the lot. Mr. Poirier said the stormwater calculations for the pond were designed to handle the impervious surface for the entire front part of the Chick property in anticipation of this review. The peer review comments were designed to suggest improvements to the overall stormwater management plan.

Motion CARRIED, 5 ayes (Scott Herrick absent).

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

Mr. Zelmanow confirmed that Finding E, Pedestrian Circulation, will be changed as follows:

“Another sidewalk, roughly 550 feet long, *shall* be installed on the western side of Chick Drive and will direct pedestrians to the Narragansett School parent drop-off driveway.”

In addition, under Finding O, the location of the dumpster will be changed. In response to Ms. Sunnell, Mr. Poirier said her concerns about the pavers and landscaping can be addressed on the plans before Board signature.

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

Melinda Shain MOVED and George Fox SECONDED a motion grant the Town of Gorham’s request for approval of the Public Safety Complex site plan amendment improvements located on Map 26, Lot 4, Urban Residential-Office Residential zoning districts, with Findings of Fact and Conditions of Approval as written by the Town Planner and modified this evening by the Planning Board. Motion CARRIED, 5 ayes (Scott Herrick absent). [7:52 p.m.]

ITEM 2 **Public Hearing – Gorham Land Use and Development Code** – review of amendments to the Gorham Land Use & Development Code pertaining to Chapter I: Section V – Definitions to add definitions for Airstrips, Runways and Landing Strips; Section VII – Suburban Residential District, B. Permitted Uses; Section VIII – Rural District, B. Permitted Uses; a

new section added to Chapter II: General Standards of Performance, titled: Section XIV -- Airstrips, Runways and Landing Strips; and to Chapter IV- Site Plan Review.

Mr. Poirier explained that the Planning Board had originally recommended changing the 250' and 50' proposed setbacks to 250' setbacks for all sides of an airstrip in Performance standard 4, Setbacks for airstrips. However, the Town Council amended the setback requirements to be 250' from the ends and 100' from either side. In addition, the Town Council, under Performance standard 14, added the following language pertaining to licensing fees "... as the Town Council may from time to time established by Council order..." Mr. Poirier suggested that the Board voted on the proposed changes as they are presented, and that if the Board does not vote to recommend adoption of either change, a letter should be forwarded to the Council explaining the Board's reasons for not making an affirmative recommendation.

Ms. Shain said she believes that the Board's recommendation is still a valid one. Mr. Zelmanow said that having all the setbacks be 250' was based on safety concerns for both pilots and abutters.

PUBLIC COMMENT PERIOD OPENED: Jane Millett, 33 Phinney Street, and Susan Smith, 68 Phinney Street, abutters to a private airstrip, both spoke in opposition to airstrips in the town in general and said a 150 foot difference is substantial and setbacks should be increased, not decreased.

PUBLIC COMMENT PERIOD ENDED.

Mr. Zelmanow reminded the public that approval of this amendment language lies in the Town Council and it is up to the Council to either accept or reject the Board's recommendations. Mr. Poirier explained to Ms. Sunnell the history of a private airstrip in the abutters' neighborhood wherein an unapproved runway was removed. Mr. Poirier said that the history of this proposed amendment language includes the Town Council looking at whether or not runways could be allowed in certain districts with certain performance standards. Ms. Shain pointed out to the members of the public who spoke that the ordinance amendment as currently proposed does not allow non-owners to operate airstrips and further said she cannot support lowering the side setbacks from 250' to 100'.

The Board decided to vote on the proposed amendments in two parts, the first vote on the Performance standard 4, setback item, and the second vote on the licensing language under Performance standard 14.

Melinda Shain MOVED and Rachel Sunnell SECONDED a motion to recommend adoption by the Town Council of the proposed ordinance amendment to Chapter I, Section V, Definitions; Section VII, Suburban Residential District; B. Section VIII, Rural District; Chapter II, General Standards of Performance, Section XIV – Airstrips, Runways and Landing Strips; and Chapter IV, Site Plan Review, Sections II and III of Performance standard 4, Setbacks for Airstrips, as recommended by the Town Council to reduce the side setbacks from 250' to 100'. Motion FAILED, 5 nays (Scott Herrick absent).

Melinda Shain MOVED and George Fox SECONDED a motion to recommend adoption by the Town Council of the proposed ordinance amendment to Chapter I, Section V, Definitions; Section VII, Suburban Residential District; B. Section VIII, Rural District; Chapter II, General Standards of Performance, Section XIV – Airstrips, Runways and Landing Strips; and Chapter IV, Site Plan Review, Sections II and III of the additional language change as recommended by the Town Council to Performance standard 14. Motion CARRIED, 5 ayes (Scott Herrick absent).

Town Attorney Mark Bower reiterated Mr. Poirier's suggestion that a letter of explanation be drafted to the Town Council explaining the Board's failure to recommend approval of the diminished side setbacks. Mr. Zelmanow said that the Board believes that it is a safety issue to keep the setbacks at 250' on all sides.

Ten Minute Stretch Break

ITEM 3 Public Hearing – Site Plan Amendment – Great Falls Builders request for approval to construct a 4-unit commercial building, concrete walkways, paved parking areas, and associated storm drainage, located at 109 Main Street (former Mobil Gas Station), Map 102, Lots 153 and 155, Urban Commercial zoning district.

Mr. Poirier told the applicant was before the Board for a pre-application discussion on March 2, 2015, at which time the Board decided that no site walk was warranted. The applicant has re-submitted a plan for review this evening. Mr. Poirier pointed out that this zoning district does not allow parking in the side setbacks, but the Town Council will on April 7, 2015 consider an amendment to allow creative parking solutions in this district, similar to the amendment approved in the Village Center District. Staff has crafted Condition of Approval #5 conditioned upon the Council approving the pending amendment. Should the Council not approve that amendment, the applicant will need to return before the Board for site plan amendment review to re-design the site plan. Mr. Poirier noted that this project involves a multi-tenant building and requires that a master sign plan be reviewed and approved by the Planning Board, which the applicant will present as a future amendment before tenants occupy the space. Condition of Approval #4 identifies that the applicant needs to come back for Board review of a master sign plan.

Owens McCullough, Sebago Technics, introduced the applicant Jon Smith and Loren Goodridge, the development agent for Subway and Aroma Joe's, proposed tenants for part of the building. Mr. McCullough gave a brief overview of the project, which involves the former Mobil Oil Station on the corner of Main Street, New Portland Road and Mechanic Street, which is about ¼ of an acre. He said that Hannaford had secured a Maine DEP Site Location of Development Permit back in the early 2000s which included parking and an "out restaurant" which were never built, which Great Falls Builders will be acquiring, along with the old gas station site, a total development acre of one acre in size. Due to the change in ownership and change in configuration of the old Mobil lot, there will need to be an amendment to the DEP permit, which Mr. McCullough asked by taken care of by a Condition of Approval. Mr. McCullough said that this property has three "front yards," Main Street, New Portland Road and Mechanic Street, and the applicant would like to have parking on two of those sides with the Main Street frontage left open as a green area, with the curb cut closed off. Granite curbing will be installed, the concrete sidewalks will be replaced, street trees will be added, and the parking lot has been reconfigured around the elm tree. Mr. McCullough said that Hannaford was involved in the site planning, so the drive-through on this site has been designed to preserve Hannaford's view easement on the site. There will be one-way circulation through the drive-through, which complies with Aroma Joe's requirements. There was a traffic movement permit for this site, which included the restaurant, and no further permitting is required by DOT.

Mr. McCullough said the building will be a single story building, just shy of 6,400 square feet, with some storage space on a second floor because of the dormers proposed. The foundation will be brick, and there will be two fronts to the building, one off Main Street and one off the inside of the drive between Hannaford and the site. Landscaping will be installed on the Main Street side, which some shade trees and some open green space with a sidewalk coming up to the building and some seasonal outdoor seating, a patio with brick pavers that will accommodate perhaps 12 people. Lighting will be modest because of the immediate ambient lighting from the Hannaford site. There will be slip-formed concrete curbing within the site and some islands with landscaping in the parking area. Hannaford has asked that construction access be limited. The 6 inch fire service needs to be extended into the building.

Mr. McCullough said initially a sign was proposed that would include Hannaford, Aroma Joe's and Subway, but he understands that under the ordinance does not allow such an off-premise sign. He asked if the Board's ordinance committee could review that interpretation of an off-premise sign. Mr. McCullough asked if a revised sign could be considered as a condition of approval. Mr. Poirier asked about building signs; Mr.

McCullough replied that there would be 2 by 8 signs over the main door for each of the tenants. Mr. Poirier said that would all be part of a master sign plan as all signage on the site is identified as part of the master sign plan. Mr. Zelmanow said that to submit the sign plan would be an amendment to an approval and not a condition of approval.

Mr. Zelmanow asked when deliveries take place and where would they be delivered when cars are parked. Mr. McCullough showed two different delivery patterns, and Loren Goodridge, the development agent for Subway and Aroma Joe's, said that there are three delivery "windows," provided by Cisco, who will be distributor for both businesses. The options are 7:00 a.m. to 11:00 a.m., 1:00 to 5:00 p.m., or a key drop in the middle of the night, midnight to 4:00 a.m. Mr. Goodridge told Ms. Shain that deliveries take about 15 to 20 minutes, normally 70 to 90 pieces. Mr. Poirier asked Mr. McCullough if the turning template was done per the ordinance requirements or per Cisco's requirements. Mr. McCullough said they used what Cisco was expected to be using. In reply to Mr. Zelmanow, Mr. Goodridge said that ideally deliveries would be from 9 to 11:00 a.m., which is after the coffee business peak and before the Subway business picks up. Deliveries would be made to the parking lot side.

Ms. Sunnell asked what the material is proposed to be between the sidewalk and the building on the Hannaford side. Mr. McCullough said there will be a stone drip edge because DEP wants that as a better filtration system, a brick façade along the bottom of the foundation, and two divider islands in the front. Ms. Sunnell suggested adding grasses in small pods in perhaps 2 feet of the 6 feet of that space. Mr. Smith said he is OK with that suggestion.

Mr. Anderson, Mr. McCullough and Mr. Goodridge discussed landscaping at the Main Street side of the drive-through aisle. Mr. Goodridge described the arrangement for the drive-through, with two windows, one for ordering and one for picking up orders but there will be no "squawk" boxes. There will be a free-standing menu board 25 feet before the two windows. Mr. McCullough assured Mr. Zelmanow that it will be added to the plans.

Ms. Sunnell asked about reinforcement for the sidewalks. Mr. McCullough said he prefers using fiber mesh because it is mixed in with the concrete and provides tensile strength for temperature and shrinkage.

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

Mr. Zelmanow noted a typographic error in Finding J which was corrected from underground utilities to above ground utilities; and Mr. Fox called attention to an incomplete sentence in Finding K, which was amended to read "... except for weeds and an elm tree." Mr. Poirier said that new Condition of Approval #17 will deal with the DEP permitting issue, "That the applicant shall receive Maine DEP permit amendment approval prior to the pre-construction meeting being held."

Melinda Shain MOVED and George Fox SECONDED a motion to grant Great Falls Builders' request for approval of the construction of a 4-unit commercial building, concrete or brick walkways, paved parking areas and associated storm drainage for the property located at 109 Main Street (former Mobil Gas Station) on Map 102, Lots 153 and 155 in the Urban Commercial zoning district with Findings of Fact and Conditions of Approval as written by the Town Planner and modified this evening by the Planning Board. Motion CARRIED, 5 ayes (Scott Herrick absent). [9:05 p.m.]

ITEM 4 **Final Subdivision Review – Peter and Kathryn Mason** – request for approval of a 3-lot development transfer overlay subdivision with four dwelling units, located at 258 Main Street, Map 100, Lot 59, Office Residential zoning district.

Mr. Poirier reminded the Board that this item received preliminary approval on January 5, 2015. At that meeting, one of the remaining items involved storm drainage along Donna Street and the need to install an additional catch basin on Donna Street. Due to the amount of snow along Donna Street, the Public Works Director suggested that the actual location, meeting the approval of the Public Works Director, should be determined in a field meeting; Condition of Approval #5 has been added

Andy Morrell, BH2M Engineers, gave a brief overview of the project. He and Ms. Sunnell discussed the proposed dwarf pines to be installed, which Ms. Sunnell said are not the street trees as requested by the Board. She said that street trees are deciduous, such as maple or oak, and suggested that the trees along Main Street be replicated. She also said that arbor vitae between the two lots do not screen well and suggested getting input about the proper plant material, based on the soil and available space, such as Serbian spruce.

Mr. Morrell consulted with his client and the decision was made to install Serbian spruce instead of the arbor vitae and maples for street trees along Main Street.

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

Mr. Morrell confirmed that the applicants have reviewed the Conditions of Approval and are satisfied with them.

Melinda Shain MOVED and George Fox SECONDED a motion to grant Peter and Kathryn Mason's request for final subdivision approval under the Development Transfer Overlay zoning district standards for 258 Main Street Subdivision located on Map 100, Lot 59, in the Office-Residential zoning district, based on Findings of Fact and Conditions of Approval as written by the Town Planner. Motion CARRIED, 5 ayes (Scott Herrick absent). [9:11 p.m.]

ITEM 5 Discussion – Site Plan Amendment Review – DDI/Susan Duchaine – request for approval of expanded office space and additional maintenance and storage area for Design Dwellings Inc.'s corporate office, located at 166 Narragansett Street, Map 39, Lots 43 and 44, Narragansett Development zoning district.

Mr. Poirier explained that the applicant is looking to amend its current office building at the site. He said that the applicant is asking for a waiver of the intensity soil survey which is part of the Narragansett Development district's net acreage calculation requirements. However, there is no provision in the Code which allows the Planning Board to waive this requirement.

Regarding the use on this site, a determination was made by the Code Office that the applicant can have a storage building but that outdoor storage of construction equipment such as dump trucks, excavators, mulch, top soil and the like is not a permitted use in the Narragansett Development District. Mr. Poirier said that the Board has been provided with a narrative dealing with the applicant's appeal of the CEO's decision to the Zoning Board of Appeals and the applicant's subsequent withdrawal of that ZBA appeal. In addition, Mr. Poirier noted that the Board does not have the ability to approve a project for a use that is not allowed.

Mr. Poirier said that the current building is also a legally grandfathered nonconforming building because it does not meet the Narragansett District's front and side setbacks. The applicant is proposing to put an addition on that existing building; legal nonconforming commercial properties can expand nonconforming buildings so long as they do not make the building more nonconforming, which would require Zoning Board of Appeals. The applicant's ZBA request can proceed concurrently with the Board's review, but ZBA approval must be granted before Planning Board approval.

Mr. Poirier noted that there are a number of outstanding review items such as identifying the landscaping proposed and the amount of open space required by the Narragansett Development District, the filling of a State of Maine drainage easement, and the proposed use on the site.

Mr. Zelmanow summarized that the Board is not authorized to grant a waiver for a high intensity soil survey for the Narragansett Development District net acreage calculation. At Mr. Zelmanow's request, Mark Bower, Town Attorney, explained that it is not the role of the Planning Board to determine if a use is allowed in the Narragansett District, it is the role of the Code Enforcement Officer. If the applicant does not agree with the determination of the Code Officer, then the applicant can appeal the CEO's decision to the Zoning Board of Appeals. Mr. Bower described the determination by the Code Officer in June of 2014 that outdoor storage of construction materials such as dump trucks, excavators was not allowed. The applicant appealed the CEO's determination to the ZBA, which met in July of 2014 to hear the appeal. During that hearing, the applicant withdrew the appeal before the ZBA reached a decision, so the CEO's decision is final as the thirty day deadline for an appeal has passed.

Susan Duchaine, Design Dwellings, said she is before the Board for approval of a building because she was told she can keep her equipment in a building. She said the argument with the CEO was the ruling that a dump truck, a registered vehicle, was stored material. Ms. Duchaine said she believes the Board can waive the requirement for high intensity soils mapping because there is no reason in the ordinance why the Board can't. She said a letter has been provided from Mark Hampton stating that there are no very poorly drained soils on the site, which is the only thing that would affect the high intensity soils mapping for density calculations. Ms. Duchaine said that there is nothing in the Narragansett District that is conforming, basically a new district was created that made everything there nonconforming. She said that everything down from her is body shops and junk yards. She said she just wants approval to build a garage to accommodate her business needs and is agreeing temporarily that her dump truck can fit in there and will deal with that issue with the Council.

Mr. Zelmanow asked staff if inside storage of materials, products and equipment is allowed in the Narragansett District. Mr. Poirier replied that a building would be allowed and the Board would condition it to insure that no outdoor storage or materials are allowed. Mr. Zelmanow confirmed with Mr. Bower that the Land Use Code that the Board cannot waive something unless the Code expressly states that the Board can waive it. Mr. Bower said that the requirement is part of the net acreage calculation, which is in a different part of the Ordinance from site plan review. He said this is not a submission requirement, similar to what the Board can grant waivers for.

Andy Morrell, BH2M, said he does not believe that a waiver is specifically being asked for, but to prove that there are no poorly drained soils, which the letter from Mr. Hampton provides. Mr. Poirier read the provision from the Code that "Areas with very poorly drained soils areas, as measured from a high intensity soils map prepared by a certified soil scientist in accordance with the National Cooperative Soil Survey Classification." Mr. Zelmanow asked if Mr. Hampton did that map when he prepared his letter. Mr. Zelmanow said that the only way to come to the conclusion Mr. Hampton did is derived from a high intensity soil survey. Mr. Morrell said Mr. Hampton has not completed the soil survey for the entire site. Ms. Duchaine said they will get the high intensity soil survey. Mr. Bower said that the requirement for net acreage is not just for residential.

Mr. Zelmanow confirmed that inside storage of equipment and materials is permitted in the Narragansett District. He asked how does this legally nonconformance issue fold into that? Mr. Morrell said that there had been an addition on the building that has been removed, and the only thing proposed on the plan now is a small hip roof on the back of the building to cover up the existing air conditioning unit and some utilities at the back of the building. Mr. Anderson confirmed with Ms. Duchaine that she is looking to build a free-standing building away from the existing office and clean up the existing building. Mr. Bower said that the nonconforming use on the site is not the contractor's yard that they are proposing, so it has to be a use that is permitted within the Code and that the Code Officer determined that the use was not. Mr. Poirier said they are talking about the building and not the use.

Mr. Poirier said the building shown is permitted. He said that the applicant must address the open space issue, where 30% of the gross acreage is required to be open space and the buffer areas cannot be counted in as open space. Mr. Poirier quoted from the Code as follows: "3. Dedicated open space – Developments shall reserve thirty percent (30%) of the gross acreage as dedicated open space, excluding landscaping and buffer yard requirements." Ms. Duchaine argued that this is not a development so the provision does not apply.

Ms. Shain noted that there seems to be some resistance on the part of the applicant to the interpretations of staff and of the Town Attorney on what the ordinance says and what we can do, and while she appreciates Ms. Duchaine's frustrations, the Board does not have the ability to change the ordinance and must rely on staff and on the Town Attorney to tell them whether they are acting either within or outside of their power on what they can do. Ms. Shain counseled Ms. Shain to accept the limitations the Board is under.

Mr. Zelmanow asked Mr. Morrell if he had anything else to say. Mr. Morrell said he thinks the current configuration is 8 to 10% within the required 30%. Mr. Morrell said he believes that the 3 major issues involve the high intensity soil survey, which will be done, the use of the site, and the Zoning Board of Appeals issue. He asked if the Board would like to have a site walk; the Board agreed that a site walk should be scheduled.

Mr. Zelmanow said they would like to see some landscaping on the plan. Ms. Shain said they should try to find some vegetation that will work on the site.

PUBLIC COMMENT PERIOD OPENED: Eileen Kalikow, owner of 162 Narragansett, which abuts Ms. Duchaine's property. She said she was shocked to see what had been a buffer of woods clear cut, is concerned that there will be an asphalt commercial parking lot, that there are already several, not one, dump trucks. She said the property she owns is residential and is in the same zone. She is concerned about lighting, asphalt, 25 foot height of the building, the clear cutting, the outside equipment, traffic and noise. There was supposed to be a buffer zone between the two properties, and she would like the property to be enhanced, not as a commercial or industrial property, but a place where people want to live next door to. She asked the Board to consider the future of the property. She said that side of Narragansett is not commercial, it is all residential except for Ms. Duchaine's property.

PUBLIC COMMENT PERIOD ENDED.

Melinda Shain MOVED and James Anderson SECONDED a motion to table Item 5 until a future meeting after a site walk has been scheduled. Motion CARRIED, 5 ayes (Scott Herrick absent).
[9:45 p.m.]

ITEM 6 Discussion – Gorham Land Use and Development Code – amendments to Chapter II, Section IV – Residential, Subsection C. Accessory Apartments C., to allow accessory apartments to contain up to a maximum of 1,000 square feet instead of a maximum of 660 square feet as is currently allowed.

Mr. Poirier said there is an accessory apartment provision in the Land Use Code that allows someone who lives in a single family home to construct an accessory apartment limited to 660 square feet and two people. The Town Council has asked the Board to consider increasing that 660 square feet maximum to 1000 square feet of living space. He said he reviewed the Assessor's data base to determine the average size of a duplex building, which is roughly 2250 feet, or about 1000-something square feet per dwelling unit, so a 1000 square foot accessory apartment makes by de facto two units. Mr. Poirier said that the Town Attorney suggested using a percentage so that there could be an accessory apartment of a maximum percentage of a single family house, not to exceed 1000 square feet.

In reply to Mr. Zelmanow, Mr. Poirier said that the Code Enforcement Officer has advised that two of the performance standards in the existing accessory apartment standards do not meet State of Maine subsurface plumbing rules and should be amended to be consistent with state law. The ordinance currently states that someone adding an accessory apartment does not have to install an ungraded septic system, but state law does not exempt accessory apartments from installing an upgraded septic system. Mr. Poirier said that accessory apartments are not exempt from being counted as a dwelling unit on a private way, so if there are 6 lots each with single family houses on a 2 to 6 lot private way, none of the single family houses would be allowed to have an accessory apartment.

The Board concurred that the item should be reviewed by the Board's ordinance subcommittee.

Melinda Shain MOVED and James Anderson SECONDED a motion to send the item to the Planning Board's Ordinance Committee for review and recommendation. Motion CARRIED, 5 ayes (Scott Herrick absent). [9:55 p.m.]

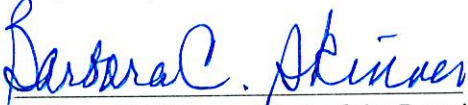
OTHER BUSINESS Staff will contact the Board to set up a site walk for the DDI/166 Narragansett project.

ANNOUNCEMENTS NONE

ADJOURNMENT

Melinda Shain MOVED and Rachel Sunnell SECONDED a motion to adjourn. Motion CARRIED, 5 ayes (Scott Herrick absent). [9:55 p.m.]

Respectfully submitted,


Barbara C. Skinner, Clerk of the Board
April 6, 2015

ITEM 1 TOWN OF GORHAM PUBLIC SAFETY COMPLEX FACILITY

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 set containing 9 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 from Main Street, State Route 25, and Chick Drive, which exits on to Gray Road, State Route 202, and Main Street, State Route 25.

No additional capacity is proposed as part of the development of 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.

The site will have four points of vehicular access, three from Chick Drive and one from Main Street. All entrances meet the minimum site distance requirements.

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

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

The site will have three points of vehicular access from Chick Drive. There will be new vehicular access into the site via two 24' paved driveways located off the southwestern end of Chick Drive, which will provide access into a new 14-space parking lot for the general public's use. The third access from Chick Drive is through a 41' wide driveway for employees and emergency vehicle use into an existing parking lot located to the west of the proposed fire station.

The site also has access from Main Street, State Route 25, via an existing 28' wide driveway for use by emergency vehicles. The driveway is to provide access to a new secure parking area and access to the fire station's vehicle bays.

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 court yard is proposed to be installed between the fire and police stations to facilitate pedestrian circulation between the buildings. Walking paths are proposed adjacent to all three parking lots and will direct pedestrians to the building or the entrance court yard.

A sidewalk is proposed along the eastern side of Chick Drive to connect the sidewalk along Main Street to the Public Safety Complex.

Another sidewalk, roughly 550 feet long, shall be installed on the western side of Chick Drive and will direct pedestrians to the Narragansett School parent drop-off driveway. A cross walk is proposed across Chick Drive just south of the intersection of the Narragansett School driveway.

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 site will be directed into existing and new proposed stormwater infrastructure. The stormwater will be directed into the stormwater wet pond located to the east side of the Public Safety Complex for treatment.

The applicant has received an amendment to the Chick Property's Maine Department of Environmental Protection Site Location of Development Permit, Permit #L-24350-22-F-B.

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.

Erosion and Sedimentation Control Notes and Details: Sheet C-300 provides details and notes for erosion control measures to be installed.

The project will need to conform to the requirements outlined in 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.

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 an 6" watermain and a 2" watermain into the police station building. The lines will be run from an existing 6" watermain located on the site. The fire station is served by the existing 4" watermain located on the site. No change to the fire station's water supply is proposed.

The applicant has provided an ability-to-serve letter dated March 16, 2015, from Glissen Havu, E.I., Design Engineer, with the Portland Water District.

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

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

The existing 6" sanitary gravity sewer will be reconfigured to run between the police and fire station buildings. The sewage disposal will be allowed to gravity flow out of the site and empty into a sewer manhole on Main Street.

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 parking lot light poles and into the police and fire stations. No overhead power lines are proposed to serve the site.

The police station will be served by natural gas. The existing fire station is already served by natural gas and no changes 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 improvements to the site will be located on areas that have been previously disturbed. The applicant is proposing to keep two trees located to the south of the proposed police station and two trees are proposed to remain between the fire station and Chick Drive.

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 construction of the proposed Public Safety Complex 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 install two light poles in the general public parking lot. The light poles will be located between the parking lot and Chick Drive. The secure parking lot will be illuminated by five light poles to the east of the police station.

All light poles are required to have full cut-off light fixtures on them.

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.

A dumpster will be located at the end of the emergency vehicle access driveway off Main Street. The dumpster will be located on a concrete pad and will be screened from view by a solid board dumpster enclosure.

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

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

The applicant has hired a licensed landscape architect. The landscape architect has provided a Landscape Plan Sheet: C-104 which identifies locations, types, numbers, and sizes of plants to be installed. Planting details are also included on Site Details Plan Sheet: C-302.

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 northeastern corner of the lot. The proposed development is located a significant distance from the streams and will not disturb any wooded vegetation between the unnamed streams.

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 municipal bonds and within the municipal budget process.

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 western property boundary has a wooded buffer between the Town's property and the abutting residential uses located off Donna Street. The front of the lot will be landscaped to break up the development from Main Street and residential property located along Main Street.

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 the owner of the site is responsible for compliance with the Town of Gorham Stormwater Ordinance, Chapter 2 – Post Construction Stormwater Management;
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 3 SITE PLAN AMENDMENT – 109 MAIN STREET

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 applicant is proposing to construct 40 new parking stalls, including two handicapped stalls, to support the multi-tenant commercial building. The proposed development will be accessed by an existing internal drive aisle that currently serves the Hannaford grocery store. The developer is not proposing any direct vehicle access from either Main Street or Mechanics Street. The applicant has provided the Planning Board with a site plan sheet set, site plan application, and accessory information showing that the lot can support the proposed lot improvements for additional parking space.

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

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

The two existing lots will be combined into a single lot which has street frontage on Main Street and Mechanics Street. The proposed development will have vehicle access via two existing internal driveways that currently serve the Hannaford grocery store. One of the internal access drives is from Main Street and the other from mechanics Street. There is not any direct access proposed from any roadway to serve the development. All roads have adequate capacity to accommodate the additional traffic generated by the development.

Finding: Main Street and Mechanics Street have adequate capacity to accommodate the traffic generated by the development.

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

Access to the site is proposed to be from an existing 30' wide internal drive aisle. The existing curb openings along Main Street will be removed. The proposed driveway entrance will have adequate sight distance and will provide for safe and convenient access into the site

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

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

The site provides for a two way vehicle access to the southeastern side of the site and an exit only on the southwestern corner of the site. Bot entrances / exits will be connected to an existing 30' wide internal drive aisle.

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.

Sidewalks are being proposed on along the north (Main Street), east (Mechanics Street) and to the south (Hannaford's internal drive aisle). Internal sidewalks are also being proposed from the Main Street sidewalk, adjacent to the southern building entrance and from the parking lots to the east and west of the building. A sidewalk is also being proposed to connect to the pedestrian crosswalk that serves the main internal Hannaford parking lot "intersection".

Finding: *The plans provide a system of pedestrian circulation within the development.*

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

The applicant is proposing to merge a portion of the Hannaford lot to the current 109 Main Street parcel. The portion of the Hannaford lot to be merged is the grassed-in area located in the northeast corner of the parcel. The applicant is in the process of working with the Maine DEP to determine if amendments are required to Hannaford's site location of development permits.

Finding: *The stormwater run-off will not have adverse impacts on abutting or downstream properties and the biological and chemical properties of the receiving waters downstream will not be degraded.*

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

The submitted "Details" plan, sheet 6 of 8 illustrates numerous best management practices to be installed on site, and identifies parameters for erosion control and winter erosion control measures to be utilized on site. The applicant will also comply with the "Maine Erosion and Sediment Control Handbook for Construction: Best Management Practices," Maine Department of Environmental Practices.

Finding: *The plan utilizes existing topography and desirable natural surroundings to the fullest extent possible.*

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

Public water lines are currently located within Main Street and Mechanics Street. As proposed the site will provide a 2" water line that will connect to the existing water main on Mechanics Street.

Finding: *The development provides a system of water supply that provides for an adequate supply of water meeting the standards of the State of Maine for drinking water.*

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

Public sewer lines are currently located within Main Street and Mechanics Street. As proposed the site will connect to an existing sewer stub on Mechanics Street which will be extended into the site.

Finding: *The development provides for sewage disposal for the anticipated use of the site.*

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

The lot will be served by underground power / utilities from an existing pole located on the north side of Main Street. The former Mobile Oil property was served in the same manner as is currently being proposed.

Finding: *The development will provide for adequate electrical and phone service to meet the anticipated use of the project.*

- K. Natural Features: The landscape will be preserved in its natural state insofar as practical by minimizing tree removal, disturbance and compaction of soil, and by retaining existing vegetation insofar as practical during construction.

The site is currently lacking almost any natural landscaping except for weeds and an elm tree. The one notable exception is a large, 36" diameter elm tree located at the northeast corner of the site at the corner of new Portland Road and Mechanics Street intersection. The existing tree is proposed to remain.

Finding: *The development of the site will preserve the existing vegetation to the greatest extent practical during construction.*

- L. Groundwater Protection: The proposed site development and use will not adversely impact either the quality or quantity of groundwater available to abutting properties or public water supply systems.

The building expansion and paved parking area will not impact the groundwater table on the site.

Finding: *The proposed development will not adversely impact either the quality or quantity of the groundwater available to abutting properties or public water supply systems.*

- M. Exterior Lighting: The proposed development will provide for adequate exterior lighting to provide for the safe use of the development in nighttime hours.

The site is proposed to have full cut-off light standards throughout the development.

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

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

The applicant is proposing to locate a fully enclosed dumpster and dumpster pad is being proposed at the southeast corner of the property. Adequate circulation has been provided to ensure adequate access for the emptying of the dumpster. A private waste hauler will empty the dumpster on a regular basis.

Finding: *The proposed development provides for adequate disposal of solid wastes and hazardous wastes.*

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

The applicant has amended the original submitted Landscape Plan (Sheet 4 of 8 dated 3-17-15) with an amended landscape Plan (Sheet 4 of 8 dated 4-2-15). The proposed amendment relocated the foundation landscaping from the south side of the building to the north side, along Main Street, as requested by Staff. The proposed landscaping includes 4 celebration maples and 4 Valley Forge elms, numerous shrubs in addition to the existing street trees which will remain. It should be noted that the developer is proposing to maintain the large 36" diameter maple tree located at the northeast corner of the lot at the corner of New Portland Road and Mechanics Street intersection.

Finding: *The proposed plan will provide landscaping to soften the appearance of the development.*

- Q. Shoreland Relationship: The development will not adversely affect the water quality or shoreline of any adjacent water body. The development plan will provide for access to abutting navigable water bodies for the use of occupants of the development.

The lot is not located in the Shoreland Overlay District.

Finding: *The development will not adversely affect the water quality or shoreline of any adjacent body of water.*

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

The applicant has provided a letter of financial capacity from Francine V. Cram, Vice President of Kennebunk Savings dated 04/02/15. The applicant has hired an engineering firm, Sebago Technics, to represent it during the design and construction of the proposed improvements. The applicant is a professional general contractor who will be constructing 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 proposal is located in a previously developed retail development and is surrounded by other, similar, retail uses. The proposal will not have any outside storage with the exception of a waste dumpster which will be fully enclosed.

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 (7am-7pm) and 60 dBA nighttime (7pm- 7am).

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

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. The applicant shall submit a master sign plan for the development as part of a Site Plan Amendment for Planning Board Review and approval that conforms to the Town's Sign Ordinance;
5. That the plan is conditioned upon the Town Council approving the pending amendment to Chapter I, Section X – Urban Commercial District, E Performance Standards, 4. Parking Locations. The proposed amendment allows for the Planning Board to approve parking within the required setbacks and is scheduled to be heard by the Town Council on April 7, 2015 as Order #8896;
6. That any proposed use on the site shall meet the sound level requirements outlined under Chapter IV, Section IX, T. Noise;
7. That the building shall be completely sprinkled meeting all requirements of the Town's Sprinkler Ordinance;
8. That the sprinkler plans shall be submitted to the Fire Department and the State Fire Marshal's Office for review and permitting with the plans submitted to the Fire Department shall be submitted at least two weeks prior to the start of the installation of the system;
9. That the Sprinkler test papers will be required to be submitted to the Fire Department at the time a CO is issued;
10. That there shall be a separate sprinkler room for the main controls of the system and the main fire alarm panel with a remote panel at the front door and this room shall have an outside door that shall be marked Sprinkler control room;
11. That a lock box and master key shall be installed at the front entrance as well as at the sprinkler control room;
12. That the building will meet all applicable sections of the NFPA 101 Life Safety Code and the NFPA Fire Prevention Code I;
13. That the building construction plans shall be submitted to the State Fire Marshal's Office and the Gorham Fire Department for permitting and review before a building permit is issued;
14. That a copy of the State construction permit as well as a stamped set of plans from the State Fire Marshal's Office shall be supplied to the Fire Department;

15. That prior to the pre-construction meeting, the applicant will establish the following: a performance guarantee totaling 125% of the costs to complete the construction and an escrow for field inspection meeting the approvals of Town Staff and the Town's Attorney;
16. 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;
17. That the applicant shall receive Maine DEP permit amendment approval prior to the pre-construction meeting being held;
18. That the Planning Board Chairman is authorized by the Planning Board to sign the Findings of Fact on behalf of the entire Board; and
19. 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 3 109 MAIN STREET – JON SMITH – SITE PLAN AMENDMENTCHAPTER IV, Section IX – Approval Criteria and StandardsA. Utilization of the Site: The plan for the development will reflect the natural capabilities of the site to support development.

The applicant is proposing to construct 40 new parking stalls, including two handicapped stalls, to support the multi-tenant commercial building. The proposed development will be accessed by an existing internal drive aisle that currently serves the Hannaford grocery store. The developer is not proposing any direct vehicle access from either Main Street or Mechanic Street. The applicant has provided the Planning Board with a site plan sheet set, site plan application, and accessory information showing that the lot can support the proposed lot improvements for additional parking space.

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

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

The two existing lots will be combined into a single lot which has street frontage on Main Street and Mechanic Street. The proposed development will have vehicle access via two existing internal driveways that currently serve the Hannaford grocery store. One of the internal access drives is from Main Street and the other from Mechanic Street. There is not any direct access proposed from any roadway to serve the development. All roads have adequate capacity to accommodate the additional traffic generated by the development.

Finding: Main Street and Mechanic Street have adequate capacity to accommodate the traffic generated by the development.

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

Access to the site is proposed to be from an existing 30' wide internal drive aisle. The existing curb openings along Main Street will be removed. The proposed driveway entrance will have adequate sight distance and will provide for safe and convenient access into the site

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

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

The site provides for a two way vehicle access to the southeastern side of the site and an exit only on the southwestern corner of the site. Bot entrances/exits will be connected to an existing 30' wide internal drive aisle.

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.

Sidewalks are being proposed on along the north (Main Street), east (Mechanic Street) and to the south (Hannaford's internal drive aisle). Internal sidewalks are also being proposed from the Main Street sidewalk, adjacent to the southern building entrance and from the parking lots to the east and west of the building. A sidewalk is also being proposed to connect to the pedestrian crosswalk that serves the main internal Hannaford parking lot "intersection".

Finding: *The plans provide a system of pedestrian circulation within the development.*

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

The applicant is proposing to merge a portion of the Hannaford lot to the current 109 Main Street parcel. The portion of the Hannaford lot to be merged is the grassed-in area located in the northeast corner of the parcel. The applicant is in the process of working with the Maine DEP to determine if amendments are required to Hannaford's site location of development permits.

Finding: *The stormwater run-off will not have adverse impacts on abutting or downstream properties and the biological and chemical properties of the receiving waters downstream will not be degraded.*

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

The submitted "Details" plan, sheet 6 of 8 illustrates numerous best management practices to be installed on site, and identifies parameters for erosion control and winter erosion control measures to be utilized on site. The applicant will also comply with the "Maine Erosion and Sediment Control Handbook for Construction: Best Management Practices," Maine Department of Environmental Practices.

Finding: *The plan utilizes existing topography and desirable natural surroundings to the fullest extent possible.*

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

Public water lines are currently located within Main Street and Mechanic Street. As proposed the site will provide a 2" water line that will connect to the existing water main on Mechanic Street.

Finding: *The development provides a system of water supply that provides for an adequate supply of water meeting the standards of the State of Maine for drinking water.*

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

Public sewer lines are currently located within Main Street and Mechanic Street. As proposed the site will connect to an existing sewer stub on Mechanic Street which will be extended into the site.

Finding: *The development provides for sewage disposal for the anticipated use of the site.*

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

The lot will be served by underground power/utilities from an existing pole located on the north side of Main Street. The former Mobil Oil property was served in the same manner as is currently being proposed.

Finding: *The development will provide for adequate electrical and phone service to meet the anticipated use of the project.*

- K. Natural Features: The landscape will be preserved in its natural state insofar as practical by minimizing tree removal, disturbance and compaction of soil, and by retaining existing vegetation insofar as practical during construction.

The site is currently lacking almost any natural landscaping except for weeds. The one notable exception is a large, 36" diameter elm tree located at the northeast corner of the site at the corner of New Portland Road and Mechanic Street intersection. The existing tree is proposed to remain.

Finding: *The development of the site will preserve the existing vegetation to the greatest extent practical during construction.*

- L. Groundwater Protection: The proposed site development and use will not adversely impact either the quality or quantity of groundwater available to abutting properties or public water supply systems.

The building expansion and paved parking area will not impact the groundwater table on the site.

Finding: *The proposed development will not adversely impact either the quality or quantity of the groundwater available to abutting properties or public water supply systems.*

- M. Exterior Lighting: The proposed development will provide for adequate exterior lighting to provide for the safe use of the development in nighttime hours.

The site is proposed to have full cut-off light standards throughout the development.

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

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

The applicant is proposing to locate a fully enclosed dumpster and dumpster pad at the southeast corner of the property. Adequate circulation has been provided to ensure adequate access for the emptying of the dumpster. A private waste hauler will empty the dumpster on a regular basis.

Finding: The proposed development provides for adequate disposal of solid wastes and hazardous wastes.

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

The applicant has amended the original submitted Landscape Plan (Sheet 4 of 8 dated 3-17-15) with an amended landscape Plan (Sheet 4 of 8 dated 4-2-15). The proposed amendment relocated the foundation landscaping from the south side of the building to the north side, along Main Street, as requested by Staff. The proposed landscaping includes 4 celebration maples and 4 Valley Forge elms, numerous shrubs in addition to the existing street trees which will remain. It should be noted that the developer is proposing to maintain the large 36" diameter elm tree located at the northeast corner of the lot at the corner of New Portland Road and Mechanic Street intersection.

Finding: The proposed plan will provide landscaping to soften the appearance of the development.

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

The lot is not located in the Shoreland Overlay District.

Finding: The development will not adversely affect the water quality or shoreline of any adjacent body of water.

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

The applicant has provided a letter of financial capacity from Francine V. Cram, Vice President of Kennebunk Savings dated 04/02/15. The applicant has hired an engineering firm, Sebago Technics, to represent it during the design and construction of the proposed improvements. The applicant is a professional general contractor who will be constructing 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 proposal is located in a previously developed retail development and is surrounded by other, similar, retail uses. The proposal will not have any outside storage with the exception of a waste dumpster which will be fully enclosed.

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 (7am-7pm) and 60 dBA nighttime (7pm- 7am).

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

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. The applicant shall submit a master sign plan for the development as part of a Site Plan Amendment for Planning Board Review and approval that conforms to the Town's Sign Ordinance;
5. That the plan is conditioned upon the Town Council approving the pending amendment to Chapter I, Section X – Urban Commercial District, E Performance Standards, 4. Parking Locations. The proposed amendment allows for the Planning Board to approve parking within the required setbacks and is scheduled to be heard by the Town Council on April 7, 2015 as Order #8896;
6. That any proposed use on the site shall meet the sound level requirements outlined under Chapter IV, Section IX, T. Noise;
7. That the building shall be completely sprinkled meeting all requirements of the Town's Sprinkler Ordinance;

8. That the sprinkler plans shall be submitted to the Fire Department and the State Fire Marshal's Office for review and permitting with the plans submitted to the Fire Department shall be submitted at least two weeks prior to the start of the installation of the system;
9. That the Sprinkler test papers will be required to be submitted to the Fire Department at the time a CO is issued;
10. That there shall be a separate sprinkler room for the main controls of the system and the main fire alarm panel with a remote panel at the front door and this room shall have an outside door that shall be marked Sprinkler control room;
11. That a lock box and master key shall be installed at the front entrance as well as at the sprinkler control room;
12. That the building will meet all applicable sections of the NFPA 101 Life Safety Code and the NFPA Fire Prevention Code 1;
13. That the building construction plans shall be submitted to the State Fire Marshal's Office and the Gorham Fire Department for permitting and review before a building permit is issued;
14. That a copy of the State construction permit as well as a stamped set of plans from the State Fire Marshal's Office shall be supplied to the Fire Department;
15. That prior to the pre-construction meeting, the applicant will establish the following: a performance guarantee totaling 125% of the costs to complete the construction and an escrow for field inspection meeting the approvals of Town Staff and the Town's Attorney;
16. 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;
17. That the applicant shall receive Maine DEP permit amendment approval prior to the pre-construction meeting being held;
18. That the Planning Board Chairman is authorized by the Planning Board to sign the Findings of Fact on behalf of the entire Board; and
19. 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 4 PETER AND KATHRYN MASON – 258 MAIN STREET SUBDIVISION

CHAPTER III - SUBDIVISION, SECTION III - PRELIMINARY PLAN

The Planning Board, following review of the Preliminary 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 Comprehensive Plan identifies this lot's future land use designation as village residential.

The applicants are requesting two bonus units under the Development Transfer Overlay district standards. Payment of the bonus unit fee will be charged to the building permits for lots 2 and 3.

The house on Lot 2 shall be located so the front wall of the building faces Main Street. The front of the house shall have the front door on Main Street.

Finding: 258 Main Street Subdivision conforms with the Comprehensive Plan of the Town, and with all pertinent State and local codes and ordinances.

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

Lot 1 has an existing driveway for a single-family house. Lot 2 will have a driveway off Donna Street for a single-family house. Lot 3 will have two driveways off Donna Street to serve the duplex located on the lot.

Finding: 258 Main Street Subdivision will not cause congestion or unsafe conditions with respect to use of the highways or public roads, existing or proposed on or off the site.

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

The single-family homes located in the subdivision will be served by underground power, electric and telephone lines, natural gas, and the Town's contracted waste disposal contractor.

Finding: 258 Main Street 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.

The lots in the subdivision will be served by public water. Lot 1 has an existing water service located off Main Street. Lots 2 and 3 will have water service stubs installed off Donna Street.

The applicant has provided an ability-to-serve letter dated October 31, 2014 from Glissen Havu, E.I., with the Portland Water District.

Finding: 258 Main Street Subdivision provides for adequate water supply for present and future needs.

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

The existing sewer service located off Donna Street servicing the existing house on lot 1 will be used to serve a new house on lot 2. A new sewer service line, located off Donna Street, will be installed to serve the existing house on lot 1. The new sewer will have a 20' utility easement located through lots 2 and 3.

Lot 3 will be served by a new sewer service located off Donna Street.

Finding: 258 Main Street 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 lots will be served by public sewer located along Donna Street. The use of the lots is for residential purposes.

Finding: 258 Main Street 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.

All the residential house lots will be loamed and seeded to prevent soil erosion. The Sidewalk Improvement Plan, Sheet 3, shows the location for erosion control devices to be installed. The Erosion Control Details, Sheet 4, identifies how erosion control devices are to be installed and contains notes regarding the erosion control plan.

Finding: 258 Main Street 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 lots are not located near any known waterbodies. The applicant has provided a letter dated September 24, 2014 from Mark Hampton with Mark Hampton Associates, Inc. identifying that no wetlands were found on the site.

Finding: 258 Main Street 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 subdivision is located in an area that had been previously disturbed to construct the existing residential house and accessory residential yard area.

Finding: 258 Main Street 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 applicants 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 applicants has not proven its financial capacity to undertake it.

The applicant has provided a cost estimate from O'Brien Brothers, Inc. for the construction of the sidewalk along Donna Street.

The applicant has provided a letter of financial capacity dated February 12, 2015 from Michael Rumo, Branch Manager, at Ocean Communities Federal Credit Union.

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

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 provided a revised plan set 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 Planning Board granted preliminary approval to 258 Main Street Subdivision on January 5, 2015.

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 the underground electric lines shall be inspected by the Code Enforcement Office prior to backfill;
5. That the location of the catch basin, accessory stormwater infrastructure, and improvements to Donna Street shall meet the approval of the Public Works Director;
6. That this plan is approved in accordance with the most current provisions of the Development Transfer Overlay District (DTO), and all future development of the original parcel or lots created as part of the approved plan must be done in accordance with the provisions of the DTO;
7. That the development transfer fee must be paid to the Town prior to the issuance of a building permit;
8. That the applicant shall establish an inspection escrow meeting the approval of Town Staff and the applicant shall have a pre-construction meeting with Town staff, the Town's inspecting engineer, design engineer, and earthwork contractor prior to the start of construction;
9. That the Planning Board Chairman is authorized by the Planning Board to sign the Findings of Fact on behalf of the entire Board;
10. That the subdivision plan shall not be released for recording at the Cumberland County 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

11. That once the subdivision has been recorded at the Cumberland County Registry of Deeds, a dated mylar copy of the recorded subdivision plans shall be returned to the Town Planner prior to a pre-construction meeting being held.