



**PLANNING BOARD MINUTES
November 2, 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
SCOTT HERRICK
LEE PRATT
RACHEL SUNNELL**

Staff Present

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

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

APPROVAL OF THE SEPTEMBER 14, 2015 MINUTES

Melinda Shain MOVED and James Anderson SECONDED a motion to approve the minutes of September 14, 2015 as written and distributed. Motion CARRIED, 6 ayes (Lee Pratt abstaining as not having been a Planning Board member at the time of the meeting). [7:02 p.m.]

APPROVAL OF THE OCTOBER 5, 2015 MINUTES

Melinda Shain MOVED and Scott Herrick SECONDED a motion to approve the minutes of October 5, 2015 as written and distributed. Motion CARRIED, 6 ayes (Rachel Sunnell abstaining as not having been present at the meeting). [7:04 p.m.]

COMMITTEE REPORTS

A. Ordinance Review Committee - Mr. Herrick reported that this committee has not met since the last Board meeting.

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

CHAIRMAN'S REPORT

Mr. Zelmanow noted that there is now a full Board and thanked each member for volunteering to serve on the Board.

ADMINISTRATIVE REVIEW REPORT

Mr. Poirier reported that there is one new project, that of John Woods, who is proposing an office building and a maintenance building at his existing lot on Cyr Drive. The public hearing notice will expire on November 3, and staff expects to move forward with completing the review requirements for that project.

CONSENT AGENDA **Site Plan Amendment – Casco Federal Credit Union** – a request for approval to construct a new credit union with drive-through lanes and associated parking, located at 393 Ossipee Trail, Map 77 Lot 15, Roadside Commercial zoning district.

There being no one from the Board or the public wishing to remove the item from the Consent Agenda, and Mr. Poirier confirming that the applicant is satisfied with the Conditions of Approval,

Melinda Shain MOVED and James Anderson SECONDED a motion to approve the item on the Consent Agenda. Motion CARRIED, 6 ayes (Lee Pratt abstaining). [7:07 p.m.]

ITEM 1 **Public Hearing – Land Use and Development Code Amendment** – Amendment to Chapter II, Section III, Signs, to require written permission from abutting property owner(s) to install a Farm Stand Directional Sign.

Mr. Poirier reminded the Board that this item was discussed at the October 5, 2015 meeting, at which time the Board voted to place the item on this agenda for a public hearing. Comments have been received from Steven Bibula of Orchard Ridge Farm, as well as the abutter Ms. Desrosiers. Mr. Poirier said that this ordinance has been forwarded to the Board from the Town Council. The Board reviews the language and makes any recommended changes, and a recommendation is forwarded to the Council for adoption.

Mr. Zelmanow commented that the Planning Board is not the political body making decisions about signage, those decisions are made by the Town Council. The Board's role is to craft the language that will carry out what the Council is seeking to accomplish in the Town, which is represented in the proposed language under review this evening.

Mr. Poirier confirmed to Mr. Anderson that the proposed revisions have come to the Board from the Town Council. The Board has made no changes to that proposed language. Ms. Shain said her concern is that under this proposed language, an abutter can prevent a farmer from placing an

important directional sign which is otherwise compliant under the ordinances of the Town. Ms. Sunnell noted that the information provided from other municipalities covers a range of complete prohibition of temporary signs to a more liberal attitude and suggested revising the language to permit an abutter to have a say where a sign can go, as opposed to a complete denial.

PUBLIC COMMENT PERIOD OPENED: Steven Bibula, Orchard Ridge Farm, advised the Board that he is the farmer who placed the offending sign. Mr. Bibula stressed the importance of being able to advertise his products and being able to post the signs has been helpful in directing people to his farm stand. He said he did not mean to offend any abutter, but a sign needs to be placed where it can be seen by someone in a vehicle. He spoke about the difficulty of placing signs in places such as roundabouts where only political signs are permitted. He asked that the Board not nullify the current ordinance by requiring abutter permission to post his signs. He said he is more than agreeable to working out a compromise satisfactory to all parties, even to the extent of mowing the land around the sign site.

David Alexander, Wilson Road, quoted from the 1998 State legislation passed to broaden the farm stand exemptions, stating “signs must be erected on private property with the land owner’s written consent except the signs may be erected within but at the edge of rights-of-ways of highways.” He believes, therefore, that according to State law no written consent is required. He said that farmers need these directional signs and does not believe that it is right for the Town to change a regulation at the request and benefit of a single resident to the detriment of one specific new business owner. He recommended that the Board not change the ordinance to benefit one property owner by giving that property owner “veto power.”

Jeff Grant, Mighty Street, Find View Farm, said they initially worked with the Planning Board to change the ordinance to allow off-premise signs. Mr. Grant said that Mr. Bibula could use the DOT signs and recommended working with abutters instead of changing the ordinance.

Wanda Desrosiers, 698 Gray Road, the abutter, said she is not trying to stop the farm signs, she is trying to have a voice in what happens. She said she has maintained the property for 12 years and has done a lot of work to enhance the beauty for Gorham. She said she moved the sign to what she considered a more acceptable location. She said that DOT does take into consideration the abutter’s wishes as to where a sign can be located, and the proposed language came from the DOT. She said that while she understands that directional signs are permitted under the ordinance, all she is asking for is a voice.

PUBLIC COMMENT PERIOD ENDED

In reply to Mr. Zelmanow, Mr. Poirier said that the sign permit is processed through the Code Enforcement office so the applicant will complete the farm stand directional sign application, providing the CEO with the location for the sign, a proposed schematic of what the sign is going to look like and what it will say, with the location indicating the intersections; and how far from the farm the sign will be located. The applicant can keep the sign up for as long as the product is in season.

Mr. Zelmanow said it would appear that the person abutting the sign location does not have a voice in the matter and the Council is trying to find a balance between the abutting home owner and the farmer, but giving that home owner veto power is not appropriate. He recommended that the item be sent to the Board’s Ordinance Committee for its review, with the suggestion that language could

be drafted that when an applicant comes in to the Code Enforcement office for a farm stand directional sign permit, a meeting be scheduled with the applicant, Code Enforcement and with the home owner abutter adjacent to the proposed sign location to take into account the home owner's issues and resolve them in a matter satisfactory to all parties. This would allow for input from the property owner without giving them veto power over the whole application, which basically takes that authority away from the Code Enforcement Office.

Melinda Shain MOVED and Rachel Sunnell SECONDED a motion to table the item and refer it to the Board's Ordinance Subcommittee for recommendations.

Discussion: Ms. Shain recommended that interested parties be encouraged to attend the Ordinance Committee meeting. Mr. Zelmanow said that notice of the Subcommittee's meeting will be sent to interested parties.

Motion CARRIED, 7 ayes. [7:30 p.m.]

ITEM 2 Public Hearing - First Russian Baptist Church – request for approval for a 5,834 square foot parking lot expansion at the facility located at 211 Mosher Road, Map 49 Lot 10, Suburban Residential zoning district.

Mr. Poirier noted that the proposed addition to the parking lot increases the amount of post stormwater run-off by a small amount. He reminded the Board that the ordinance requires that the post stormwater run-off mirrors the pre-stormwater run-off without any increase, and there is no waiver provision available to the Planning Board for an increase in runoff. Mr. Poirier said he believes that the applicant's engineer has come up with a solution for that increase in run-off, and staff has a new Finding of Fact "F" and Condition of Approval #8 to deal with the solution.

Steve Blake, BH2M, appeared on behalf of the applicant. Mr. Blake said the only work proposed with this amendment is the addition of 21 parking stalls, a net increase of 18 with some re-stripping of additional ADA parking. The proposed parking will take place on the east side of the site, between the existing parking lot and Mosher Road, about a 45 foot width in an east-west direction. Mr. Blake said that to deal with the slight increase in the post-development stormwater flow, they have added a small detention pond on the south side of the proposed parking, which would trim peak flows to below pre-development levels. Landscaping plantings are proposed to provide some screening and also to break up the parking lot between Mosher Road and the proposed parking.

Ms. Shain confirmed that this will be new landscaping. Mr. Anderson and Mr. Blake discussed the existing stormwater flows from the Church's property which go to the culvert on the north side of the property; nothing more will sent to that culvert so no written permission is required from the abutter. In reply to Ms. Shain, Mr. Blake said that even with this expansion the Church is below the State stormwater management permit trigger of one acre of impervious development.

PUBLIC COMMENT PERIOD OPENED: Timmy Boynton, 215 Mosher Road, asked how big the catch basin will be and its proximity to the wetlands, and asked if anyone knew that there was a turtle nesting area nearby. He also asked about the timing of the project and expressed concern about noise from the site. Mr. Blake replied that the pond will be 50' x 50', the design does respect the delineated wetlands, it will not impact any delineated wetlands, and he is not aware of there being any significant turtle habitat in the area. Mr. Blake said that IF&W maps certain turtle

habitats, but he does not recall that area being delineated.

Allene Bowler, 190 Mosher Road, expressed concern about the present amount of traffic entering and exiting the site and light pollution from headlights. She also commented about the current rate of speed on Mosher Road and wondered if the Planning Department can take action on reducing the speed limit. Mr. Poirier suggested that she address her concerns in writing about the speed limit to the Town Manager so that the Town Council could be apprised of them and perhaps follow through with the DOT. Mr. Zelmanow noted that the additional land purchased by the Church, mentioned by Ms. Bowler, has no bearing on this application. Ms. Bowler and Mr. Zelmanow discussed the proposed landscaping for this project.

PUBLIC COMMENT PERIOD ENDED.

Ms. Sunnell noted that the planting details should be modified to show that tree root balls are at grade instead of below grade. In reply to Ms. Shain, Mr. Blake said that the Church's goal is to build it this season, depending on the paving batch plants being open because of temperatures, so there is a chance they could be paving it in the spring. Mr. Blake said that the work would be done in compliance with the Town's noise ordinance.

Mr. Poirier read the new Finding of Fact under F., Stormwater Management, as follows:

“A stormwater pond located on the southern edge of the new proposed parking area will hold stormwater to meet the pre-stormwater runoff rates. Stormwater from the southern edge of the new parking area shall sheet flow into the pond. Stormwater from the northern edge of the new parking area will be collected in an underdrain pipe and piped under the new parking lot and driveway into the stormwater pond.”

In addition, a new Condition of Approval #8 has been crafted as follows:

“That prior to the pre-construction meeting the Town's Engineer shall review and approve the new stormwater management report and layout.”

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

Melinda Shain MOVED and James Anderson SECONDED a motion to grant the First Russian Baptist Church's request for site plan amendment approval of a parking lot expansion and revised parking lot layout at 211 Mosher Road on Map 49 Lot 10 in the Suburban Residential and Shoreland Overlay districts with Findings of Fact and Conditions of Approval as written by the Planning Board and modified this evening by the Planning Board. Motion CARRIED, 7 ayes. [7:55 p.m.]

ITEM 3 **Public Hearing - Preliminary Subdivision/Site Plan Review** – Gledhill Group, LLC – request for approval of Bramblewood Estates site plan and subdivision, for a 10-unit residential condominium project, located on 4 acres off Bramblewood Lane, Map 25, Lot 7.001, Urban Resident and Development Transfer Overlay zoning districts.

Mr. Poirier noted that the item had been on for pre-application discussion at the Board's July meeting. At that time the Board indicated that a site walk should be scheduled; the Board should discuss with the applicant's engineer this evening what should be staked for that sitewalk.

Mr. Poirier said that this is the first time the northern long-eared bat habitat has been identified as being located on a site in Gorham. The northern long-eared bat has recently been listed by the U.S. Fish and Wildlife Service as a threatened species due to the impact of white-nose syndrome. Therefore, staff expects that more and more projects will identify impacts to northern long-eared bat habitats. He said staff has asked for a copy of the report completed by the applicant regarding the northern long-eared bat.

Dustin Roma appeared on behalf of the applicant. He said they expect a DEP permit for the wetland fill and the Army Corps is continuing its consultation with the Fish and Wildlife Service on the potential impact on bat habitat. A sonar survey on bat species has been performed, and it has been determined that the northern long-eared bat is likely present on the site. An inventory has been done of all the trees that will be cut that are greater than 3 inches in diameter; the inventory has been submitted to the U.S. Fish and Wildlife Service, as well as researching any other sensitive animal species that might be present.

Mr. Roma said a sidewalk has been added to the plans, a meter pit is being proposed for the end of Bramblewood Lane and all the buildings will be served by private main extensions and services. A fire hydrant will be added at the end of the public portion of Bramblewood. A 400 foot stone trench will be excavated and have a perforated pipe outletting to a level spreader behind the last building. This will serve as a conduit to collect drainage from the foundation drains to be installed around the basements of the new buildings. This will locally draw down the water tables around the buildings and a 12 inch line will be installed along the property line which will have the same effect of locally drawing down the ground water. A sand filter and crushed stone layer along the top will also collect surface water. This stormwater management on the property should also alleviate any abutter issues.

Referring to staff comments, Mr. Roma said there may be an area in between the road and the existing pond area to add a hammerhead turnaround, keeping, however, the one already shown on the plans. Architectural building plans will be provided with the final plan submission. A landscaping plan will also be submitted, with screening between the buildings, as well as perimeter landscaping.

In reply to Mr. Zelmanow, Mr. Roma said he foresees submitting a waiver from the high intensity soil survey requirement as the project will be on public sewer and water. Mr. Roma said the current length of Bramblewood Lane is about 700 feet, and the proposed private way is an additional 500 feet. Mr. Zelmanow noted that the Fire Chief has asked that parking be restricted to one side of the road, and said that the Board is trying to get away from roads 22 feet wide, curb to curb, preferring 24 feet wide.

Mr. Anderson asked why the sidewalk is not extended down to the last units. Mr. Roma said the water runs off in the location where the sidewalk stops, so it was either stop the sidewalk and let the water get off the road, or make some kind of curb opening to let the water go through. Basically some riprap at that point prevents erosion. However, they will look at putting in some kind of catch basin at that point or create some kind of turnaround with additional parking at that point.

Ms. Shain asked where the possible bat habitat would be. Mr. Roma replied that the likely outcome of the study is it will limit the timing of the tree clearing to basically the winter months. October 15 to June 15 is the non-roosting time of the year. Mr. Roma said what is involved are trees that have a “flaky” surface on the outside and smooth surface trees are not bat habitat.

In reply to Ms. Shain, Mr. Roma replied that this will be an owned condominium type of development, with limited common elements around the buildings themselves. Mr. Zelmanow asked how close the units on Lots 5, 6, 7 and 8 will be to the lots on Maplewood Drive. Mr. Roma replied they are some 60 feet away. Mr. Zelmanow said it would be nice to see a landscaping plan even before the site walk.

Mr. Zelmanow asked that the centerline of the road be staked for the site walk, as well as the back portions of Lots 5, 6, 7, and 8 and the back corner of Lot 4. Ms. Shain asked that some of the “bat trees” be pointed out. Mr. Zelmanow directed staff to schedule the site walk.

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

Melinda Shain MOVED and Rachel Sunnell SECONDED a motion to table further review of the item pending responses to remaining issues and a sitewalk. Motion CARRIED, 7 ayes. [8:25 p.m.]

OTHER BUSINESS None

ANNOUNCEMENTS None

ADJOURNMENT

Melinda Shain MOVED and James Anderson SECONDED a motion to adjourn. Motion CARRIED, 7 ayes. [8:27 p.m.]

Respectfully submitted,

Barbara C. Skinner, Clerk of the Board

CONSENT AGENDA Casco Federal Credit Union

FINDINGS OF FACT

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 21 parking spaces, which includes one handicapped space, to support the commercial use of the site. 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 both Ossipee Trail (State Route 25) and Shaws Mill Road. Ossipee Trail is identified as a minor arterial by the Maine Department of Transportation and Shaws Mill Road is identified as a rural sub-collector by the Town.

Finding: Ossipee Trail (State Route 25), and Shaws Mill Road 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 will be from Shaws Mill Road with egress from the site being onto either Shaws Mill Road or Ossipee Trail. The entrance/exit from Shaws Mill Road will be via a 30' wide asphalt driveway. The exit onto Ossipee Trail will be via a 25' asphalt driveway.

The driveway exits have adequate sight distance onto Ossipee Trail and Shaws Mill Road.

The applicant has received Maine Department of Transportation's approval for a Memorandum of Highway Entrance Permit Waiver.

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.

Entrance to the site is from Shaws Mill Road which will direct customers to the visitors' parking lot located on the north side of the credit union building, with staff parking being located north of the entrance driveway. The driveway continues past the visitor/employee parking lot and directs customers using the drive-through around the western side of the credit union building.

A right-of-way along the western property line will allow future interconnection of vehicle traffic between this lot and the abutting lot.

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 concrete sidewalk is being proposed along the southern and western side of the visitor parking lot to direct traffic from the parking lot into the main entrance and employee entrance into 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.

The site currently contains 0.92 acres of impervious area. The proposal is to reduce the amount of impervious area to 0.47 acres. Surface runoff from the site will continue to drain towards the culvert crossing under Shaws Mill Road at the Route 25 intersection. No formal detention is existing or proposed on the site.

The proposal is to upgrade the culvert under Shaws Mill Road from a 12" culvert to a 15" culvert.

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 and Utility Plan, Sheet C 4.0, illustrates the locations for the best management practices to be installed on site. The Details Plan, Sheet C 8.0, 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.

The building will be served by a new drilled water supply well located adjacent to the proposed dumpster pad. A 2” water line will supply water from the well to the credit union building.

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 subsurface waste disposal field will be located just north of the visitor/employee parking lot. The applicant has submitted an HHE-200 form and soil test pit completed by a Maine licensed Site Evaluator and Soil Scientist.

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 eastern side of Shaws Mill Road.

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 developed and no natural features are proposed to be disturbed with the development of the site.

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 demolition of the existing site and construction of the new site will not impact groundwater on the site. The proposed subsurface waste disposal system has been designed by a Maine licensed Site Evaluator.

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 northwestern edge of the lot. 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 all the proposed boundaries of the parcel. The applicant is also providing landscaping along the entire front, east side, and rear of the building. The Landscaping Plans: Sheets C 6.0 and C 7.0 show 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 letter of financial capacity from Katie O'Brien, Executive Vice President and CFO, Casco Federal Credit Union, dated September 4, 2015. 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 Ossipee Trail and Shaws Mill Road and abutting properties with a mix of trees, shrubs, and plants. A portion of wooden fence is proposed along the eastern property line adjacent to three parking spaces closest to Shaws Mill Road. The applicant is also proposing to save a small stand of trees in the northeastern corner of the parcel.

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 (7am-7pm) and 50 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 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 before a building permit is issued;
7. That a copy of the State Construction Permit as well as a stamped set of plans from the State Fire Marshal's Office shall be supplied to the Fire Department;
8. That the applicant shall make the improvements to Shaws Mill Road as outlined in the Public Works Director's comments dated September 10, 2015;
9. 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;
10. 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;
11. That the applicant shall receive Maine Department of Transportation's approval for the proposed improvements located in State Route 25 (Ossipee Trail) prior to the start of construction in the right-of-way;
12. That the applicant shall provide the required easement language for review and approval prior to the occupancy permit for the building being issued;
13. That the applicant shall submit the required easement deeds for review and approval by Town Staff and the Town Attorney prior to the certificate of occupancy being issued for the building;
14. That the Planning Board Chairman is authorized by the Planning Board to sign the Findings of Fact on behalf of the entire Board; and
15. That these conditions of approval must be added to the site plan and the site plan shall be recorded at the Cumberland County Registry of Deeds within thirty (30) days of the date of written notice of approval by the Planning Board, and a dated mylar copy of the recorded site plan shall be returned to the Town Planner.

ITEM 2 FIRST RUSSIAN BAPTIST CHURCH

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 proposal is to increase the amount of impervious area by 5,834 sq.ft. The increased impervious area is to accommodate new parking spaces and parking lot access aisles. The increased parking area is to support the existing worship hall and other ancillary uses.

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 lot is located off of Mosher Road, State Route 237. Maine Department of Transportation classifies State Route 237 as a minor arterial road. All roads have adequate capacity to accommodate the additional traffic generated by the development.

No increase in traffic is proposed with the additional parking area.

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

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

Access to the site is from an existing 230' long driveway. The approximate width of the driveway is 18'. The proposed driveway entrance has adequate sight distance and will provide for safe and convenient access into the site.

The driveway length will be shortened to approximately 180' due to the expanded parking area being located closer to Mosher Road.

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 new and old layout of parking areas provides for circulation through the parking area without dead end parking aisles.

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 sidewalk is located along the northern side of the building in front of the proposed handicapped striped parking spaces. A walkway is also located on the eastern side of the building to provide the main entrance into the worship facility. No changes are proposed.

No pedestrian infrastructure is located on Mosher Road, State Route 237 and none are proposed as part of the development.

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.

A stormwater pond located on the southern edge of the new proposed parking area will hold stormwater to meet the pre stormwater runoff rates. Stormwater from the southern edge of the new parking area shall sheet flow into the pond. Stormwater from the northern edge of the new parking area will be collected in an underdrain pipe and piped under the new parking lot and driveway into the stormwater pond.

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 area around the new proposed parking area will have erosion control devices installed per the Details Sheet : 2. The applicant will also comply with the “Maine Erosion and Sediment Control Handbook for Construction: Best Management Practices,” Maine Department of Environmental Practices.

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

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

Public water lines are currently located within Mosher road. The site is served by a 4” water stub from Mosher Road. The water line stub runs along the southern side of the driveway in the lawn area and connects into the eastern side of the worship building.

No changes 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.

Public sewer lines are currently located within Mosher Road. The site is served by a 4” PVC sewer stub from Mosher Road. The sewer stub runs along the southern side of the driveway in the lawn area and connects into the southeastern end of the 2-story fellowship hall.

No changes 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 lot is served by above-ground power/utilities from an existing pole located on the eastern side of Mosher Road. The site is served by natural gas from Mosher Road.

No changes are proposed.

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

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

The Little River is located on the western edge of the lot. A wetland system associated with the Little River is also located on the southern third of the lot and between the Little River and the steep slope leading to the upland area.

No improvements are located near or on the natural features.

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 expanded paved parking area will not impact the groundwater table on the site.

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

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

No light poles are located in the existing parking lot and no exterior lighting is proposed for the new parking spaces. No changes are proposed to the site's exterior lighting.

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 site is served by a private waste hauler. The dumpster is screened from view. No changes are proposed.

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 install two mulched landscaped beds along the northern and eastern side of the new parking areas. The mulched landscaped beds include a mix of evergreen and deciduous trees and evergreen shrubs.

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 located in the Shoreland Overlay District and the Resource Protection Sub-district. No improvements are located in the Shoreland Overlay District or the Resource Protection Sub-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 it has the financial and technical capacity to carry out the project in accordance with this Code and the approved plan.

The applicants have operated the facility since 2000 and expanded the Church and parking lot on a number of previous occasions. The applicant has provided a copy of its bank account showing the funds necessary to complete the project.

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

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

The applicant is proposing to buffer the additional parking lot utilizing new landscaping. The proposed landscaped areas are located to the east and north of the proposed new parking lot. The new landscaped areas consist of a mix of evergreen and deciduous trees and evergreen shrubs.

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

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

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 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;
 7. That all relevant conditions of approval from the past approval shall remain in effect;
 8. That prior to the pre-construction meeting the Town's Engineer shall review and approve the new stormwater management report and layout;
 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.

