

PLANNING BOARD MEETING

January 7, 2019

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

Members Present

EDWARD ZELMANOW, CHAIRMAN
GEORGE FOX, VICE CHAIRMAN
MOLLY BUTLER-BAILEY
SCOTT FIRMIN

Members Absent

MICHAEL RICHMAN
BRIAN PLOWMAN

Staff Present

THOMAS M. POIRIER, Town Planner
BARBARA C. SKINNER, Clerk of the Board

Edward Zelmanow, Chairman, called the meeting to order at 7:00 p.m. The Clerk called the roll, noting that members Michael Richman and Brian Plowman were absent.

APPROVAL OF THE DECEMBER 3, 2018 MEETING MINUTES.

George Fox MOVED and Scott Firmin SECONDED a motion to approve the December 3, 2018 meeting minutes as written and distributed. Motion CARRIED, 3 ayes (Edward Zelmanow abstaining as not having been present at the meeting; Michael Richman and Brian Plowman absent).

COMMITTEE REPORTS – Mr. Zelmanow reported that the Ordinance Subcommittee has not met since the last Planning Board meeting.

Mr. Fox reported that the Comprehensive Plan Implementation Committee has not met since the last Board meeting.

CHAIRMAN'S REPORT – Mr. Zelmanow said that it is anticipated that the 7th member of the Planning Board will be appointed by the Town Council at its meeting on January 8, 2019.

ADMINISTRATIVE REVIEW REPORT – Mr. Poirier said there are no new Administrative Review applications to report. He said the project tracking sheet usually provided to the Board is being reformatted and updated and will be available in the Board's February meeting packets.

CONSENT AGENDA Diversified Properties – Subdivision Amendment – a request for re-approval of the 3rd Amendment to Gordon Farms Subdivision to modify the realignment of a 50 foot right-of-way, originally approved on May 15, 2017, in the Rural zoning district, Map 45, Lot 23.422.

Mr. Poirier explained that a subdivision amendment was approved on May 15, 2017 to locate a right-of-way across lot 22, but the amendment was not recorded at the Registry of Deeds within the required one

year time frame, so the amendment approval became null and void. The applicant is requesting re-approval of the right-of-way as originally approved and no changes are proposed.

Mr. Zelmanow explained the consent agenda procedure, noting that items on the consent agenda are administrative in nature and are applications that have been before the Board which have had minor outstanding issues that staff feels have been satisfactorily addressed, and which are ready for Board approval. Such items are approved without discussion unless someone from the Board or the public wishes to take the item off the Consent Agenda.

There being no one from the Board or the public wishing to take the item off the Consent Agenda, and Mr. Zelmanow confirming that the Conditions of Approval are satisfactory to the applicant,

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

George Fox MOVED and Scott Firmin SECONDED a motion to approve the item on the Consent Agenda. Motion CARRIED, 5 ayes (Michael Richman and Brian Plowman absent).
[7:15 p.m.]

ITEM 1 Public Hearing – Preliminary Subdivision/Site Plan – Plowman Development Group, LLC - a request for preliminary subdivision approval of a 16-unit condominium development (Grady Farm Subdivision) located at 136 South Street, Urban Residential zoning district, Map 103, Lot 78.

Mr. Poirier advised the Board that the item was last before the Board at its November 5, 2018 meeting, with a site walk held on November 28, 2018. He said that the applicant has submitted a Class A soil survey by Albert Frick, but are still awaiting its Maine DEP permit. In response to Mr. Zelmanow, Mr. Poirier said that this lot has public water and public sewer.

Steve Blake, BH2M Engineers, appeared on behalf of the applicants and told the Board that the proposal is for a 16-unit condominium project located at 136 South Street, which is a parcel of about 3.8 acres with an existing farm house and barn. As part of the project, the barn would be removed and the farm house would be relocated and used as one of the units. Each one of the additional 15 proposed units will be single family, stand-alone structures, two stories, 3 bedrooms and a 2 car garage. Proposed is a 22-foot wide private driveway, curbed on both sides and a sidewalk on one side. Public sewer, public water and gas are available. A stormwater permit is required from DEP, with an application having been submitted some two months ago and a permit anticipated within the next couple of weeks. As part of the stormwater permitting, a wet pond is proposed toward the back of the property or the east side to capture, treat and detain the bulk of the stormwater from the developed portion of the site. One difference in the current plans from what was submitted initially is that the locations of units 6, 7, and 8 have been shifted closer to the road to get a bit more of a setback from the northerly abutters.

Mr. Fox asked if shifting the location of those units was also for grading purposes or elevations. Mr. Blake replied that it was strictly for the setback. Mr. Zelmanow asked what the Board members who were at the site walk felt about the units' proximity to the setbacks. Ms. Butler-Bailey said she found it was worse than she had thought it would be; she said she has major concerns about the setbacks and the elevations, and believes that the development is completely out of place and not in keeping with the neighborhood.

Mr. Zelmanow commented that units 13, 14, 15, and 16 seem very close to the setbacks. Mr. Blake said there is no way to move those lots away from the setbacks because of the shape of the lot; he said there is a 15 foot setback requirement in the zone and they have about 17 feet to the decks of the units. Mr. Blake said they are proposing a 6-foot fence along that property line. Ms. Butler-Bailey said the houses in that area are long properties, and this development is jamming a lot of units in, putting them at least 4 feet above the abutting properties, making it look out of place, so high up.

Mr. Zelmanow asked if the higher elevation is a natural occurrence or will it be built up to prevent flooding or some other issue. Mr. Blake replied that it is two things: the first is to get cover over the sewer to allow gravity sewer, and the second component is to get all the storm water to the pond at the back of the property. Mr. Blake said it is not consistently 4 feet higher, there is a gradual 2% slope that works back into the site, with the high point about 350 feet in.

Mr. Zelmanow asked if Mr. Blake had provided some sort of artist's rendering of what the property line would look like with a fence in place and what an abutter would see. Mr. Blake confirmed with Mr. Fox that the fence shown on page 5 of the plans is the fence around the wet pond.

The Board discussed with Mr. Blake what the proposed elevations of the buildings would be at the boundary line, with some slab elevations being 5 feet, which would in some instances would virtually be at the top of the 6 foot proposed fence. Mr. Fox said he shares Ms. Butler-Bailey's concerns and trying to address some of them with fencing appears to be a challenge, due both to the narrow setbacks as well as the elevation changes and the density of the units on the lot. Mr. Fox said this may be an instance where the calculation allows for this to occur, but it would be quite out of character with the surrounding neighborhood.

Mr. Zelmanow asked if the applicant has considered working with one less unit and getting lots 14, 15, 16 and 17 off the setback more. Mr. Blake said that if it is an issue of screening, the applicant would be willing to consider some heavier landscaping along that property boundary, rather than the fence, perhaps something that is taller. He said that the building itself has a 27 foot setback and the deck is 17 feet from the property line. Mr. Blake said something else they would consider is rotating unit 16 so that it faces South Street to avoid having the deck as close to the setback as it is now. Mr. Zelmanow asked whether the development itself fits in with the character of the neighborhood, not just regarding being close to the setback, but also the elevations and the cluttered aspect of the project.

Mr. Zelmanow confirmed with Mr. Blake that all of the water runoff is being directed back to the wet pond.

PUBLIC COMMENT PERIOD OPENED: Gina Marianacci, 144 South Street, asked what is a house-o-minium if not a full sized house, as these are proposed to be two-story 3 bedroom homes with a 2-car garage, and what is the square footage of the proposed units. She asked if there is an elevation plan that the abutters could see, as she is concerned about the closeness of the houses to her property and to one another. She does not believe a 6-foot fence will be enough and asked what existing trees are to be removed. She commented that there doesn't appear to be any open space and said that the crowded appearance of the development is not appropriate for the neighborhood. She also asked where snow will go as there doesn't seem like any place for snow storage.

Mr. Poirier said that the term "house-o-minium" refers to a style of ownership, there is no typical yard and the property is owned in common. Mr. Zelmanow called out the snow storage areas shown on the plans. Mr. Poirier said that there will be a driveway built to private way standards which will not be plowed by the Town; rather, the owners of the units will have to hire someone to take care of the plowing. Ms. Butler-Bailey noted that the units will be about 2,300 square feet.

Caroline Dahms, 17 Spruce Lane, said visualizing the elevations is difficult and said she would like to see a rendering of that she will see looking out her window. She said there will be a ditch behind her house to direct runoff and questioned if the 5 foot elevation would be gradual. She said she believes there is an aquifer running under the property that should be investigated by the Town and asked what recourse she has if something happens to her property after this project has received approval. She also asked about a sign that indicates conservation land.

Mr. Poirier said the sign refers to a no-hunting zone on property on South Street that was owned in the past by Governor Robie and has nothing to do with development. Mr. Zelmanow asked what recourse would a homeowner have if a basement starts flooding or more water is pooling on their property that they connect to the development next door. Mr. Poirier replies that if the development wasn't built per the plan, the Town could look into possible enforcement action to get the development completed as designed. If the development was built to plan but the design was flawed, the homeowner would have to take legal action against either the engineer or the engineer and the developer.

Steve Pomelow, 10 Spruce Lane, said that while he is on the north side of Spruce Lane, he too has a sump pump and asked if any study has been done on the underground aquifer. He said he would like to see a computer rendering, a 3 dimensional visual, of what the completed project will look like. He commented that gravity fed sewer to South Street would have to run uphill, which will require the site to be built up. He would also like to see some sort of underground water study.

Mr. Zelmanow asked if the Class A soil survey that was done would show where the water is underneath the site and where it is coming from and if the survey should be peer reviewed by a hydrologist or would the high intensity survey suffice. Mr. Poirier said that side of South Street has an elevated ground water table, almost near the surface in some locations. Mr. Poirier said that Woodard & Curran, the Town's review engineer, will review the plans to make sure that the hydrocad analysis for pre and post development requirements are met.

Mr. Poirier asked the applicant's engineer to summarize how stormwater will be handled. Mr. Blake said their analysis for stormwater would not include anything for groundwater conditions, which is an existing condition on site. He said they did the soils survey and there were areas where the groundwater table is within 12 to 18 inches of existing ground, but it is not uncommon to find seasonal high ground water. There are also areas of bedrock on site. Mr. Blake said it could mean there is a perched water table above some of the bedrock areas. He said their design handles surface runoff from the developed portion of the site; all the runoff from the roadway area and the buildings is collected by a storm drain and sent to the wet pond at the back of the property. There are some peripheral areas along the abutting property line that will be graded with a ditch to convey any runoff off those property lines; it will surface flow at the elevation it is to the back of the property.

Mr. Zelmanow asked about a computer rendering showing what the neighbors would see. Mr. Blake said some cross sections were provided that show some of the elevations. Mr. Fox said he is not sure that will be enough; Mr. Zelmanow concurred. Mr. Blake asked if the Board has seen something like that for a project of this scale; Mr. Zelmanow replied that it doesn't matter if it is 16 or 160 units, it is still an issue for a homeowner and he wants to see what that homeowner will end up with. Mr. Fox said that regardless of the size of the project, this project has some aspects that are more concerning to abutters and to the Planning Board, and it is not the scale of the project driving the request, it is the characteristics of the project. In reply to Mr. Blake's request for guidance in terms of renderings, Mr. Fox said that while the Board can't tell the applicant how to do it, the Board needs anything the applicant can provide in the way of information that will allow it to be comfortable deciding that it will be an acceptable development within that neighborhood. Mr. Fox said that based on the current information, he and other Board members have concerns and this would be a difficult project to approve as it is.

Mr. Poirier summarized the Board's concerns as groundwater, buffering/screening regarding units 14 through 16 on the property boundary with the fence being inadequate, the amount of fill and ditching along the other boundary. Mr. Poirier asked if the decks for 14, 15, 16 and 17 were relocated away from the property line, would the Board still have those concerns. Mr. Zelmanow also referred to Ms. Butler-Bailey's concern that the project will be elevated above everyone else. Mr. Fox said it appears that 7 feet of fill at the back of the property; Mr. Blake said it is generally 4 to 5 feet. Mr. Fox said that 5 or 6 feet of elevation with a two-story home roof elevation of 30 feet is going to be challenging not to look out of character for the surrounding neighborhood. Ms. Butler-Bailey said it would be very helpful to have a visualization because she is concerned about the elevation for the entire project and changing the locations of the decks wouldn't necessarily help. Mr. Fox said there are too many units, too close and not in character. Mr. Poirier asked Mr. Blake if they went to low pressure sewer and reduced the amount of fill on that site, would the stormwater still work. Mr. Blake replied no, there is no way to accomplish the stormwater drainage as they need the elevation to do it.

Charlotte Hallsworth, 13 Spruce Lane, expressed concern about the height of the buildings and said her property will be affected more by the closeness of the project. She said that it sounded at the site walk as though the majority of the existing trees will be cut down. She said her radon system was full of water.

Mr. Poirier advised Mr. Zelmanow that under subdivision radon systems are not a requirement and are a responsibility of the homeowner.

Gina Marianacci said that she believes the groundwater issue is not seasonal and a rendering would be very useful. Mr. Zelmanow asked if the increased weight of the units will affect groundwater; Mr. Poirier said he does not know.

Edward Frager, 130 South Street, said there has always been water in his basement, as well as in his neighbors' basement. He said there is an underwater river flowing through the cellar of his daughter-in-law's house at the end of Ridgeway Avenue.

PUBLIC COMMENT PERIOD ENDED.

The consensus of the Board is that the project is not ready for preliminary approval due to the various issues involved with proximity to boundary lines, screening, and buffering. Mr. Zelmanow asked if the soil survey were peer reviewed, would that add anything new. Mr. Poirier replied that it could be peer reviewed and he will get the information from the soils scientist as well, and will ask about what adding fill to the top of the soil will do as part of the peer review. Mr. Fox asked for clarification on the applicant's obligation as far as subsurface water is concerned, noting there is an expectation that surface drainage will be contained on the lot, but said the Board doesn't normally deal with subsurface water. Mr. Poirier said that Findings E and F address pollution on and off the site, reduction of the capacity of the land to hold water so a dangerous public condition may result, but they are limited in what the findings detail as to groundwater. Mr. Poirier said he will talk to the Town's engineers Woodard & Curran as well about the issue of fill impact.

Mr. Poirier confirmed that the computerized visual renderings will include a view along the northern property from one of the houses looking into the development, one along South Street, looking down units 16, 15 and 14, and one from the southern property line. Mr. Fox said that the areas of concern are the northeast corner, southwest corner, and maybe from South Street looking east.

George Fox MOVED and Scott Firmin SECONDED a motion to postpone further preliminary subdivision reviews of Plowman Development Group LLC's request for approval pending responses to remaining issues and revisions to the plans. Motion CARRIED, 4 ayes (Michael Richman and Brian Plowman absent). [8:20 p.m.]

Ten Minute Break

ITEM 2 Public Hearing – Special Exception Use – RR AVE, LLC – Peanut Gallery Daycare, Inc. - a request for special exception approval for a daycare facility to accommodate up to 80 children at 17 Railroad Avenue, Unit D, Urban Commercial zoning district, Map 103, Lot 81.

Mr. Poirier advised the Board that the use of a daycare center in this district is a special exception review. Mr. Poirier said he has provided the Board with the 6 special exception criteria that the use will have to meet. He said that the Land Use Code does not required traffic numbers for daycare centers, so typically the Town falls back to the ITE (Institute of Transportation Engineers) trip generation numbers; these are included in the Board's packets for review.

Jon Smith, representing Railroad Avenue, LLC, as the landlord for 17 Railroad Avenue. He said the space under consideration is 17D Railroad Avenue, a portion of a building that was built in the 1980s. This portion was added on in the early 2000s and was originally built as a restaurant addition, later utilized as an office space and print shop copy center, and for the last ten years has been occupied as a fitness studio. Under consideration this evening is a daycare for up to 80 children. Mr. Smith said he believes the 20 parking spaces allocated in their proposal will accommodate the 27-1/2 cars that are expected to stay about 5 minutes to drop off a child. Mr. Smith said the site has two full bathrooms with two showers in each, as well as two additional fixtures in each. No new fixtures are proposed for the bathrooms and the daycare use will not be utilizing the showers, and he believes the fitness center water use exceeded the potential use by the daycare center. Mr. Smith said that the play space is intended to be kept loamed and seeded, although at some time it may be converted to mulch. Small groups of children will use the outdoor play space, and the combination of the indoor play area with the outdoor play area will satisfy the needs of the daycare center. In addition, under agreement with the Gorham School Superintendent, it is hoped that the play area of the abutting schools can be used after regular school hours. Approval from the State will depend on approval by the Board.

In reply to Mr. Zelmanow and Mr. Fox, Mr. Smith said that the tenant has spoken to the State about bathroom requirements for the daycare center, and the current bathrooms are deemed adequate for their needs. In reply to Mr. Zelmanow and Mr. Fox, Mr. Smith said that with the site plan for Station Square, currently under construction, a photometric study was provided dealing with lighting on site. He pointed out the proposed lighting for the Station Square project. The only thing that will change on that site plan is the addition of a 10 by 30 foot outdoor fenced-in playground area, which will be constructed in the spring. There will be a fence around the dumpster enclosure.

The Board and Mr. Smith spoke at length about the issue of pedestrian safety accessing the daycare center from the parking lot, discussing in particular the need for some type of walkway in front of the building, and options for one-way flow of traffic and angling the parking spaces in front of the building. The Board concurred that the number of parking of spaces is not the issue, rather it is the flow to get pedestrians safely in and out of the building. Ultimately the Board agreed that a revision to the plans to meet the Board's pedestrian safety concerns, if timely submitted, could be on for review at the Board's January 14 meeting.

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

George Fox MOVED and Scott Firmin SECONDED a motion to postpone further review of Jonathan Smith's Special Exception Use application pending submission of additional materials

and revisions to the final plan. Motion CARRIED, 4 ayes (Michael Richman and Brian Plowman absent). [9:30 p.m.]

Mr. Zelmanow announced that due to time constraints, Agenda Items 5, 6 and 7 will be continued to the Board's next regularly scheduled meeting, January 14, 2019, at 7:00 p.m.

ITEM 3 Preliminary Subdivision – S.B. Enterprises – Tannery Brook Subdivision – a request for preliminary subdivision approval of Phase 2 of Tannery Brook Subdivision by extending Tannery Brook Road to access 13 new single family lots, served by municipal water and individual subsurface sewage disposal systems, Suburban Residential zoning district, Map 47, Lot 6.

Mr. Poirier advised the Board that the item was last before it on December 3, 2018, with extensive discussion having been held regarding road standards, the proposed subdivision road, and vehicular and pedestrian safety on Tannery Brook Road.

Shawn Frank, Sebago Technics, appeared on behalf of the applicant and introduced Tom Biegel and Parker Brown of S.B. Enterprises. Mr. Frank said that based on discussions with the Public Works Director and Mr. Poirier, they are now proposing a 50-foot right-of-way connection from the cul-de-sac down to Queen Street, just the right-of-way and not the roadway itself due to the problematic topography in that area. Another 50-foot right-of-way is proposed to provide access to retained land. The existing cul-de-sac on Tannery Brook Road will be maintained, a one-way access around the cul-de-sac and a stop sign installed. It is proposed that the road will be built to the Rural Access road standard to match what is currently in existence. The applicants have worked with the Snow-Goers to provide alternative access on other land owned by the applicants. Three possible street names will be submitted

Mr. Frank replied to a question from Mr. Zelmanow that the topography precludes constructing the right-of-way to Queen Street. Mr. Fox said there were also concerns from the public regarding the impact from additional traffic should that be built out to Queen Street. Mr. Frank said that the turning radius on the cul-de-sacs can accommodate emergency vehicles.

Mr. Frank asked for a waiver of the Code requirement for a nitrate plume analysis because the development is to be served by public water.

George Fox MOVED and Scott Firmin SECONDED a motion to waive the requirement for a nitrate plume analysis as required in Chapter 3, Section 3-3, B. 16, Nitrate Analysis. Motion CARRIED, 4 ayes (Michael Richman and Brian Plowman absent).

Mr. Poirier said that vehicular and pedestrian safety seem to be of most concern to the abutters, with the Board having considerable discussion at its December meeting about the two road design standards regarding the type of development being proposed: Rural Access having an open ditch and no sidewalk, and the Urban Access standard with a closed ditch and a sidewalk system. Mr. Poirier said that with the size of this development, it is probably not feasible to run sidewalks all the way down Libby Avenue. Ms. Butler-Bailey asked if the Board thinks it necessary, could it could require sidewalks on Tannery Brook Road. Mr. Poirier said that the cost of the sidewalk would need to be weighed against the size of the subdivision. In addition, Mr. Poirier noted that Tannery Brook Road has recently been repaved, so Public Works would need to be consulted as to what they would allow, and a sidewalk on the back side of the existing ditch may not be feasible. Mr. Frank said that without some type of easement along the

existing lots, there probably isn't room to put in a sidewalk and they would not be in favor of reconstructing Tannery Brook Road.

PUBLIC COMMENT PERIOD OPENED: Ryan Watson, 39 Tannery Brook Road, expressed his concerns about pedestrian safety, loss of privacy for his property, snowmobile access and trail system, and said none of the Tannery Brook residents' concerns have been addressed.

Bruce Overman, 27 Tannery Brook Road, expressed concern about the potential loss of access to the existing trail network.

PUBLIC COMMENT PERIOD ENDED.

Mr. Poirier said that the Gorham Conservation Commission, the Sno-Goers group and the applicant have all discussed the trails and possible relocation of the snowmobile trail. He said that with the two proposed rights-of-way connection as well as the road connection, a certain section of the trail may be relocated in those sections to continue the trail use.

After discussion, it was agreed that the new section of roadway serving this development will be built to the Rural standards so that it matches the current Tannery Brook Road. The new section will have a different name but its construction will match the existing Tannery Brook Road. Mr. Fox asked the applicant to determine the dimensions of the existing Tannery Brook Road. Mr. Poirier said that input from the Public Works Director is also necessary.

George Fox MOVED and Scott Firmin SECONDED a motion to grant S.B. Enterprises' request for preliminary subdivision approval for Tannery Brook Subdivision, Phase 2, off Tannery Brook Road, Map 47, Lot 26, in the Suburban Residential zoning district, based on Findings of Fact as written by the Town Planner. Motion CARRIED, 3 ayes (1 nay, Molly Butler-Bailey; Michael Richman and Brian Plowman absent). [10:05 p.m.]

ITEM 4 Discussion – Zoning Amendment – Urban Farm Animals – a proposal to amend the Land Use and Development Code, Chapter 2, Section 2-12, allowing one farm animal, under 50 pounds, to be kept on a lot with a lot area of under 40,000 square feet.

Mr. Poirier explained that this proposed amendment was sent to the Planning Board by the Town Council for public hearing and recommendation back to the Council. He said that in the Urban Residential and Suburban Residential zoning districts, the keeping of farm animals is subject to certain performance standards, such as lot sizes and the size of animals. The language the Council has asked the Board to review and make a recommendation on would allow keeping one farm animal weighing 50 pounds or less.

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

George Fox MOVED and Scott Firmin SECONDED a motion to forward the item to the Board's Ordinance Committee for review and recommendation. Motion CARRIED, 4 ayes (Michael Richman and Brian Plowman absent).. [10:10 p.m.]

ITEM 5 Pre-Application Discussion – Harvey Performance Company – a request for sketch plan review for the construction of a two-phase manufacturing facility, and with phase 1

consisting of a single story 76,887 square foot building, 1,300 foot access drive and 172 parking spaces, and phase 2 consisting of an additional 30,000 square feet to the building and 115 parking spaces, Narragansett Development zoning district, Map 39, Lot 2.

Continued to January 14, 2019 Planning Board meeting due to observance of the 10:00 o'clock rule.

ITEM 6 Pre-Application Discussion – STJ Inc. – Tow Path Road Condominiums – a request for sketch plan review of a 4 duplex condominium development of 8 units and associated parking and infrastructure off Tow Path Road, Urban Residential/Manufactured Housing zoning district, Map 111, Lot 63-401.

Continued to January 14, 2019 Planning Board meeting due to observance of the 10:00 o'clock rule.

ITEM 7 Pre-Application Discussion – Duchaine, Chris – a request for sketch plan review for Presumpscot Ridge Road subdivision, an 8-lot cluster subdivision at 207 North Gorham Road, and an upgrade to the existing private way, zoned Suburban Residential/Manufactured Housing zoning district, Map 96, Lots 11 and 11.001.

Continued to January 14, 2019 Planning Board meeting due to observance of the 10:00 o'clock rule.

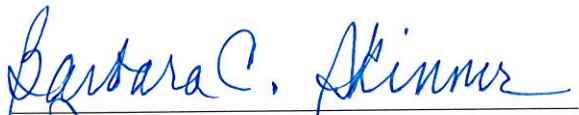
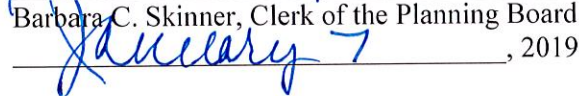
OTHER BUSINESS None

ANNOUNCEMENTS The next Planning Board meeting will be on January 14, 2019.

ADJOURNMENT

George Fox MOVED and Scott Firmin SECONDED a motion to adjourn. Motion CARRIED, 4 ayes (Michael Richman and Brian Plowman absent). [10:20 p.m.]

Respectfully submitted,


Barbara C. Skinner, Clerk of the Planning Board
 January 7, 2019

CONSENT AGENDA DIVERSIFIED PROPERTIES – SUBDIVISION AMENDMENT

CHAPTER 3 - SUBDIVISION, SECTION 3 - PRELIMINARY PLAN

The Planning Board, following review of the Preliminary Subdivision Application, makes these findings based on the Subdivision Review criteria found in Chapter 3, Subdivision, Section 3 – C. Preliminary Plan Review.

C. PRELIMINARY PLAN REVIEW

2) The Planning Board shall include in its review the following general and specific requirements that the development has proposed for approval:

- a) Shall be in conformance with the Comprehensive Plan of the Town, and with all pertinent State and local codes and ordinances, including the Performance Standards related to specific types of development which are stipulated in Chapter II.

No changes to the revised size of lot 22, which was proposed at 1.59 acres.

The Comprehensive Plan identifies the future land use designation of this lot as in the Rural district.

Finding: Gordon Farms – Phase II 3rd Subdivision Amendment conforms with the Comprehensive Plan of the Town, and with all pertinent State and local codes and ordinances.

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

The subdivision lot will have legal road frontage on Gordon Farms Road and Madison Way. Gordon Farms Road is classified as a collector road by the Town of Gorham. Madison Way has been designed to the Town's Rural Access Road standards.

One new road is proposed as part of the development.

Finding: Gordon Farms – Phase II 3rd Subdivision Amendment will not cause congestion or unsafe conditions with respect to use of the highways or public roads, existing or proposed on or off the site.

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

The single-family home located on lot 22 will be served by underground power, cable, and telephone lines.

The Town's contracted waste disposal contractor will pick up trash and recyclables.

Finding: Gordon Farms – Phase II 3rd Subdivision Amendment will not place an unreasonable burden by either direct cause or subsequent effect on the availability of the Town to provide

municipal services including utilities, waste removal, adequate roads, fire and police protection, school facilities and transportation, recreational facilities, and others.

- d) Has sufficient water supply available for present and future needs as reasonably foreseeable.

Lot 22 will be served by public water from an 8" water main located in Madison Way

Finding: Gordon Farms – Phase II 3rd Subdivision Amendment provides for adequate water supply for present and future needs.

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

Lot 22 will have on-site subsurface disposal systems designed by a Maine Licensed Site Evaluator. The private septic systems must meet the requirements of the State of Maine Subsurface Wastewater Disposal Rules.

Finding: Gordon Farms – Phase II 3rd Subdivision Amendment provides for adequate solid and sewage waste disposal for present and future needs as reasonably foreseeable.

- f) Will not result in undue pollution of air, or surficial or ground waters, either on or off the site.

Stormwater from the house lot will be directed to the rear of the site and treated as required per the approved subdivision plan. Sewage disposal from the site will be treated in subsurface disposal systems designed by a Maine Licensed Site Evaluator.

Finding: Gordon Farms – Phase II 3rd Subdivision Amendment will not result in undue pollution of air, or surficial or ground waters, either on or off the site.

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

The residential house lot and the open space will be loamed and seeded to prevent soil erosion. The majority of the stormwater from the lot will be directed to the forested areas.

Finding: Gordon Farms – Phase II 3rd Subdivision Amendment will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result.

- h) Will not affect the shoreline of any body of water in consideration of pollution, erosion, flooding, destruction of natural features and change of ground water table so that a dangerous or unhealthy condition may result.

A wetland is located on the northern portion of the site. A 10' wetland setback is being proposed along the southern edge of the wetland to protect it from development. Previously approved and disturbed wetland is located on the southwestern corner of the lot.

Finding: Gordon Farms – Phase II 3rd Subdivision Amendment will not affect the shoreline of any body of water in consideration of pollution, erosion, flooding, destruction of natural features and change of ground water table so that a dangerous or unhealthy condition may result.

- i) Will respect fully the scenic or natural beauty of the area, trees, vistas, topography, historic sites and rare or irreplaceable natural or manmade assets.

No scenic vistas, historic sites or irreplaceable natural or manmade assets have been identified on the site.

Finding: Gordon Farms – Phase II 3rd Subdivision Amendment will respect fully the scenic or natural beauty of the area, trees, vistas, topography, historic sites and rare or irreplaceable natural or manmade assets.

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

The applicant provided a letter from Kimberly A. Donnelly, SVP, Gorham Savings Bank, Director of Business Banking, dated March 28, 2017, identifying that the applicant has enough money in accounts to cover the costs to construct the improvements over Lot 22.

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

- 3) Every subdivision shall be responsible for providing open space and recreational land and facilities to the additional demand created by the residents of the subdivision. This requirement shall be met by the payment of a Recreational Facilities and Open Space Impact Fee in accordance with Chapter 8. The applicant will be required to pay the Recreational Facilities and Open Space Impact Fee prior to the issuance of building permits for lot 22 within the subdivision that will have a new single-family home.

Finding: Gordon Farms – Phase II 3rd Subdivision Amendment is responsible for providing open space and recreational land and facilities to meet the additional demand created by residents of the subdivision.

- 4) If an applicant chooses to create open space and/or recreational land and facilities within the subdivision in addition to paying the impact fee, the following applies:
- a) **Land Improvements:** The applicant shall improve the land according to the proposed use of the land and the requirements of the Planning Board.
 - b) **Owners Association:** A homeowners' association shall be formed to provide for the perpetual care of commonly owned recreation land.

All lots in the Gordon Farms Phase II Subdivision are required to be members in the homeowners association.

Finding: Lot 22 in the Gordon Farms – Phase II 3rd Subdivision Amendment is part of the Gordon Farms Homeowners' Association.

CHAPTER 3 - SUBDIVISION, SECTION 4 –FINAL PLAN REVIEW

D. FINAL PLAN REVIEW

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

Subdivision amendments do not require preliminary and final subdivision approvals.

Finding: *Not applicable.*

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

Subdivision amendments do not require preliminary and final subdivision approvals.

Finding: *Not applicable.*

Conditions of Approval

1. That this approval is dependent upon, and limited to, the proposals and plans contained in this application and supporting documents submitted and affirmed by the applicants and that any variation from the plans, proposals and supporting documents is subject to review and approval by the Planning Board, except for minor changes which the Town Planner may approve;
2. That the applicant shall provide property line information and site information in auto-cad format to the Town Planner;
3. That all relevant past conditions of approval shall remain in effect;
4. That the Planning Board Chairman is authorized by the Planning Board to sign the Findings of Fact on behalf of the entire Board;
5. That the subdivision plan shall not be released for recording at the Cumberland County Registry of Deeds until the required performance guarantee has been posted meeting the approval of Town Staff; and the subdivision plan is required to be recorded within one year of original approval or the approval becomes null and void; and
6. That once the subdivision plan has been recorded at the Cumberland County Registry of Deeds, a dated mylar copy of the recorded subdivision plan shall be returned to the Town Planner prior to a pre-construction meeting being held.