



Town of Gorham
July 13, 2015
PLANNING BOARD MINUTES

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

Members Present

EDWARD ZELMANOW, CHAIRMAN
GEORGE FOX
SCOTT HERRICK
RACHEL SUNNELL

Member Absent

JAMES ANDERSON
MELINDA SHAIN

Staff Present:

THOMAS POIRIER, Town Planner
NATALIE BURNS, ESQ., Town Attorney
BARBARA SKINNER, Clerk of the Board

Edward Zelmanow, Chairman, called the meeting to order at 7:15 p.m. The Clerk called the roll, noting that Ms. Shain and Mr. Anderson were absent.

APPROVAL OF THE JUNE 1, 2015 MINUTES

Scott Herrick MOVED and Rachel Sunnell SECONDED a motion to approve the minutes of June 1, 2015 as written and distributed. Motion CARRIED, 3 ayes (George Fox abstaining is not having been present at the meeting; James Anderson and Melinda Shain absent). (7:17 p.m.)

COMMITTEE REPORTS

- A. Ordinance Review Committee** – Mr. Herrick said there is no report this evening.
 - B. Streets and Ways Subcommittee** – Mr. Zelmanow reported that this subcommittee has not met since the last Board meeting.
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CHAIRMAN’S REPORT

Mr. Zelmanow noted that there is still a vacancy on the Planning Board and suggested that anyone interested in joining the Board should contact the Clerk’s office for an application.

ADMINISTRATIVE REVIEW REPORT

Mr. Poirier reported that Life Church has been through its public hearing process and plans are being revised. Mr. Poirier reported that while the Planning Board did not recommend increasing the size of allowed accessory apartments, the Town Council voted to increase the size from 660 square feet to 800

square feet and to adopt the Board's recommendations regarding septic systems. The Council voted to send the proposed personal storage item to the Council's Ordinance Committee to review the Planning Board's recommendations.

ITEM 1 Public Hearing – Land Use and Development Code Amendment – amendment to establish a Conditional Multi-use zone for the McLellan/Sampson House, located at 77 South Street, Map 106, Lot 47, Urban Residential zoning district.

Mr. Poirier explained that the Town is seeking to create a conditional zone, similar to the one recently approved on Preble Street, around the McLellan/Sampson House to allow the re-use of the building with a range of uses from residential to professional office. It involves splitting off a small portion of the front of the Town's lot in front of the Municipal Building. The McLellan/Sampson House is located in the South Street Historic District, and performance standards language is being proposed to preserve the historic importance of the McLellan/Sampson House. Mr. Poirier said that staff is still working on a zoning map for the item.

In reply to Ms. Sunnell, Mr. Poirier said that the underlying zone for the parcel is suburban residential, and the South Street Historic District has no land use regulations associated with it, and there are no requirements or restrictions that the Town can enforce as part of the District. However, staff has written some historic district performance standards.

Mr. Herrick expressed concerns about the lack of specific space standards proposed such as lot size, building height and street frontage, saying that if this conditional zone is to protect the building, there should be particular requirements relating to the building.

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

The Board concurred that the item should be forwarded to the Board's Ordinance subcommittee for review and recommendations.

Scott Herrick MOVED and Rachel Sunnell SECONDED a motion to send the item to the Board's Ordinance Committee. Motion CARRIED, 4 ayes (James Anderson and Melinda Shain absent). 7:29 p.m.

ITEM 2 Public Hearing – Site Plan Amendment Real Estate LLC request for approval to demolish the existing building at 21 Main Street in order to reconfigure/expand the existing Amato's Sandwich Shop paved parking area, located on Map 102 Lot 105 in the Gorham Village Center zoning district.

Mr. Poirier noted that the Board last reviewed the project on May 4, 2015, and held a site walk on June 19, 2015. Staff has had a peer traffic engineer review the proposal, those comments are in the Board's packets. Mr. Poirier said the applicant has provided a letter to Planning staff regarding financial and technical capacity.

Craig Burgess, Sebago Technics, appeared on behalf of the applicant. Mr. Burgess said that the proposed project is for a parking expansion of 7 general parking spaces, 3 employee parking spaces, a right-hand turn out exit on to Route 114 and some re-striping which will add an additional parking space. Mr. Burgess said any minor comments can be addressed as changes to the plan.

Mr. Zelmanow asked about the items made by the peer reviewer about how cars will maneuver out of the three employee parking spaces and his suggestion that auto-turn or similar figures be submitted demonstrating that these movements can be done safely. Mr. Burgess said they feel that turning movements are not warranted because the employees will have to coordinate internally on their parking. Mr. Burgess said that the dumpster will have to be accessed when there is no one in the parking area, either late night or early morning.

Mr. Poirier confirmed to Mr. Zelmanow that the required site distance is being met. Mr. Poirier said that a plan typically will indicate the sight distance; Mr. Burgess agreed to add that information to the plan.

PUBLIC COMMENT PERIOD OPENED: Marla Stelk, 61 Johnson Road, expressed her dissatisfaction with the process whereby the Town purchased 21 Main Street, and is selling it for less than the purchase price and foregoing future property tax revenues. She said the sale was not adequately advertised, parking is not needed and the Master Plan and Village Parking Study recommend against using 21 Main for parking, especially for private benefit. She recommends keeping it as a private home because the math does not add up.

Kyle Bailey, 114 Johnson Road. Said that this is part of a larger issue of maintaining the historic character of the Village and that it is a mistake to demolish an historic home in order to install 7 parking spaces for a private business. He said that the development should not go forward.

PUBLIC COMMENT PERIOD ENDED.

After Mr. Poirier determined that the Board had no other significant issues, there was a lengthy discussion with the applicant and its engineer about the three employee head-in parking spaces. Mr. Poirier noted that the Board must decide that the plan provides for safe and convenient circulation of vehicles throughout the site. Natalie Burns, Town Attorney, said that the Board can approve the plan with a condition of approval that makes a change to the plan regarding the head-in employee spaces, and it is up to the applicant whether the applicant wants to pursue that or not. Ultimately a decision was reached by the Board that the head-in three spaces should be removed from the plan, and a Condition of Approval was crafted, Condition #6, as follows:

“That the applicant shall revise the plan to show that the three employee head-in parking spaces north of the dumpster will be removed and loamed and seeded prior to the Planning Board’s endorsement of the final plan”

In addition, a Condition of Approval, #7, was crafted requiring that the applicant make the changes to the plan as required by Town staff and the Review Engineer. Condition of Approval #7 reads as follows:

“That the applicant shall make the required changes to the plan as outlined in Town staff and Review Engineer comments prior to the Planning Board’s endorsement of the final plan.”

Mark Adams, Sebago Technics, came to the podium and said they will work with the client on the final configuration, and confirmed that the Board does not care how the spaces are signed.

Ms. Burns, Town Attorney, confirmed that the letter from the applicant about technical and financial capacity is adequate for a project of this size.

Mr. Poirier said that the project's description in the Findings of Fact will be changed to reflect 7 general parking spaces and 2 employee parking spaces.

Rachel Sunnell MOVED and George Fox SECONDED a motion to grant Reali Realty LLC's request for approval to construct an interconnected parking lot and a right-hand turn only exit onto Main Street and associated landscaping for the property located at the eastern intersection of Main Street and South Street, Map 102, Lots 85, 105 and 106 in the Village Center 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, 4 ayes. [8:35 p.m.]

Ten Minute Break

ITEM 3 Public Hearing – Site Plan – Douces Wild, LLC, Thirsty Turf Irrigation Facility seeks approval to build a pre-engineered 10,700 sf building and 2,700 sf office building with associated parking and storage, located on Lot F of the Gorham Industrial Park Subdivision on Map 12, Lot 23.006 in the Industrial zoning district.

Mr. Poirier reminded the Board that this applicant was last before the Board on May 4, 2015 and a site walk was held on June 19.

Craig Burgess, Sebago Technics, appeared on behalf of the applicant and described the project, noting that the applicant intends to move his operation from Portland to Gorham. There will be 21 parking spaces and a perimeter fence.

Ms. Sunnell and Mr. Burgess discussed the grading which appears to extend into the right-of-way; Mr. Burgess said it can be shifted to the east to accommodate a future extension of the road. Mr. Fox said it would be better to amend the plan to show the grading falling within the property that the applicant actually owns. Ms. Burns said that the applicant does have a right to do improvements in the road extension right-of-way so long as those improvements are not inconsistent with the future use of the road.

Mr. Zelmanow confirmed that there will only be an entrance sign and that there will be no signs on the building itself. Mr. Zelmanow recommended that there should be bollards added to protect the fuel tank; Mr. Burgess concurred.

In reply to Mr. Zelmanow, Mr. Burgess indicated that they are still waiting for the Portland Water District's approval letter. Mr. Burgess said that the tree line will be re-routed so that it stays off the fence with enough room behind the fence for maintenance. Mr. Burgess confirmed with Mr. Zelmanow that the amount of wetland impacts will be added to the plan.

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

The Board concurred that Condition of Approval #11 be amended to have bollards placed before the above ground fuel storage tank. In addition, new Conditions of Approval #17 and 18 will be added as follows:

17. "That the applicant shall receive Portland Water District approval for the water main extension prior to the Planning Board's endorsement of the final plan"
18. "That the applicant will make the required changes to the site plan prior to the Planning Board's endorsement of the final plan"

The Board and the applicant all agreed with the Conditions of Approval.

George Fox MOVED and Scott Herrick SECONDED a motion to grant Douces Wild, LLC's request for approval to construct a pre-engineered 10,700 sf building with associated parking and storage areas located at 15 Eastern Drive, Lot F of the Gorham Industrial Park Subdivision, Map 12, Lot 26.003, Industrial 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, 4 ayes (James Anderson and Melinda Shain absent). [8:51 p.m.]

ITEM 4 Public Hearing – Site Plan Amendment – DDI/Susan Duchaine – request for approval for 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 District.

Mr. Poirier reminded the Board that this application was before the Board on April 6, 2015 with a site walk having been held on April 30, 2015. Mr. Poirier said that the applicant has submitted a waiver request for buffering in the Narragansett Development district; however, while this is not a waiver provision per se, the Code allows the Board to consider alternative buffers and screening. In lieu of complying with mandated screenings and plantings, the developer needs to submit a detailed plan and specifications meeting the Board's approval to afford a degree of buffering and screening equivalent or exceeding that provided by the required plantings.

Mr. Poirier called the Board's attention to the specific requirement in the Narragansett Development district that "Developments shall reserve thirty percent (30%) of the gross acreage as dedicated open space, excluding landscaping and buffer yard requirements." He noted that the applicant's lot is 59,940 sf. ft., so the 30% open space requirement is for 17,982 sq.ft. Staff interprets "reserved" open space as space not occupied by any type of development or disturbance such as drainage ditches and stone berms, but preserved as woodland or allowed to return to woodland if the area has been cleared. Mr. Poirier said staff recommends that the applicant identify the required reserved open space on Sheet 5 of the plans, Net Residential Density Calculations.

Mr. Poirier also introduced for the record a letter dated July 13, 2015, from abutter Eileen Kalikow's attorney, Thomas F. Jewell, Esquire. Mr. Poirier said the letter has been provided to the applicant's engineer, Andrew Morrell, and Ms. Burns noted that she has seen the correspondence from Mr. Jewell.

Mr. Zelmanow noted that a determination was made by the Code Enforcement Officer on June 3, 2014, that outdoor storage of construction equipment such as dump trucks and excavators and materials is not a permitted use in the Narragansett Development district. He said that the applicant appealed that decision to the Zoning Board of Appeals but withdrew her application at the ZBA hearing on her appeal. Since the Code Enforcement Officer's determination was not overturned by the ZBA, his determination still holds on what is permitted in the Narragansett Development district.

Andrew Morrell, BH2M Engineers, introduced the applicant Susan Duchaine, as well as Chris and Joe Duchaine. Mr. Morrell said a high intensity soil survey has been added to the design. The DOT has approved the storm water design and the project has been forwarded to the right-of-way division of the DOT where consideration is being made to drafting an easement to potentially follow the outfall as it goes to the By Pass. Buffers have been delineated on the plans and updates have been added to the landscaping for the proposed use and the existing residential use next door. The scope of the project has been significantly reduced with the gravel parking area less than ½ of what it was originally and only .31 acres of impervious area is currently proposed. The paved parking area originally proposed in back of the existing building has been removed from the project.

Mr. Morrell said it appears that there are three outstanding items remaining to be addressed. The first involves the required open space, which Mr. Morrell feels that the application will meet if the gravel area, proposed parking areas, the existing building, the existing parking area are removed, and what is left to be considered open space. The second item involves the buffers along the outside of the property, which Mr. Morrell believes to be quite restrictive; the applicant would like the Board to consider approving the buffers as they are currently. Mr. Morrell said the third outstanding item involves the abutter's concerns and noted that they have tried several times to communicate with the abutter but have not heard anything from anyone. Mr. Morrell said that the applicant intends to meet with the abutter to discuss the issues and have added some landscaping to the plans and would like to know the abutter's reactions to those changes.

Mr. Zelmanow raised the issue of the proposed garage height. Mr. Morrell said that the building is proposed to be under 25 feet and a plan note will be added specifying that the proposed garage cannot be more than 25 feet. Mr. Morrell said that the Narragansett Development district requires that the side setback be either 50 feet or double the height of the building; therefore, if the building is taller than 25 feet, the setback would have to be greater than 50 feet.

Mr. Zelmanow reviewed the applicant's proposed use of the property as follows: to construct a garage building under 25 feet tall, an enclosed building, and to use the building to repair equipment and store supplies. Mr. Zelmanow noted that the applicant is also requesting the ability to park equipment and construction vehicles, store loam, mulch and other items for purchase by homeowners, assumedly outside. Mr. Morrell said that according to the Code Enforcement Officer, all materials on site need to be stored inside, which the applicant has agreed to. The applicant proposes to store materials inside but not vehicles. Mr. Zelmanow asked Ms. Burns for her judgment as to what is allowed to be stored. Ms. Burns said that based on the Code Enforcement Officer's determination, they are allowed to park vehicles outside, but not allowed to park equipment that is not a vehicle and no outside materials storage is allowed. Mr. Poirier added that heavy construction vehicles such as dump trucks or trailers

cannot be stored outside but are allowed in the garage. Ms. Burns confirmed that normal motor vehicles such as passenger vehicles or small trucks may be stored outside. Mr. Morrell confirmed that the applicant is not seeking to store loam, mulch and other items outside or to have construction vehicles outside and agrees with the conditions imposed in the CEO's determination.

Mr. Herrick advised the Board that while he was not present for the April meeting, he has reviewed the notes and materials and believes he can participate in the discussion of the item this evening.

Rachel Sunnell MOVED and George Fox SECONDED a motion to allow Mr. Herrick to participate in the review of this item. Motion CARRIED, 3 ayes (Scott Herrick abstaining, James Anderson and Melinda Shain absent).

The Board, Mr. Morrell and Ms. Duchaine discussed at considerable length what is required by the reserved open space provision in the Narragansett Development district and what is proposed as open space by the applicant. Ms. Burns noted that there cannot be any improvements within the dedicated open space. While the Board recognized that Plan Sheet 5 shows the calculations for open space, it was ultimately determined that a plan should be prepared which shows the proposed open space as specifically hatched areas. It was pointed out that showing the dedicated open space on the plans has been a staff request since the application was first discussed as a pre-app in April. Ms. Burns noted that once the open space is delineated on the plan, the Code Enforcement Officer will determine if it is satisfactory.

The Board agreed that it would not waive the 10:00 o'clock rule, so that once deliberations on this item were concluded, no other applications would be discussed. Depending on the availability of the Council Chambers, the remaining 5 items will be heard either on July 20 or on August 3; and staff will so advise the applicants.

In a discussion about Mr. Morrell's second outstanding item about buffering, Mr. Poirier said that the Narragansett District is very specific on what is required to be planted in the buffer. He quoted from the Code that "Screening of non-residential uses shall be screened from adjacent residential zoning districts and developments by a buffer yard of twenty(20) feet in width containing at least three (3) canopy trees, six (6) under story trees and nine (9) shrubs per one hundred (100) feet of length along the perimeter of the lot line adjacent to the residential use." Mr. Poirier noted that the Narragansett District calls for screening abutting an arterial or collector street of "A buffer yard of 10 (10) feet in width containing at least one (1) canopy tree, two (2) under story trees, and three (3) shrubs per one hundred (100) feet of frontage."

Mr. Morrell said that all the dimensional requirements of their buffers meet the zoning standards, and what they are talking about is what is planted in those buffers now and can those plantings be considered as satisfying the requirements. Mr. Poirier read from the Code that "Alternative buffers and screening – in lieu of compliance with the above buffer yard and screening requirements, a developer may submit a detailed plan and specifications for landscaping and screening which will afford a degree of buffering and screening equivalent to or exceeding that provided by the above requirements." Ms. Sunnell suggested that the applicant submit a plan that actually documents existing plant material and what it is, perhaps by photographs, which can be provided by someone experienced in landscaping. Ms. Sunnell said a visual survey visually documented with photographs and notes would be sufficient, and to locate major trees on the plans. Mr. Zelmanow responded to Ms. Duchaine that the Board is being asked to accept what is currently in the buffers in lieu of what is required, but

without documentation as to what those plantings are, there is no way the Board can agree that they are adequate. Ms. Burns noted that if a buffer shown on a plan, it has to be maintained, that something diseased can be removed, but something similar needs to be planted in its place.

The Board then discussed the last item Mr. Morrell brought up, which is that involving the abutter.

PUBLIC COMMENT PERIOD OPENED: Thomas F. Jewell, Esquire, with Jewell & Bulger, P.A., covering for Gary Libby, Esquire, who was at the site walk; collectively they represent Eileen Kalikow, owner of the abutting multi-family residence at 162 Narragansett Street. Mr. Jewell discussed various items of concern involving the applicant's proposal, including the question of the use of the site, open space, extent of the gravel fill areas, proposed building lighting which is directed at the abutter, type of fencing, location of the fuel tank and its intended use. Mr. Jewell also questioned whether someone running a repair facility for the applicant's vehicles might also have a business of his own repairing heavy equipment, which he believes should be prohibited by a condition of approval. Mr. Jewell said that the only buffering proposed by the applicant to protect his client's property is to install a rail fence and to plant a couple of clumps of arborvitae on the abutter's property.

Eileen Kalikow, 162 Narragansett, expressed her concern at the condition of the applicant's property, the clear cutting of the site, and the use of large equipment on the site. Ms. Kalikow provided the Board of photographs taken of the applicant's site to demonstrate current conditions.

PUBLIC COMMENT PERIOD ENDED.

Mr. Herrick asked if the current parking along the abutter's property can remain in the buffer. Mr. Zelmanow replied that it is grandfathered. In response to a question from Mr. Zelmanow, Joe Duchaine replied that the commercial repair shop is for DDI's use and not for the general public. Mr. Zelmanow asked if there should be a condition of approval on this issue. Ms. Burns replied that there is a standard condition incorporates representations made to the Board. Mr. Morrell said that the lighting will be added to the plans and a photometric plan will be provided. Ms. Duchaine said that the idea of planting trees in the abutter's property came from the abutter's attorney. Ms. Sunnell recommended hiring a landscape architect because the plantings need to be done according to a plan to take into account the abutter's concerns. Mr. Fox asked about the size of the diesel tank, saying he was concerned about possible spillage; Joe Duchaine replied that discussions involved either two 500 gallon or two 1,000 gallon tanks, which will be above ground and it will be diesel fuel in the tanks, which is #2 heating oil, exactly as the oil in a basement heating oil tank. Mr. Morrell said that more detail will be provided about the tank and what is above it. Mr. Zelmanow noted that the oil tank has to be permitted by the State Fire Marshal. Chris Duchaine said that typically it is like a 1,000 gallon septic tank that the fuel tank would be set in so it is fully contained and would be 5 or 6 feet downhill from the abutter's property and protected by bollards, with no ground water contamination possible.

Mr. Morrell brought up the issue of the row of deciduous trees between the applicant's property and that of the abutter, which were part of the original site plan approval back in about early 2002. He said the trees have not fared well and it is proposed to replace them with a split rail fence. Ms. Sunnell said that a split rail fence would not screen; she recommended that a 4-foot fence with grasses and large perennials would provide a better screen but top soil would need to be added to provide an environment where plantings could survive. She said that the area is too narrow for trees. A discussion occurred about the plowing that the applicant and the abutter perform, which has impacted the buffer in the past, as well as the parking that takes place on the applicant's site.

Mr. Zelmanow asked whether a State of Maine drainage easement has been obtained. Mr. Morrell said permission has been obtained to make the improvements to the site, and the State is in the process of deciding whether they need an easement all the way across the site or whether they will keep an easement up to this property.

Mr. Poirier asked that when the applicant has submitted a new residential density calculation plan showing open space, would the Board want a determination from the Code Enforcement Officer. Mr. Zelmanow would like the Code Enforcement Officer's determination if what is submitted meets the 30% reserved dedicated open space requirement. If it does not, Mr. Zelmanow wants to know what portion of what is shown on the new plan does not meet the 30% and why.

Mr. Poirier said there are outstanding comments from Woodard & Curran, the Town's Engineer, and does the Board want the plan to go back to them for final comment. Those comments involve some contour lines, spot grading, and stormwater management. Regarding Woodard & Curran's comment about stormwater management, Mr. Morrell explained that as part of their design of the parcel, the entire watershed flowing to the parcel needs to be considered. He said the parcel has a significant upstream watershed on the other side of Route 202, there is a large culvert under Route 202 which dumps water onto this property. As part of their analysis, Mr. Morrell said they considered the amount of runoff flowing to that culvert, through and around the applicant's parcel, under the By Pass and continuing on. He said the Code requires that post-development runoff does not exceed pre-development runoff so a berm has been created to divert the runoff into the system. Woodard & Curran is asking that the upstream watershed not be considered as part of the analysis, and to consider what the impact of this parcel would be to the downstream property line if just this development occurs without the impact of the upstream watershed. Mr. Morrell said that if the upstream watershed is not considered, the increase of impervious surface on this parcel will show an increase of stormwater at the property line as this is not a stand-alone site.

Mr. Poirier quoted from Chapter IV of the Land Use Code the following submission requirement: "Engineering calculations used to determine drainage requirements based upon the 25-year 24-hour storm frequency, if the project will significantly alter the existing drainage pattern due to such factors as the amount of new impervious surfaces (such as paving and building area) being proposed and the pre and post development rates of runoff, provided, if clearly warranted in the professional opinion of the Town Engineer, the Town Engineer may require information on the storm frequency greater than that for the 25-year 24-hour storm." Mr. Poirier said that the Public Works Director is designated as the Town Engineer and suggested that Mr. Burns' opinion be secured on the stormwater analysis issue.

Mr. Zelmanow said he saw no comments from Woodard & Curran that would warrant their review of a new plan. There being no further comments from the Board or the applicant

George Fox MOVED and Rachel Sunnell SECONDED a motion to table further review of Susan Duchaine's request for site plan amendment approval pending responses to remaining issues. Motion CARRIED, 4 ayes (James Anderson and Melinda Shain absent). [10:33 p.m.]

ITEM 5 SUBDIVISION REVIEW - Laura Lane Subdivision - Bauer & Gilman Construction, LLC request for approval of a 10-lot clustered subdivision on 17.13 acres with a 1,213' paved private way built to the 7-10 lot private way standards, located at 108 Shaws Mill

Road on Map 80 Lot 31, Suburban Residential-Manufactured Housing (SR-MH) zoning district.

NOT HEARD - CONTINUED TO JULY 20, 2015 MEETING

ITEM 6 PRIVATE WAY REVIEW - Fort Libby Drive - Matthew Libby request for approval of a 600' private way built to the 2-6 lot private way standard to serve one family gift lot, located off 340/342 Fort Hill Road on Map 64 Lot 14 and Map 43 Lot 30, Rural (R) zoning district.

NOT HEARD – CONTINUED TO JULY 20, 2015 MEETING

ITEM 7 PRIVATE WAY REVIEW - Deerfield Drive - Gregory and Sue McCormack request for approval of a 422' private way built to the 2-6 lot private way standard, located off Maplewood Drive, Map 104 Lots 30 and 10.3, Urban Residential (UR) zoning district.

NET HEARD – CONTINUED TO JULY 20, 2015 MEETING

ITEM 8 PRE-APP DISCUSSION - Subdivision Review - Guy Gledhill d/b/a Gledhill Group, LLC – request for approval of Bramblewood Estates, a 10-unit residential condominium project, located on 4 acres off Bramblewood Lane, Map 25 Lot 7.001, Urban Residential (UR) zoning district.

NOT HEARD – CONTINUED TO JULY 20, 2015 MEETING

ITEM 9 PRE-APP DISCUSSION -Subdivision Amendment Review - STJ Inc. request for approval of an amendment to the 1996 Village Crossing Subdivision to construct a 6-lot subdivision on Lot 1 of the Village Crossing Subdivision, located on 2.17 acres at 12 Cumberland Lane, Map 27 Lot 5.001, Office Residential (OR) zoning district.

NOT HEARD – CONTINUED TO JULY 20, 2015 MEETING

OTHER BUSINESS NONE

ANNOUNCEMENTS: NONE

ADJOURNMENT

George Fox MOVED and Rachel Sunnell SECONDED a motion to adjourn. Motion CARRIED, 4 ayes (James Anderson and Melinda Shain absent). [10:33 p.m.]

Respectfully submitted,

Barbara C. Skinner, Clerk of the Board

ITEM 2 REALI REALTY, INC. – AMATO’S PARKING LOT AMENDMENT

FINDINGS OF FACT

Applicant/Property Owner: The applicant is Jeff Reali, Reali Realty, 129 Newbury Street, Portland, Maine 04101. The property owner of lots M102 L106, M102 L84, and M102 L85 is Dominic Reali Realty, LLC 312 St. John Street, Portland, Maine 04012. The property owner of M102 L105 is the Town of Gorham, 75 South Street, Gorham, Maine 04038.

Property: The lots are identified as Tax Map 102, Lots 84, 85, 105 and 106, and are located at the southeastern corner of South Street, State Route 114, and Main Street, State Routes 25, 202, and 4.

Consultants: Owens McCullough, P.E., Caitlyn Abbott, P.E., William Conway, L.A., and Charles Brown, Jr., P.L.S. with Sebago Technics.

Project Description: The proposal is to remove the existing building located on M102 L105. The proposal is to connect the parking lots for businesses located on the surrounding lots. The parking lot is proposed to have 7 new customer parking spaces and 2 employee-only parking spaces.

The proposal is for a right-turn only lane between the existing Amato’s parking lot and the new proposing parking spaces. A future area for interconnection between the abutting property is also shown on the eastern property line.

The applicant is proposing to add 2 picnic tables in the northern corner of the lot to allow for outdoor dining.

Site Description: The combined area of all the lots is 27,285 +/- sq.ft. in size and is located at the eastern corner of the intersection of Main Street, State Route 4, 25, and 202, and South Street, State Route 114. The lots are currently developed with three buildings for business uses, one building for residential use and associated parking lots and landscaped areas.

Applicability: The applicant’s proposal requires site plan review because it involves the amendment of a previously approved site plan and the addition of more than 1,000 sq.ft. of impervious area.

Zoning: Gorham Village Center District: The proposed use is permitted under Section IX, Subsection 2, B. Permitted Uses, 1) Retail stores having less than seven thousand (7,000) square feet of floor area on any floor.

Variations: None required.

Waivers: None requested.

Pursuant to the Application:

Preliminary Site Plan Amendment Review was held on May 4, 2015.

A Site Walk was held on June 19, 2015.

A Site Plan Amendment Review was held on July 13, 2015.

The projects and plans and other documents considered to be a part of the approval by the Planning Board in this ruling consist of the following:

Sebago Technics' plans (the plans), prepared by Owens McCullough, P.E., consist of the following:

Site Plan Set

Sheet 1 – Existing Conditions Survey – 04/21/15

Sheet 2 – Parking Improvement Plan – 06/10/15

Sheet 3 – Details – 04/21/15

Sheet 4 – Details – 6/10/15

Other documents submitted consist of the following:

Site Plan Amendment Application – 04/21/15

Plans – 04/21/15; 06/10/15

Dominic Reali Realty, LLC – Letter of Financial Capacity – 07/13/15

Milone and MacBroom – Traffic Reports – 06/16/15

Gorham Town Planner Comments – 07/08/15

Gorham Assessor Comments – 06/15/15

Gorham Fire Chief Comments – 06/17/15

Gorham Code Enforcement Officer – No comments

Gorham Police Chief – No comments

Gorham Public Works Director – 07/09/15

Woodard & Curran – 06/18/15

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 7 new customer parking stalls, 3 new employee parking stalls, and to restripe some of the existing parking stalls. 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 spaces.

The proposal also includes a right-hand turn only exit onto Main Street and provides an area reserved for future vehicle and pedestrian interconnection with an abutting commercial parking lot.

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 lots can be accessed either from South Street, State Route 114 or Main Street, State Routes 4, 25, and 202. South Street, State Route 114 is classified as a major urban collector road by the Maine Department of Transportation. Main Street, State Routes 4, 25, and 202, is classified as an other principal arterial by the Maine Department of Transportation.

Finding: Main Street and South 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 into the site from South Street is via two 19' wide driveways. No changes are proposed to the entrances from South Street. The proposal is to replace the existing driveway onto Main Street for the residential unit and reconfigure the driveway for a right-hand only exit onto Main Street for the three commercial businesses.

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 new parking spots, as well as reconfiguring some existing parking spaces to allow easier access to the parking spaces. The new parking space aisle is proposed to be 26' wide and will allow two-way access. The applicant is proposing to install a raised speed table in the parking lot to deter cut-through traffic use.

A sign will also be installed at the South Street entrances that state, "Cut-through traffic prohibited".

The proposal will also be to allow a future access connection with the eastern abutting property. Should the interconnection between parking lots be completed, the owner of the lot will allow unhindered vehicular traffic between the two sites.

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 located along Main Street and South Street. The applicant is proposing to install and repair the sidewalk along Main Street to fit the new right-hand only turn exit onto Main Street.

No internal sidewalks are located on the site or are being proposed.

The proposal will also be to allow a future access connection with the eastern abutting property. Should the interconnection between parking lots be completed, the owner of the lot will allow unhindered pedestrian traffic between the two sites.

Finding: The plans provide a system of pedestrian circulation to and 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 utilize the site's two existing catch basins to handle the stormwater from the site.

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 applicant will 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.

The existing commercial and residential buildings are served by public water. As part of the removal of the existing residential building, the water service to this lot shall be discontinued, meeting the requirements of the Portland Water District. No changes to the commercial buildings' water supply are proposed.

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.

The Amato's and Gorham Grind commercial buildings are served by public sewer system. The laundromat building is served by an individual septic system. The residential building is served by public sewer. As part of the removal of the existing residential building, the sewer service to this lot shall be discontinued, meeting the requirements of the Portland Water District. No changes to the commercial buildings' sewer supplies are proposed.

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 residential lot is served by overhead utilities from Main Street. The overhead utilities will be removed as part of the removal of the residential building. The commercial buildings are served by overhead power from South Street. No changes are proposed to the commercial buildings' overhead power.

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 mostly developed with only a few landscaping areas remaining on the lots. A small stand of trees is located along the eastern property line with the abutter. No changes to the existing trees located along the eastern property line are proposed.

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 proposed parking lot expansion and new right-hand turn exit 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.

No new lighting is proposed in the parking lot expansion.

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 relocate the fully enclosed dumpster and dumpster pad to the eastern property line. 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 is proposing to provide a landscaped buffer along the northeastern property line with the abutting property. The applicant is also proposing to install a tree and plants along Main Street to soften the appearance of the development. The current landscaping located along Main Street is to remain in its existing condition.

The landscaping located between IM102 L106, M102 L105, and M102 L85 is to be removed to allow construction of interconnected parking lots.

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 proposal is to fund the proposed improvements through cash reserves from Dominic Reali Realty as identified in a letter dated July 13, 2015 to Thomas Poirier, Gorham Town Planner. The applicant has hired an engineering firm, Sebago Technics, to represent it during the design and construction of the proposed improvements.

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 to provide an additional landscaped buffer along the northern portion of the eastern property line. The applicant is also proposing to add an additional tree and plants in the Main Street front set back to soften the appearance of the development.

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. That any proposed use on the site shall meet the sound level requirements outlined under Chapter IV, Section IX, T. Noise;
5. 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;
6. That the applicant shall revise the plan to show that the three employee head-in parking spaces north of the dumpster will be removed and loamed and seeded prior to the Planning Board's endorsement of the final plan;
7. That the applicant shall make the required changes to the plan as outlined in Town staff and Review Engineer comments prior to the Planning Board's endorsement of the final plan;
8. That prior to the commencement of any site improvements, the applicant, its earthwork contractor, and the design engineer shall arrange a pre-construction meeting with the Town's Review Engineer, Public Works Director, Fire Chief, Code Enforcement Officer and the Town Planner to

review the proposed schedule of improvements, conditions of approval, and site construction requirements;

9. That the Planning Board Chairman is authorized by the Planning Board to sign the Findings of Fact on behalf of the entire Board; and
 10. That these conditions of approval must be added to the site plan and the site plan shall be recorded at the Cumberland County Registry of Deeds within thirty (30) days of the date of written notice of approval by the Planning Board, and a dated mylar copy of the recorded site plan shall be returned to the Town Planner.
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ITEM 3 THIRSTY TURF IRRIGATION FACILITY – 15 EASTERN DRIVE

FINDINGS OF FACT

Applicant/Property Owner: The applicant is Josh Doucette, Douces Wild, LLC, 21 Rice Street, Portland, Maine 04103. The property owner is Grondin Aggregates, LLC, 11 Bartlett Road, Gorham, Maine 04038.

Property: The lot is identified as Lot F, Tax Map 12, Lot 23.006, and is located at 15 Eastern Drive, Gorham, Maine 04038.

Consultants: Stephen Harding, P.E., Paul Ostrowski, P.E., William Conway, L.A., and Charles Brown, Jr., P.L.S. with Sebago Technics.

Project Description: The proposal is to construct a 13,400 sq.ft. commercial building and 1.98 acres of impervious area for outdoor storage and warehousing of irrigation equipment and installation. The building will have 5,400 sq.ft. for offices and meeting room space and 8,000 sq.ft. of warehouse space. The proposal also locates a 30' by 60' pipe rack canopy attached to the proposed warehouse building and a 25' by 40' pole barn for cold storage.

Site Description: The lot is 3.94 +/- acres in size and is located at the end of Eastern Drive. The lot is currently undeveloped with the eastern third of the lot being predominately covered by large growth white pine trees and the western two-thirds being mostly scrub shrub upland. Two narrow scrub shrub wetlands extend a third of the way into the site from the southern property line.

Applicability: The applicant's proposal requires site plan review because it involves the construction of an impervious surface greater than 10,000 sq.ft. of area within a three-year period.

Zoning: Industrial Zoning District: The proposed warehousing and outdoor storage uses are permitted under Section XII, B. Permitted Uses, 2) Warehousing and outdoor storage.

Variances: None required.

Waivers: None requested.

Pursuant to the Application:

Preapplication Site Plan Amendment Review was held on May 4, 2015.
A Site Walk was held on June 19, 2015.
Site Plan Review was held on July 13, 2015.

The projects and plans and other documents considered to be a part of the approval by the Planning Board in this ruling consist of the following:

Sebago Technics' plans (the plans), prepared by Stephen Harding, P.E., consist of the following:

Site Plan Set

Sheet 1 – Cover Sheet – 06/12/15
Sheet 2 – Existing Conditions and Boundary Plan – 06/12/15
Sheet 3 – Site Plan and Utility Plan – 06/12/15
Sheet 4 – Grading, Drainage, Erosion Control Plan – 06/12/15
Sheet 5 – Landscaping Plan – 06/12/15
Sheet 6 – Details – 06/12/15
Sheet 7 – Details – 06/12/15
Sheet 8 – Pre-development Watershed Map – 06/12/15
Sheet 9 – Post-development Watershed Map – 06/12/15
Sheet 10 – Site Lighting Layout – 06/12/15
Sheet 11 – Main Building First Floor – 06/12/15
Sheet 12 – Main Building Front Elevation – 06/12/15
Sheet 13 – Main Building Side Elevation – 06/12/15
Sheet 14 – Pole Barn Front Elevation – 06/12/15
Sheet 15 – Pole Barn Side Elevation – 06/12/15

Other documents submitted consist of the following:

Site Plan Application – 06/12/15
Sketch Plan – 04/21/15
Right, Title, Interest – 06/12/15
Bangor Savings Bank – Karyn MacLeod – Financial Terms and Agreement Form – 01/15/15
Stormwater Narrative/Management Plan – 06/12/15
Inspection, Maintenance and Housekeeping Plan – 06/12/15
Site Lighting – 06/12/15
Existing Maine DEP Site Law Permit Orders: Permit #L-000003-39-F-N – 08/03/89;
Permit #L-000003-39-E-M – 06/14/88
Gorham Town Planner Comments – 07/08/15
Gorham Assessor Comments – 06/16/15
Gorham Fire Chief Comments – 06/16/15
Gorham Code Enforcement Officer – No comments
Gorham Police Chief – No comments
Gorham Public Works Director – No comments

Woodard & Curran – 06/20/15

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

The Planning Board, following review of the Site Plan 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 22 parking spaces, including one handicapped space, to support the commercial use of the site. The proposed development will be accessed from Eastern Drive, a private access driveway. 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.

Access to the site is from Eastern Drive, a private way which connects to Hutcherson Drive and which is identified as being designed to the Town’s Industrial Road standard.

Eastern Drive has been designed to the Town’s Service Road Standard.

Finding: Eastern Drive and Hutcherson Drive 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 a 26’ wide asphalt driveway. The proposed driveway entrance will have adequate sight distance onto Eastern Drive, which dead ends at the applicant’s driveway.

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 along the south edge of the site. The parking lot is located to the front of the building and commercial vehicles will be stored in the rear of the building. The parking lot is separated from the commercial vehicle traffic entering the back of the site.

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.

An internal paver sidewalk is being proposed along the eastern side of the parking lot to direct traffic from the parking lot into the main entrance to the building. No sidewalks outside the development are proposed.

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.

Gorham Industrial Park received Site location of Development Act approval from Maine DEP on February 1971 and was amended for this lot on June of 1988. The DEP permit approvals allows for 2.96 acres of impervious area, and the applicant is proposing only 1.98 acres of impervious area.

The applicant is proposing to install a stormwater detention basin at the southeastern corner of the lot to reduce the peak run-off rates onto the abutting properties.

The lot is located within the Town of Gorham's Urbanized Area and subject to the Town of Gorham's Post-Construction Stormwater Management Ordinance.

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 Grading, Drainage, and Erosion Control Plan, sheet 4 of 15, illustrates the locations for the best management practices to be installed on site. The Details Plan, sheet 6 of 15, identifies provisions for how erosion control devices are to be installed 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.

A public water main is currently located within Eastern Drive. The public water main is to be extended roughly 127' into Eastern Drive to serve the site. As proposed, the commercial building will be served by a 1.5" domestic water line and a 4" line for fire suppression system.

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.

A public sewer main is currently located within Eastern Drive. The commercial building will have a 6" gravity sewer line connecting to an existing sewer basin located in Eastern Drive.

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 western side of Eastern Drive.

The site will be served by natural gas from Unitil.

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 wooded and undeveloped. The proposal is to clear a majority of the lot, retaining a portion of woodland along the northern property line and along a wetland in the middle of the southern property line.

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.

The proposed fuel storage will be in the required double wall tank and secondary containment as required by the Maine State Fire Marshal's Office.

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 applicant has provided a photometric plan from Swaney Lighting Associates showing the proposed lighting levels on the site and at the property boundaries. The lighting plan also provides details for the types of lighting to be installed.

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 in the middle of the southern edge of the asphalt pavement area. Adequate circulation has been provided to ensure 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 is proposing landscaping along the front of the site between the parking lot and the property line. The applicant is also providing landscaping along the entire front of the building. The Landscaping Plan: Sheet 5 of 15 shows the location, type, and sizes of landscaping to be installed on the site.

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 terms and agreement form from Bangor Savings Bank, Karyn L. MacLeod, Vice President Business Banking Officer. The applicant has hired an engineering firm, Sebago Technics, to represent it during the design and construction of the proposed improvements.

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 to break up the proposed development from Eastern Drive with landscaping located to the front of the site and along the proposed commercial office portion of the building. The applicant is proposing to retain a 20' wooded buffer along a majority of the northern property line and a 10' buffer along the western two third of the southern property line.

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

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

The uses at the site are required to meet the A-weighted hourly equivalent sound level limits of 70 dBA daytime (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. That any proposed use on the site shall meet the sound level requirements outlined under Chapter IV, Section IX, T. Noise;
5. That the building shall meet all applicable sections of the NFPA 101 Life Safety Code 2012 edition, and NFPA Fire Code 1;
6. That the building construction plans shall be submitted to the State Fire Marshal's Office and the Gorham Fire Department for review and permitting with the State Fire Marshal's Office stamped construction plans being provided to the Fire Department at the time the building permit is issued.
7. That building shall be completely sprinkled meeting all applicable sections of the Town of Gorham's Sprinkler Ordinance with the sprinkler plans being submitted to the State Fire Marshal's Office and the Gorham Fire Department for review and permitting at least two weeks prior to the start of installation of the system;
8. That a separate room with an outside door shall be provided for the sprinkler and fire alarm controls with the outside door being marked Sprinkler Control Room;
9. That the general contractor shall make himself familiar with Chapter 29 "Safe Guards During Building Construction, of the NFPA Fire Prevention Code 1;
10. That bollards shall be placed in front of the natural gas meter for protection;
11. That a State permit shall be obtained for the above ground fuel storage and the fuel storage area shall have a cement pad and protective bollards where vehicles are parked during fueling;
12. That a complete listing of any hazardous materials and their safety data sheets shall be provided to the Fire Department;
13. That sprinkler test papers shall be provided to the Fire Department before a certificate of occupancy is issued;
14. 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;
15. 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;
16. That the owner of the lot (Map 12, Lot 23.006) is responsible for compliance with the Town of Gorham Stormwater Ordinance, Chapter 2- Post Construction Stormwater Management.;
17. That the applicant shall receive Portland Water District approval for the water main extension prior to the Planning Board's endorsement of the final plan"

18. That the applicant will make the required changes to the site plan prior to the Planning Board's endorsement of the final plan
19. That the Planning Board Chairman is authorized by the Planning Board to sign the Findings of Fact on behalf of the entire Board; and
20. 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.