

PLANNING BOARD MINUTES

December 7, 2015

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
LEE PRATT
RACHEL SUNNELL

Members Absent

SCOTT HERRICK

Staff Present

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

Edward Zelmanow, Chairman, called the meeting to order at 7:00 p.m. The Clerk called the roll, noting that Scott Herrick was absent.

CHAIRMAN'S REPORT: Mr. Zelmanow welcomed the Scout Troop members who were at the meeting to earn their Citizenship in the Community merit badges.

APPROVAL OF THE NOVEMBER 2, 2015 MINUTES

Melinda Shain MOVED and James Anderson SECONDED a motion to approve the minutes of November 2, 2015 as written and distributed. Motion CARRIED, 6 ayes (Scott Herrick absent). [7:02 p.m.]

COMMITTEE REPORTS

A. Ordinance Review Committee – Mr. Zelmanow reported in the absence of Scott Herrick, Chairman of the Committee, that this Committee met earlier this evening to discuss farm stand directional signs; staff will work with the Code Enforcement Office and bring back the amendment language to discuss in workshop by the full Board prior to a public hearing.

B. Streets and Ways Subcommittee – Ms. Shain reported that this Subcommittee has not met.

ADMINISTRATIVE REVIEW REPORT

Mr. Poirier reported that John Woods' project has been approved; they have had a pre-construction meeting and have started construction.

In response to Ms. Shain, Mr. Poirier explained that the construction at the intersection of Libby Ave and Main Street is for a small office building approved as an administrative review project. He said, however, should they wish to finish the basement in the building, they would have to come before the Planning Board. Mr. Poirier also explained that a family house was demolished across the street from Beal's Ice Cream.

ITEM 1 Public Hearing: John Hawrylo – request for approval to subdivide Unit 7 of the Woodside Condominiums into two separate units, 7 and 8, on property located on Woodside Drive off Water Street, Map 101, Lot 20, Urban Residential zoning district.

Mr. Poirier explained that this site plan/subdivision amendment will be reviewed under both subdivision and site plan review criteria. He said that the applicant has submitted the information regarding financial capacity. He said that the Town Attorney has provided some comments which the applicant will need to address; Condition of Approval #3 has been crafted to deal with this requirement before the Board signs the final plan.

Andrew Morrell, BH2M Engineers, representing the applicant, told the Board that this project was approved in 2003 as a 7-unit project, the allowed density at the time. The current zoning of the parcel allows for 11 units; however, with the additional unit the applicant is looking for, there will be 8 units on the parcel. The 7th unit has an accessory apartment. This request for approval is to create two units out of unit 7, which will become units 7 and 8. No exterior changes are proposed to the site. Mr. Morrell said that the applicant's attorney has received the comments of the Town Attorney and has addressed them today.

Mr. Morrell confirmed to Ms. Sunnell that none of the units have sheds, they were never built, but in the original approval, all had sheds. However, the applicant decided that a shed should be shown for unit 8 in case one is wanted in the future. Ms. Sunnell suggested that highlighting proposed changes on the plans in the future would be helpful.

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

Mr. Morrell confirmed that the applicant is satisfied with the Conditions of Approval. Ms. Sunnell said that typically a bank or some financial institution provides the letter of financial capacity but in this case it is from the engineer. Mr. Poirier said that usually financial capacity is testified to by a lending institution for a big project; however, the Code allows the Planning Board some flexibility on smaller projects such as this one and the Board can accept what the applicant has provided.

Melinda Shain MOVED and James Anderson SECONDED a motion to grant John Hawrylo, Jr.'s request for subdivision and site plan amendment approvals for 1 additional residential condominium unit located on 2.64 acres off Woodside Drive on Map 101, Lot 20, in the Urban Residential zoning district based on Findings of Fact and Conditions of Approval as written by the Town Planner. Motion CARRIED, 6 ayes (Scott Herrick absent). [7:25 p.m.]

ITEM 2 Site Plan Amendment – Town of Gorham – request for approval of a relocation of the dumpster at the new Public Safety complex, located at 270 Main Street, Map 26, Lot 4, Office Residential-Urban Residential zoning district.

Mr. Poirier advised the Board that the Public Safety complex approval was granted on April 6, 2015. As part of that approval, there was discussion with the applicant's representative regarding

the existing location of a dumpster and a generator. It was discussed that the dumpster would be relocated from its current location on the east side of the fire station to the west side of the station. Now that construction has begun it has become apparent that it does not appear feasible to locate the dumpster on the west side of the fire station because of the costs involved with grading and drainage. Therefore, the applicant is requesting approval to keep the dumpster located on the east side of the fire station building. While this would typically be a de minimis change that planning staff would grant, it is before the Board for public hearing and site plan amendment because it was specifically discussed by the Board that the dumpster be relocated.

Mr. Poirier told Ms. Sunnell that the dumpster location is shown on the plan in the original location and that is where they want to keep it. Mr. Fox asked why the Board was focused on the dumpster location at the April meeting. Mr. Zelmanow replied that it was because of the two new bays that were being built, and that it would make more sense to have the dumpster on the west side of the building.

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

Melinda Shain MOVED and Rachel Sunnell SECONDED a motion to grant the Town of Gorham's request for approval of the Public Safety Complex site plan amendment to relocate the dumpster located on Map 26, Lot 4, in the Urban Residential-Office Residential zoning districts, with Findings of Fact and Conditions of Approval as written by the Town Planner. Motion CARRIED, 6 ayes (Scott Herrick absent).

ITEM 3 Pre-application Discussion – Portland Cellular Partnership, d/b/a Verizon Wireless (VzW) – request for approval of a wireless telecommunications facility and equipment shelter on property located off New Portland Road, Map 29, Lot 11, Industrial zoning district.

Mr. Poirier described the pre-application procedures, noting that nothing has yet been distributed to staff for review. Staff has identified a requirement in the Code for co-location of cell towers, meaning the use of a wireless telecommunications facility by more than one wireless telecommunication provider. The Board should review if there is an existing wireless telecommunications facility, whether in Gorham or surrounding communities, that can serve to accommodate the coverage area of the applicant's proposed facility. Once the Board has made the determination that there is no tower meeting that requirement, the Board can then review whether the proposed tower meets the standards of the ordinance.

Mr. Poirier said the Code requires photo simulations of the proposed facility taken from view points determined by the Board or the Town Planner. Included in the Board's packets is an aerial photo showing possible locations for photo simulations. Mr. Poirier also recommended that the Board decide if a site walk is warranted for the site; if so, the Board may want to ask the applicant to have a balloon test to show the location and height of the proposed tower. This will provide the Board the ability to see what parts of the tower will be visible from different locations.

Thomas Hildreth, Esquire, McLane Middleton, said that the area identified as needing supplemental capacity and coverage is not covered by another telecommunications facility, so Verizon has entered into a lease agreement with the property owner, Central Maine Power. The site is a 60+ acre tract, largely undeveloped, affected by a water main easement toward the back of the site, and is heavily wooded. It is proposed to build a 120 foot monopole structure within a 75' by 75' fenced-in compound, surrounded by a 8 foot tall chain link/barbed wire fencing. It will be an unmanned facility with a locked gate up close to the road. The tower has been designed to accommodate co-location capability with room for 3 additional carriers. Mr. Hildreth confirmed that a balloon test is the best way to gauge the potential visual impact. He said that the balloon is 7 to 9 feet in diameter, with the base of the balloon positioned at the height of the tower. He said the resulting photographs will be helpful to the Board.

Mr. Zelmanow asked about lighting for the facility and whether the lights will be motion-activated. Mr. Hildreth replied that until recently Verizon has usually equipped its sites with precast concrete equipment shelters, like actually buildings with doors; those buildings have down cast, cut-off motion activated. However, they have switched recently to outdoor equipment cabinets, which this site will have, and there will be no lighting. Mr. Hildreth said that a structure of this height will not required any FAA mandated lighting, either.

Mr. Fox confirmed with Mr. Hildreth that a back-up generator is proposed, and is exempted from the Code's noise ordinance when operated in an emergency or operating for exercising purposes. Mr. Hildreth said the generator is tested for ½ hour per week.

Mr. Anderson asked how many photo simulations showing the balloon superimposed will be provided. Mr. Hildreth explained the process involved obtaining representative sampling along roads, close-ups on the site itself, but they will need input from the Board. It was suggested that staff provide the applicant with the aerial with the red dots showing the proposed areas for photo simulations. Mr. Hildreth suggested morning for a site walk with a balloon test as there is usually less wind.

Mr. Zelmanow said that a topographic map should be provided with the application, showing the locations of structures and wireless facilities within a mile. Mr. Fox said he was not on the Board for the last cell tower approval and asked what happens if a cell tower is visible. Mr. Zelmanow said that an attempt is made to blend the tower in with its surroundings. Mr. Hildreth said that it can be disguised as a mono pine or a fire watch tower, depending on its setting. Ms. Sunnell suggested that the applicant show landscaping on the road side of the site. Mr. Hildreth confirmed to Mr. Fox that there will be no ladder access or climbing pegs on the tower. So far as sound is concerned, Mr. Hildreth said the generator is the dominant sound on the site, but that is on only for ½ hour during the week.

Staff was directed to set up a site walk, preferably in the morning.

OTHER BUSINESS None

ANNOUNCEMENTS The next Board meeting will be January 4, 2016.

ADJOURNMENT

Melinda Shain MOVED and James Anderson SECONDED a motion to adjourn. Motion CARRIED, 6 ayes (Scott Herrick absent). [7:55 p.m.]

Respectfully submitted,

Barbara C. Skinner, Clerk of the Board
_____, 2015

ITEM 1 Hawrylo Site Plan/Subdivision Amendment

FINDINGS OF FACT

CHAPTER III - SUBDIVISION, SECTION III - PRELIMINARY PLAN

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

C. PRELIMINARY PLAN REVIEW

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

The applicant is required to obtain all required local, state, and federal permits required for the proposed development.

The Comprehensive Plan identifies this area as Village Residential. The plans meet the requirements of the Urban Residential zoning district for density.

Finding: Woodside Condominiums conform 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.

Access to Woodside Condominiums is via a private driveway called Woodside Drive. Woodside Drive is a dead end drive that exits onto Water Street.

No changes are proposed to Woodside Drive.

Finding: Woodside Condominiums 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 Condominium units are served by underground power, telephone, and cable lines. No changes are proposed to the site's underground utilities.

Finding: *Woodside Condominiums 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 Condominium units are served by a 2” private watermain extended from the Portland Water District’s 8” watermain located in the Water Street right-of-way.

No changes to the site’s existing water supply are proposed.

Finding: *Woodside Condominiums provide 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 Condominium units’ sewerage flows by gravity sewers into a grinder pump which is then pumped by a force main into the Portland Water District sewer manhole located in the Water Street right-of-way. Woodside Condominium Association is responsible for the maintenance of the sewer system located within the development.

Finding: *Woodside Condominiums provide 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 proposed condominium buildings will have two dwelling units per building. Stormwater from the site will be treated in stormwater infrastructure meeting the Maine Department of Environmental Protection’s and the Town of Gorham’s stormwater requirements. The dwellings units’ sewage disposal will be pumped into the public sewer system and treated by the Portland Water District.

Finding: *Woodside Condominiums will not result in undue pollution of air, or surficial or ground waters, either on or off the site.*

- g) Will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result.

The site has an existing stormwater pond located at the end of Woodside Drive. No changes to the site’s existing stormwater system are proposed.

Finding: *Woodside Condominiums 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 lot is not located in any of the Town's Shoreland Overlay Districts. No changes are proposed that will affect any wetlands or streams located on the parcel.

Finding: Woodside Condominiums 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.

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

Finding: Woodside Condominiums will respect fully the scenic or natural beauty of the area, trees, vistas, topography, historic sites and rare or irreplaceable natural or manmade assets.

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

The applicant expects the improvements for the subdivision to cost \$4,00.00. The applicant is proposing to fund the improvements through personal funds.

Finding: The applicant has adequate financial resources to construct the proposed improvements and meet the criteria of these regulations.

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

The applicant will be required to pay the Recreational Facilities and Open Space Impact Fee for unit 8.

Finding: Woodside Condominiums will be responsible for providing open space and recreational land and facilities to meet the additional demand created by residents of the subdivision.

- 4) If an applicant chooses to create open space and/or recreational land and facilities within the subdivision in addition to paying the impact fee, the following applies:

a) **Land Improvements:** The applicant shall improve the land according to the proposed use of the land and the requirements of the Planning Board.

b) Owners Association: A homeowners' association shall be formed to provide for the perpetual care of commonly owned recreation land.

The development has an active Condominium Association for the development. The Condominium Association maintains the land located outside of the individual condominium units.

Finding: Woodside Condominiums will have common space within the subdivision in accordance with the Planning Board requirements and the Condominium Association shall be required to provide for the perpetual care of commonly owned land.

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

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

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

The proposal is to convert the existing unit 7 into units 7 and 8. The condominium unit is located at the end of Woodside Drive. An outdoor shed for unit 8 will be placed adjacent to the shed for unit 7.

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

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

Vehicular access to the site will be on Woodside Drive, which is a private road. Woodside Drive is a dead end drive that exits onto Water Street.

Water Street is classified as an Urban Access Road.

No changes are proposed to the site's existing access to 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.

Woodside Drive is a private road. Woodside Drive is designed as an open section road with 12' travel lanes.

No changes are proposed to the site's existing access drive.

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

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

Woodside Drive has a hammerhead constructed on the western side at station number 2+10. The hammerhead is constructed with Grasspave2 porous paving system.

The private drive has ten additional parking spaces for guest parking. The parking spaces are located on the eastern side and on the northern end of the drive.

No changes are proposed to the site's internal vehicular access.

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.

Woodside Condominium project was approved with a 6' gravel walking trail located on the eastern side of Woodside Drive.

No changes are proposed to the site's existing pedestrian circulation.

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

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

The site has a detention pond located north of Woodside Drive to handle the site's existing stormwater. The stormwater pond is required to be maintained by the Woodside Condominium Association.

No changes are proposed to the site's existing stormwater management system.

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

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

If any soil disturbance occurs as part of any construction activities then the applicant will also comply with the "Maine Erosion and Sediment Control Handbook for Construction: Best Management Practices," Maine Department of Environmental Practices.

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

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

The condominium units are served by a 2” private watermain extended from the Portland Water District’s 8” watermain located in the Water Street right-of-way.

No changes to the site’s existing water supply are proposed.

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

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

The Condominium units’ sewerage flows by gravity sewers into a grinder pump which is then pumped by a force main into the Portland Water District sewer manhole located in the Water Street right-of-way. Woodside Condominium Association is responsible for the maintenance of the sewer system located within the development.

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

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

The units are served by underground power, cable, telephone, and natural gas.

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

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

The site has already been developed. The proposal will not require the clearing of any trees or disturbance of any natural features.

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

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

Stormwater from the site is treated in a detention pond prior to release. The condominium units are served by public water from the Portland Water District.

No changes to the site's existing stormwater management system or public water supply are proposed.

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.

Woodside Drive is illuminated by four carriage style light poles.

No changes to the site's exterior lighting are proposed.

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

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

Trash removal is through the Town's solid waste provider.

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

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

There is existing landscaping located in front of each of the units. Trees and other landscaping are also located along Woodside Drive.

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

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

The lot is not located in a Shoreland Overlay District.

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

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

The applicant was the original developer for Woodside Drive Condominium units.

The applicant expects the improvements for the subdivision amendment to cost \$4,000.00. The applicant is proposing to fund the improvements through personal funds.

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 site has existing landscaping as well as woodland open space. No changes are proposed to the site's existing landscaping and the applicant is not proposing any clearing of trees on the site.

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

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

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

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

Conditions of Approval

1. That this approval is dependent upon, and limited to, the proposals and plans contained in this application and supporting documents submitted and affirmed by the applicants and that any variation from the plans, proposals and supporting documents is subject to review and approval by the Planning Board or Site Plan Review Committee, except for minor changes which the Town Planner may approve;
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 the applicant shall make the required changes to the legal documents as required by the Town Attorney and Town Staff prior to the Planning Board's endorsement of the final plan;
4. That the applicant shall pay the required Open Space Impact Fee within 30 days of approval by the Planning Board;
5. That the applicant shall obtain the required permits from the Code Enforcement Officer prior to Unit 8 being occupied;

6. That all relevant conditions of approval from past approvals shall remain in effect;
 7. That the Planning Board Chairman is authorized by the Planning Board to sign the Findings of Fact on behalf of the entire Board; and
 8. That the approved conditions of approval shall be added to the subdivision/site amendment plan and the plan shall be recorded at the Cumberland County Registry of Deeds, and once the plan has been recorded, a dated mylar copy of the recorded subdivision/site amendment plan shall be returned to the Town Planner prior to the issuance of a certificate of occupancy for unit 8.
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**ITEM 2 TOWN OF GORHAM – CHICK PROPERTY – PUBLIC SAFETY
COMPLEX – SITE PLAN AMENDMENT**

FINDINGS OF FACT

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

The Planning Board, following review of the Site Plan 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 has provided a site sheet, 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 Maine 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.

Dumpster pad access will be from the driveway located off Main Street.

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 the dumpster pad, 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.

A 550 feet long sidewalk has been 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.

No changes to the site's pedestrian circulation are proposed.

Finding: *The development plan will provide for a system of pedestrian circulation within and to the development.*

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

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.

No changes to the site's stormwater management infrastructure are proposed.

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

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

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.

No changes to the site's public water supply infrastructure are proposed.

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.

No changes to the site's public sewage disposal infrastructure are proposed.

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.

No changes to the site's utility infrastructure 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.

No changes to the site's exterior lighting are proposed.

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

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

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.

No changes to the site's landscaping plan are proposed.

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

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

The lot 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.

No changes to the site's proposed landscaping buffer are proposed.

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

9. 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;
10. That prior to the commencement of construction of the site plan, the applicant is responsible for obtaining all required local, state and federal permits;
11. That the Planning Board Chairman is authorized by the Planning Board to sign the Findings of Fact on behalf of the entire Board; and
12. That these conditions of approval must be 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 copy of the decision document shall be returned to the Town Planner.