

**PLANNING BOARD ZOOM MEETING
MINUTES
APRIL 14, 2021
(ORIGINALLY SCHEDULED FOR APRIL 5, 2021)**

MEMBERS PRESENT

**MOLLY BUTLER-BAILEY, CHAIRWOMAN
SCOTT FIRMIN, VICE CHAIRMAN
JAMES ANDERSON
SUSAN DURST
GEORGE FOX
VINCENT GRASSI
THOMAS HUGHES**

STAFF PRESENT

**CAROL EYERMAN, TOWN
PLANNER
BARBARA SKINNER, CLERK
OF THE BOARD**

Molly Butler-Bailey, Chairwoman, called the meeting to order. The Clerk called the roll, noting that all members were present.

APPROVAL OF THE MARCH 1, 2021 MEETING MINUTES

George Fox MOVED and James Anderson SECONDED a motion to approve the minutes of March 1, 2021 as written and distributed. Motion CARRIED, 6 ayes (Scott Firmin not voting due to internet issues)

CHAIRWOMAN'S REPORT

Ms. Butler-Bailey said there is no report this evening as the Board had met just two nights previously.

COMMITTEE REPORTS – NONE

ADMINISTRATIVE REVIEW REPORT

Ms. Eyerman reported that both the Irish and Kerwin reviews have been approved. There is an application under review for Peter and Dawn Wentworth, a request for approval of a duplex consisting of a three bedroom house and a one bedroom apartment at 25 Lincoln Street.

ITEM 1 Preliminary Subdivision – Gregory McCormack – Maplewood Drive Subdivision and Deerfield Drive, Private Way – request for approval to subdivide 6 lots from 3 existing lots, on 5.08 acres off 71 Maplewood Drive. Zoned UR, Map 104, Lots 10-3, 23 and 30.

Ms. Eyerman noted that the only items remaining are ability-to-serve letters from the Portland Water District for public water and sewer. She said the Board granted a waiver on November 2, 2020 from the submission requirement to provide a nitrate analysis.

Andrew Morrell, BH2M Engineers, said the applicant is no longer proposing subsurface waste water disposal systems. The applicant has designed a pressure sewer system and worked with EOne to design the grinder pumps and force mains for that system. There will be a 1-1/2 inch force main running along the existing Maplewood Drive and connecting to gravity sewer near the intersection with South Street. Stormwater design has been completed for the project, with runoff collected in a combination of open and closed drainage systems and discharged to a level spreader at the back of lot 5. Another major change has been a sidewalk design along Maplewood Drive, 600 feet of sidewalk from South Street along Maplewood. The sidewalk has been designed on the southern side of Maplewood Drive.

Mr. Morrell said that Public Works has asked for a note to be added to the plans about adequate grass growth on the backside of the sidewalk, to make sure that grass is well established after construction. Public Works also asked that the storm drain at the end of Maplewood be examined to confirm the status of that drain. Public Works asked for a pavement overlay on Maplewood to deal with impact from construction vehicles on Maplewood; the applicant agreed to a 1-1/2 inch overlay on Maplewood after selling at least 3 lots. The force main will be moved along Maplewood a foot or two away from the property lines to improve the construction window.

Mr. Morrell said the applicant is proposing two street trees per lot, for a total of 12 trees. The applicant will work out the details of the homeowners' documents per the Town Attorney comments as part of final approval. Mr. Morrell said comments from the Town's review engineer about the tree line will also be addressed before final.

Greg McCormack, applicant, said he believes that two trees per lot are probably too many trees for the size of the lots, and he will have his landscaper take a look at that.

Ms. Butler-Bailey reminded the public not to use the Question and Answer section of the zoom meeting as those comments are not part of the official record, but, instead, to raise their hand if they wish to speak.

PUBLIC COMMENT PERIOD OPENED: None offered
PUBLIC COMMENT PERIOD ENDED

Ms. Butler-Bailey asked how the wetlands will be delineated. Mr. Morrell confirmed with Mr. Fox that a series of pins will be put along the end of the wetlands. The pins will be capped, which typically says "edge of wetlands," and will stick out of the ground 6 to 8 inches. Mr. Fox confirmed that it will be clear to a landowner what the pins are.

Mr. Anderson asked if the houses will be single story or two story and on foundations or slabs. Mr. McCormack said no particular style is anticipated, it will depend what people want, but they will have full basements with a positive drain off the back.

George Fox MOVED and Vincent Grassi SECONDED a motion to grant Greg McCormack's request for preliminary subdivision plan approval for a 6 lot subdivision located on Map 104, Lots 10-3, 23 and 10-30, in the UR zoning district based on Findings of Fact as written by the Town Planner. Motion CARRIED, 7 ayes.

ITEM 2 Preliminary Subdivision – Kirk Nadeau – Fort Hill Road Subdivision – a request for approval of a 4-lot subdivision off Fort Hill Road, zoned R, Map 65, Lot 3-1

Ms. Eyerman noted that the applicant has requested two waivers: the first waiver is of the submission requirement to provide a nitrate analysis, giving as reasons for the waiver that large lots are proposed, moderate to well drained soils are located on the lots, and public water is available. The second waiver is to allow both preliminary and final subdivision approval to be granted in the same meeting.

Andrew Morrell, BH2M Engineers, gave the Board an overview of the project, noting that the applicant plans to limit development and the number of lots on the parcel. He said there will be four new lots, with one lot being 11 acres in size and restricted in both the deed and on the plans. He said the applicant proposes to sell the lots after approval.

Mr. Morrell said the lots will be served by public water and subsurface waste water systems and overhead electric. No work is proposed within the shoreland zone on the northeastern corner near the north branch of the Little River. Mr. Morrell said that neighbors' wells have been shown on the plan. Maine DOT entrance permit for lots 3 and 4 have been submitted to the Town. Mr. Morrell said the front setback on Fort Hill Road is shown as 50 feet on the plans, but the setbacks will have to be revised to be shown as 70 feet prior to the Board's endorsement of the final plan.

PUBLIC COMMENT PERIOD OPENED: None offered
PUBLIC COMMENT PERIOD ENDED

Ms. Butler-Bailey asked Ms. Eyerman whether the Board should be considering the neighbors' wells in relation to this development. Ms. Eyerman said the Board should be concerned about any septic systems going next to neighboring wells, and Mr. Morrell should point out the neighboring wells and their relationship to the proposed septic systems. Mr. Morrell showed the Board the 3 new proposed septic systems on lots 1, 3 and 4, and the relationship of each septic system to abutting wells. He noted that the State requires 100 feet of separation, and they have exceeded that requirement, with the closest being some 300 feet away from existing wells.

James Anderson MOVED and Susan Durst SECONDED a motion to grant the waiver of the submission requirement for a nitrate analysis because large lots are proposed, moderate to well drained soils are located on the lots, and public water is available. Motion CARRIED, 7 ayes.

George Fox MOVED and Vincent Grassi granted the applicant's request for a waiver to allow preliminary and final approval at the same Planning Board meeting. Motion CARRIED, 7 ayes.

Mr. Morrell confirmed to Mr. Anderson that Mark Hampton Associates' wetland delineation satisfies the requirements about vernal pools on the site.

Ms. Eyerman said that inasmuch as proof of financial capacity has been provided, the reference in Condition of Approval #5 to proof of financial capacity should be deleted, with the corrected Condition reading "That the applicant will provide a proposed construction schedule."

The Board concurred that the remaining issues are sufficiently minor so that they can be handled through a Condition of Approval. Ms. Eyerman suggested a new Condition to deal with any remaining minor issues as

"That the applicant shall make changes to the plans based on staff's comments."

Vincent Grassi MOVED and Scott Firmin SECONDED a motion to grant preliminary and final approval of Kirk Nadeau's request for a 4-lot subdivision off Fort Hill Road, Map 65, Lot 3-1, in the Rural zoning district, with Findings of Fact and Conditions of Approval as written by the Town Planner and amended by the Board. Motion CARRIED, 7 ayes.

ITEM 3 Pre-application – Dillon Hesseltine – Summit Community Church – a request for approval of a new 28,000 square foot community church, day care and function center of property owned by Moody's Co-Works, located on Narragasset Street and Cressey Road, zoned SR, Map 29, Lot 2.

Mr. Anderson advised the Board that he works for Great Falls Construction and is working with the applicant on the project, and therefore asked to be recused from participation in the discussions of this item.

George Fox MOVED and Scott Firmin SECONDED a motion to permit Mr. Anderson to recuse himself. Motion CARRIED, 6 ayes (James Anderson abstaining)

Ms. Eyerman described the project as a combination church and mixed use, with a dual-purpose sanctuary/gymnasium, stage, educational classrooms, space for a day care, offices, bathrooms, and a storage area. Included are proposed associated exterior infrastructures for parking and landscaping. She said the zoning in the Comprehensive Plan is proposed to be changed to Village Residential, but the proposed use will be allowed in the zone.

Kylie Mason, Sebago Technics, a licensed landscape architect, presented on behalf of the applicant. She said Karen James of Great Falls Construction and Dillon Hesseltine from Summit Church were available for questions. Ms. Mason advised the Board that the project has changed since it was first submitted, based on budget concerns and permitting timelines, so that the proposed building is now proposed to be 22,750 square feet with 127 parking spaces as opposed to the 28,000 square foot facility and approximate 400 spaces originally proposed. Future growth in the next 5 to 7 years could dictate a need to expand the facility, and it is understood that they would have to come back before the Board should that happen.

Ms. Mason said a play yard for a day care children is proposed, which could accommodate 40 to 50 children. Public water and sewer are available from Narragansett Road, as well as overhead electrical and communication services along both Cressey Road and Narragansett Road. Two curb cuts are proposed along Cressey Road. Stormwater will be handled through two under-drained soil filters.

Ms. Mason said that the requirement to provide sidewalks would be a significant burden. She said there are no sidewalks to connect to on Narragansett and the sheer amount of frontage along Cressey Road makes sidewalks a significant burden. She asked for a waiver of the sidewalk requirement or perhaps some alternate method to deal with the sidewalk requirement.

PUBLIC COMMENT PERIOD OPENED: None offered
PUBLIC COMMENT PERIOD ENDED

Ms. Butler-Bailey confirmed with Ms. Eyerman that the applicant is required to provide the Board with estimated costs to install a sidewalk in order to show what the financial burden would be to install sidewalks along the frontages. Ms. Mason said that parking has been designed to accommodate a CMP easement that goes through the site, and they would like to leave that area untouched.

Ms. Butler-Bailey said that a more detailed landscaping should be provided going forward, with renderings to see what it would look like driving down Narragansett or coming down the by-pass and Cressey Road. Ms. Mason said there is a large area of green space with plenty of room for buffering.

Ms. Butler-Bailey confirmed with Ms. Mason that the number of proposed spaces is based on congregation numbers. Ms. Eyerman said the Ordinance requires a specific number of parking spaces based on the number of seats, but in this instance the requirement is lower than what they have estimated they need, so they could have more parking spaces if they choose.

Mr. Fox asked Ms. Eyerman if the Board has the ability in this instance to waive the requirement for sidewalks if the Board determines that the sidewalks would be an undue burden. Ms. Eyerman said that because this is an expansion of the Village area, staff is fairly adamant about requiring sidewalks, but contributing to a fund could be an option. Mr. Fox commented that because in the future this might be a critical location for sidewalks, if the requirement were waived at this point, it might well be an issue in future developments up Cressey Road. Mr. Fox said he believes a decision on the sidewalks should be deferred until a cost estimate has been provided. Ms. Butler-Bailey agreed and said this area is one where the Town is trying to encourage sidewalks.

Ms. Eyerman said that because staff has not had a chance to review this specific plan, her first impression is that the parking should be flipped so that it is not prominent to the corner. Ms. Eyerman suggested cutting the parking in half with the building more prominent in the front along Narragansett. She also commented that the entrance on the western side of the building should be reviewed for adequate sight distance.

Mr. Fox noted that had the applicant had come forward with the original plan for discussion, the Board's feedback could be more useful.

ITEM 4 Discussion – Proposed Amendment to the Land Use and Development Code - a proposed amendment regarding the Village Expansion District

The Board concurred that this proposed amendment should be forwarded to its Comprehensive Plan Implementation Committee for review and recommendations.

ITEM 5 Discussion – Proposed Amendments to the Land Use and Development Code – a proposed amendment regarding the permitting of certain private driveways

The Board discussed the proposed amendment, that only driveways located on a private way or public road would be required to obtain driveway permits. The Board agreed that this proposed amendment should be forwarded to the Planning Board to be heard as a public hearing at some future meeting date.

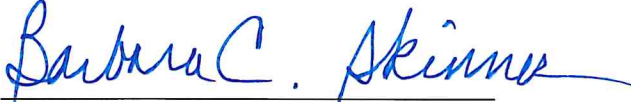
OTHER BUSINESS: Ms. Butler-Bailey asked if it is the will of the Board to continue asking for public comment input for every application, as had been the procedure under the previous chairman. The Board concurred that public comment should be continued.

ANNOUNCEMENTS: NONE

ADJOURMENT:

George Fox MOVED and Vincent Grassi SECONDED a motion to adjourn. Motion CARRIED, 7 ayes. [8:46 p.m.]

Respectfully submitted,


Barbara C. Skinner, Clerk of the Board
April 14, 2021

ITEM 2 KIRK NADEAU – PRELIMINARY AND FINAL SUBDIVISION – FORT HILL ROAD SUBDIVISION

CHAPTER 3 - SUBDIVISION, SECTION 3 - PRELIMINARY PLAN

The Planning Board, following review of the Subdivision Application, makes these findings based on the Subdivision Review criteria found in Chapter 3, Subdivision, Section 3 – C. Preliminary Plan Review, and Section 4 – D. Final Plan Review.

C. PRELIMINARY PLAN REVIEW

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

- a) Shall be in conformance with the Comprehensive Plan of the Town, and with all pertinent State and local codes and ordinances, including the Performance Standards related to specific types of development which are stipulated in Chapter 2.

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

The Comprehensive Plan identifies this area to remain Rural zoning. The plans meet the requirements of the Rural zoning district for density.

Finding: Fort Hill Road Subdivision conforms with the Comprehensive Plan of the Town, and with all pertinent State and local codes and ordinances.

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

Driveway access to the individual lots will be via Fort Hill Road.

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

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

The single family dwelling units will be served by overhead electrical power, telephone, and cable lines, as stated in the application page 3 of 8.

Finding: Fort Hill Road Subdivision will not place an unreasonable burden by either direct cause or subsequent effect on the availability of the Town to provide municipal services including utilities, waste removal, adequate roads, fire and police protection, school facilities and transportation, recreational facilities, and others.

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

The single family dwelling units will be served by the water main located in the Fort Hill Road right-of-way. The water main design and installation must meet the requirements of the Portland Water District.

An ability-to-serve letter from Portland Water District is pending. The applicant will provide the letter to the town when it is received.

Finding: Fort Hill Road Subdivision provide for adequate water supply for present and future needs.

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

The single family dwelling units will be served by a private onsite septic systems located to the front of each lot except for Lot #2 which has an existing system in the rear of the lot.

Finding: Fort Hill Road Subdivision provide for adequate solid and sewage waste disposal for present and future needs as reasonably foreseeable.

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

Storm water from the site will be treated in storm water infrastructure meeting the Maine Department of Environmental Protection's and the Town of Gorham's storm water requirements. The dwellings units' sewage disposal will be treated in private on-site septic systems.

Finding: Fort Hill Road Subdivision will not result in undue pollution of air, or surficial or ground waters, either on or off the site.

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

The proposed construction of the single family dwelling units and driveways will not impact wetlands or waterbodies. The wetlands on the northern edge of the site nearest to the Little River North Branch will be protected from development.

Finding: Fort Hill Road Subdivision will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result.

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

Little River North Branch and wetlands are located on the northern edge and middle of the parcel. The Little River North Branch is located in the Town's Shoreland Overlay district.

Storm water facilities shall be designed in accordance with state, Federal, and local requirements prior to discharging into groundwater or into abutting wetland and stream.

Finding: *Fort Hill Road Subdivision will not affect the shoreline of any body of water in consideration of pollution, erosion, flooding, destruction of natural features and change of ground water table so that a dangerous or unhealthy condition may result.*

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

The proposed construction of the single family dwelling units and driveways will not impact wetlands or waterbodies. The layout of the single family dwelling units and driveways will not impact any other natural features on the site. No construction is allowed within the Shoreland Overlay Zoning District.

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

Finding: *Fort Hill Road Subdivision will respect fully the scenic or natural beauty of the area, trees, vistas, topography, historic sites and rare or irreplaceable natural or manmade assets.*

- j) Financial Capacity to meet Subdivision Regulations. The 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.

Finding: *The applicant has adequate financial resources to construct the proposed improvements and meet the criteria standards for the development.*

- 3) Every subdivision shall be responsible for providing open space and recreational land and facilities to meet the additional demand created by the residents of the subdivision. This requirement shall be met by the payment of a Recreational Facilities and Open Space Impact Fee in accordance with Chapter 8.

The applicant will be required to pay the Recreational Facilities and Open Space Impact Fee prior to issuance of the building permits.

Finding: *Fort Hill Road Subdivision will be responsible for providing open space and recreational land and facilities to meet the additional demand created by residents of the subdivision.*

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

The applicant is not providing open space and recreational land and facilities. Therefore, this section does not apply.

Finding: *Fort Hill Road Subdivision is not providing open space and recreational land and facilities. Therefore, this section does not apply.*

CHAPTER 3 - SUBDIVISION, SECTION 4 –FINAL PLAN REVIEW

C. 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.

Finding: The applicant is requesting preliminary and final plan approval, so there are no changes proposed with this application and plan.

- 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.

Finding: The final plan was submitted within the 12 month timeframe.

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, the applicant is responsible for obtaining all required local, state and federal permits;
3. That The applicant will provide the Middle School Facilities Impact Fee (see ordinance for exact calculation based on bedrooms per dwelling unit), Fort Hill Impact Fee for Area A (\$1,074.15 per dwelling unit), as well as the Recreation Impact Fee (\$1,715 per dwelling unit) prior to construction of each dwelling unit;
4. That the applicant will provide to the Town Planner the ability-to-serve letter from the Portland Water District prior to the pre-construction meeting;
5. That the applicant shall make changes to the plans based on staff's comments;
6. That the applicant will provide a proposed construction schedule;
7. That the applicant will provide a revised plan based on the memorandum provided dated March 25, 2021 for review by the peer review engineer.

8. That any proposed use on the site shall meet the sound level requirements outlined under Chapter 4, Section 9, T. Noise;
9. That prior to the pre-construction meeting, the applicant will establish the following: an escrow for field inspection meeting the approvals of Town Staff;
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 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;
12. That each single family dwelling unit shall be sprinkled meeting all requirements of the Town's Sprinkler Ordinance;
13. That the subdivision plan shall not be released for recording at the Registry of Deeds until the required performance guarantee for that phase 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;
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 once the subdivision plan has been recorded at the Cumberland County Registry of Deeds, a dated copy of the recorded subdivision plan shall be returned to the Town Planner prior to the pre-construction meeting.