

**PLANNING BOARD ZOOM MEETING
MINUTES
MAY 3, 2021**

MEMBERS PRESENT

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

STAFF PRESENT

**THOMAS POIRIER, DIRECTOR
OF COMMUNITY DEVELOPMENT
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 APRIL 12, 2021 MEETING MINUTES

George Fox MOVED and Vincent Grassi SECONDED a motion to approve the minutes of April 12, 2021 as written and distributed. Motion CARRIED, 6 ayes (Scott Firmin abstaining as not having been present at the meeting).

APPROVAL OF THE APRIL 14, 2021 MEETING MINUTES

George Fox MOVED and Thomas Hughes SECONDED a motion to approve the minutes of April 14, 2021 as written and distributed. Motion CARRIED, 7 ayes.

CHAIRWOMAN'S REPORT

Ms. Butler-Bailey said there is no report this evening.

COMMITTEE REPORTS

- A. ORDINANCE REVIEW COMMITTEE** – Mr. Grassi said that this Committee has not met since the Board's last meeting.
 - B. COMPREHENSIVE PLAN IMPLEMENTATION COMMITTEE** – Mr. Anderson, reporting as chairman of the Committee, reported that the Committee met earlier this evening to discuss the proposed amendments involving Mosher's Corners Mixed Use Development Zone, saying that another workshop will be held to complete the Committee's review of the proposed amendments.
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ADMINISTRATIVE REVIEW REPORT

Ms. Eyerman reported that 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.

CONSENT AGENDA – MOODY’S CO-WORKERS OWNED, INC. – Innovative Campus at Raceway Drive – a request for site plan approval for the addition of an easement on the 3-lot subdivision on Raceway Drive. Zoned Narragansett Mixed Use District, Map 39, Lot 2.1 and 2.22

Mr. Poirier explained that when street acceptance for Raceway Drive went forward, it was clear that there was a missing easement for a drainage culvert under the road. The only thing this amendment will do is add that easement so that street acceptance can move forward.

There being no one from the Board or the public wishing to take the item off the Consent Agenda,

George Fox MOVED and Vincent Grassi SECONDED a motion to approve the item on the Consent Agenda. Motion CARRIED, 7 ayes.

ITEM 1 Public Hearing – Amendment to the Land Use and Development Code – proposed amendment to the Land Use and Development Code to allow for an exemption beyond daytime hours for well drilling activities.

Mr. Poirier explained that the Town Council is looking to add a provision to the Town’s noise ordinance to allow for an exemption during times of severe drought for well drilling activities. Under the new language, well drillers are allowed to operate beyond the 7 am to 7 pm hours, with prior approval from the Gorham Police Department. He said the Board’s Ordinance Committee reviewed the proposed language on March 22, 2021 and recommended no changes.

At Ms. Butler-Bailey’s request, Mr. Grassi, chairman of the Board’s Ordinance Committee, confirmed that this was a very straightforward item and the Committee had no issues with the proposed language.

PUBLIC COMMENT PERIOD OPENED: None offered
PUBLIC COMMENT PERIOD ENDED

Mr. Fox said he believes that this is an appropriate, common sense and relatively minor extension of allowed time for these activities.

George Fox MOVED and Vincent Grassi SECONDED a motion to recommend adoption by the Town Council of the proposed zoning change to Chapter 2, Section 2-1 Environmental, k), to allow an exemption to the noise standards for well drillers during time of severe drought. Motion CARRIED, 7 ayes.

ITEM 2 Public Hearing – Amendment to the Land Use and Development Code – proposed amendment to the Land Use and Development Code regarding setback requirements during the building permit application process.

Mr. Poirier told the Board that this language from the Council is designed to address concerns brought forward from the Zoning Board of Appeals regarding a large number of variance requests for new construction built within required setbacks. This kind of construction within a setback typically cannot meet the requirements for a variance. The Board's Ordinance Committee reviewed the proposed language on March 22, 2021 and had no changes to it.

Mr. Grassi advised the Board that the Committee felt the proposed language streamlined the process and no changes were required.

PUBLIC COMMENT PERIOD OPENED: None offered

PUBLIC COMMENT PERIOD ENDED

George Fox MOVED and Thomas Hughes SECONDED a motion to recommend adoption by the Town Council of the proposed zoning change to Chapter 1, Section 1-3 Administration, E. Application, 1) a. and b. detailing provisions for submission of lot surveys and pining of foundations by a professional land surveyor as part of the building permit process. Motion CARRIED, 7 ayes.

ITEM 3 Public Hearing – Amendment to the Land Use and Development Code – proposed amendments to the Land Use and Development Code regarding invasive terrestrial plants.

Mr. Poirier explained that the Council is seeking to add provisions to restrict the use of invasive terrestrial species for sale, for use in plantings and buffering, and to require the removal of invasive species within any street right-of-way being considered for Town approval. Identification of such species is tied into information in Maine's Department of Agriculture Conservation and Forestry. He said the Board's Ordinance Committee reviewed the proposed language on March 22, 2021 and proposed no changes.

Mr. Grassi said that the Committee found this proposed amendment straightforward and had no changes.

PUBLIC COMMENT PERIOD OPENED: None offered

PUBLIC COMMENT PERIOD ENDED

George Fox MOVED and Vincent Grassi SECONDED a motion to recommend adoption by the Town Council of the proposed zoning change to Chapter 2, Section 2-1, Environmental, J. Invasive Plants and Chapter 4, Site Plan Approval Criteria, to address the prohibition of using Invasive Terrestrial Plants in landscaping/buffering standards. Motion CARRIED, 7 ayes.

ITEM 4 Public Hearing – Preliminary Subdivision/Site Plan – Earle Enterprises, LLC – a request for preliminary subdivision and site plan approval for 8 College Avenue, to convert an existing single family residence into an 8-unit apartment building. Zoned UR, Map 102, Lot 5.

Ms. Eyerman explained that since the Board last saw the item on March 1, 2021, some additional landscaping has been proposed, more parking has been added and more stormwater management has been reviewed by the Town's engineer. Additional widening of the driveway will be required.

Ms. Eyerman asked Charlie Burnham, Atlantic Resource Consultants, to share his screen. Mr. Burnham told the Board what has changed in the proposal. As requested, he has graded out the back lot with contours, provided a drainage way for the water to get around, and tightened up a strip along the down slope. He said trees have been added along the far side to create a buffer between the site and the day care next door. Mr. Burnham said he has spoken extensively with the owner of the Blue Pig restaurant to mitigate some of his concerns about parking and stormwater, and said there will not be a huge increase in impervious. Parking spaces have been increased to 10, a paved dumpster pad will be provided, a light will be provided for the parking area. Water will be tied into the work being done on College Ave this summer and sewer is existing. The Historic District is satisfied with the project.

PUBLIC COMMENT PERIOD OPENED: Lenora Trussell, 27 State Street, expressed concern about the stormwater runoff that currently occurs on her property, and asked where the water is proposed to go, saying that the ledge that is there will prevent soaking into the ground and could go into her basement. She also asked what is proposed for the space behind the building, since it abuts her property.

PUBLIC COMMENT PERIOD ENDED.

Mr. Burnham replied that according to their model, runoff will be reduced going into Ms. Trussell's property and the retention area should slow the water down and reduce the initial flush to her property. Paving will mitigate the speed of runoff. He said they have no plans for the open space behind the building.

Ms. Butler-Bailey asked if a dumpster screen is proposed. Mr. Burnham said the garage will achieve the buffering. Mr. Fox asked about the turning radius at the dumpster; Mr. Burnham replied that it will be 24 feet. Mr. Fox asked that a template be provided to confirm that.

Ms. Butler-Bailey asked about the Woodard & Curran comment that the applicant should demonstrate that the post-development runoff flows are less than the pre-development runoff flows. Mr. Burnham said he has had conversations with Woodard & Curran about that issue and has expanded the infiltration area and brought the rate down to zero. Mr. Anderson asked if a stormwater analysis of the entire site was done or just of the parking lot. Mr. Burnham said what has been done is what the engineers asked for, it is negligible, but they haven't signed off on it yet. In reply to Mr. Anderson, Mr. Burnham said there are topo lines on the plan, but they are faint. Mr. Burnham said that the lot slopes down 12% to Ms. Trussell's lot and there is a 4 foot drop down there to an exposed ledge area. Ms. Butler-Bailey asked that the contour lines in the back be shown darker.

Ms. Eyerman explained to Ms. Butler-Bailey that the waiver mentioned by the engineer is for the runoff that is slightly over the allowed post runoff. Ms. Eyerman said that the applicant has said that the new design would make it zero, such that a waiver would not be required. Mr. Burnham said he thinks a waiver wouldn't hurt in this case and he is asking the Board to consider a waiver this evening. Mr. Anderson said that he doesn't believe the Board can consider a waiver if the Town's review engineer has not seen what is being proposed. Mr. Grassi said he would not be comfortable with a waiver here, especially as there is an abutter that has an issue with stormwater. Mr. Burnham said then that no waiver is being requested.

Ms. Butler-Bailey said she would like to see what the Town's engineer has to say about the runoff again.

Vincent Grassi MOVED and James Anderson SECONDED a motion to postpone further review of Earle Enterprises LLC's request for preliminary subdivision and major site plan approval pending responses to remaining issues and revisions to the plans. Motion CARRIED, 7 ayes. [7:45 p.m.]

ITEM 5 Subdivision Amendment – Jonathan Sturgis – a request for final subdivision approval to Lombard Estates Phase II Subdivision to split off one single family residential house lot at 28 William Henry Drive. Zoned UR, Map 20, Lot 49.

Ms. Eyerman said this is the second time the applicant has come before the Board. The applicant needs to provide an ability-to-serve letter from the Portland Water District. The applicant has requested a waiver from the submission requirement of a nitrate analysis, since the lot will be served by public water. Public Works has stated that re-ditching needs to occur along the frontage of the new lot when the lot is developed.

Andrew Morrell, BH2M Engineers, appeared on behalf of the applicant Jonathan Sturgis, who is also present at the zoom meeting. Mr. Morrell explained that the applicant is currently looking to split his lot into lot A, 2.4 acres in size. The lot will be served by an existing public water stub; they are working with the Water District on the ability-to-serve letter. Discussed in the past with the Board is the issue of sewer, with the applicant proposing subsurface waste water disposal, approved by the Board in February. Mark Hampton Associates has done a test pit and septic system for lot A, and they have done wetlands delineation and high intensity soils. He said the house on lot A will be sprinkled. The ability-to-serve letter is covered by Condition of Approval 3 and the Public Works request on re-ditching is covered by Condition of Approval 4. Relocation of the recreation trail is no longer part of this application.

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

Mr. Morrell said that the applicant is asking for a waiver for the submission requirement for a nitrate analysis as the lot is served by public water. In reply to Mr. Fox, Mr. Morrell said he does not believe there are any drilled wells in that location, that everything is served by public water.

James Anderson MOVED and George Fox SECONDED a motion to grant the applicant's waiver request from the submission requirement in Chapter 3, Section 3-3, B. 11 & 12, Nitrate Analysis, since the lot will be served by public water. Motion CARRIED, 7 ayes.

George Fox MOVED and Vincent Grassi SECONDED a motion to grant Jonathan Sturgis' request for final subdivision amendment approval for a lot division located on 4.45 acres on William Henry Drive, Map 20, Lot 5-049, Urban Residential zoning district, with Findings of Fact and Conditions of Approval as written by the Town Planner. Motion CARRIED, 7 ayes. [8:00 p.m.]

ITEM 6 Private Way Amendment – Michael and Kevin Plowman – a request for approval to extend Plowman Road approximately 950 feet and widen the existing drive to the current 2-6 private way standard. Zoned R, Map 4, Lot 102.

Ms. Eyerman told the Board that this is an application for approval of a 950 foot long private way extension for a 2-6 lot private way. She said the applicant intends to construct the private way to the 7-10 lot standard so that the road will be ready for paving if the applicants propose to support 7 to 10 lots in the future. Four lots are shown on the plans, two lots on the extension will be each approximately four acres in size and have roughly 400 feet or more of street frontage. Ms. Eyerman said that the Town Attorney's concerns about the history of lots splits have been answered. Abutter comments are on the google drive for the Board's review.

Steve Blake, BH2M, entered the zoom meeting on behalf of Michael and Kevin Plowman. He said the extension is approximately 850 feet long, the applicants do not have any plans to develop anything at this time, and the primary request for private way extension approval is to secure street frontage.

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

Mr. Fox confirmed with Mr. Blake that the comments of the Fire Department have been addressed. Ms. Eyerman advised that Condition of Approval 5 has been crafted to address staff and legal review comments being addressed prior to a pre-construction meeting.

James Anderson MOVED and George Fox SECONDED a motion to grant Michael and Kevin Plowman's request for approval of an extension of Plowman Road, a 950 foot private way designed to the Town's 2-6 lot/dwelling unit private way standard, located on Map 4, Lot 1-102 and situated in the Rural zoning district, based on Findings of Fact and with Conditions of Approval as written by the Town Planner. Motion CARRIED, 7 ayes. [8:20 a.m.]

Break to 8:25 a.m.

ITEM 7 Pre-application – Nick Flagg – a request for review for 5 phased site improvements to include a 36x40' garage building, a 60x50' building, extend public sewer, a 60x150'

building, an entrance off New Portland Road, with associated parking and infrastructure on property located at 298 New Portland Road. Zoned I, Map 12, Lot 17-2.

Mr. Hughes told the Board that he knows Mr. Flagg personally but does not believe that will impact his review of the project.

Ms. Eyerman explained to the Board that this application involves expanding the applicant's existing facility on New Portland Road in a number of phases, including the construction of a garage connected to the office building on Lot 1, construction of a second building on Lot 1, subdivide to create 3 lots, construction of a second and third building with associated infrastructure on Lot 2, add an entrance to serve Lot 3, and develop Lot 3.

Andrew Morrell, BH2M Engineers, said that the applicant Nick Flagg is also present at the zoom meeting. Mr. Morrell gave the history of the project, noting that the applicant currently owns Flagship Landscape, operating at the site. The site was originally permitted in 1986, granted an amended permit in 2006, and the applicant got the current configuration approved under an amended site plan in June of 2017. Mr. Morrell said the applicant is looking out to a full buildout for the site in the future. Phase 1 of the project would be to build a 36' x 40' garage connected to the office building on lot 1. Phase 2 would be lot transfers and divisions to split lot 2 into 2 lots, creating lots 2 and 3, as well as constructing a 60' x 150' building and parking lot on lot 2, with access off New Portland Road and the extension of public sewer from the Gorham Industrial Park. Phase 3 is to construct a 60' x 150' building on lot 2 with additional parking on lot 2. Phase 4 is to construct a 50' x 150' building and additional parking on lot 1. Phase 5 is to add an entrance off New Portland Road to serve lot 3, and to develop lot 3 when access is granted and environmental permitting is in place.

Mr. Morrell said input from the Board would be appreciated on the access from New Portland Road to serve lots 2 and 3, the extension of sewer and water, the proposed lot divisions, and front setbacks as they relate to abutting residential uses and parking. Mr. Morrell said he believes the extension of public sewer from the Industrial Park would require an easement, necessitating an amendment to the Gorham Park subdivision. He said that regarding curb cuts from New Portland Road, lot 1 has 2 curb cuts, 1 primarily used by the apartment building on site, and the other for the Flagship Landscape business. They are considering combining one of the accesses, whether on lot 1 or 2 hasn't yet been worked out. In addition, Mr. Morrell said they are contemplating extending the water main service along New Portland Road to accommodate the facility.

PUBLIC COMMENT PERIOD OPENED: None offered
PUBLIC COMMENT PERIOD ENDED

Mr. Fox asked what the applicant anticipates the future use of these buildings to be. Mr. Flagg replied that there are no specific tenants interests in the building at this time, but he anticipates some sort of multi-units in the 60' x 150' building, perhaps warehousing, small industrial uses permitted in the zoning, 1500 to 2000 square foot units.

Mr. Fox asked about the wetland impact on lot 3, and asked Mr. Morrell what the wetland impact would be on lot 3. Mr. Morrell replied that most of the wetlands are on lot 3. Mr. Anderson suggested considering screening for outside storage, dumpsters, utilities.

Ms. Butler-Bailey asked Ms. Eyerman about the 50 foot setback on the plans instead of the required 100' setback. Ms. Eyerman said it appears that a Planning Board in the past may have decided on a 50' setback; she asked Mr. Morrell to include in the "notes" section all the waivers that have been granted for the site. Ms. Eyerman told Ms. Butler-Bailey that the waivers go with the property. Mr. Morrell said he will check the history of the site.

Mr. Fox suggested that the curb cuts be consolidated for lots 1 and 2. Mr. Flagg said they could combine the two middle curb cuts, eliminate the most westerly curb cut, and have one for lot 3, resulting in no net gain in curb cuts. Ms. Butler-Bailey said she would like to see how the traffic would flow on the site. Mr. Firmin said it would be helpful to see how the site is proposed to be buffered.

ITEM 7 Pre-application – Sun RP, LLC – a request for review for the construction of a commercial building with associated access and parking on a 5 acre lot off Main Street/Dolloff Road. Zoned CO and SR, Map 31, Lot 2-1.

Ms. Eyerman said this application is for a proposed dance studio and a café associated with it, along with parking and driveway, in the Commercial Office and Suburban Residential zoning districts. She said that it is proposed to change the zoning to the Mosher's Corner Mixed Use designation; this information has been shared with the applicant. Ms. Eyerman spoke about the existing sidewalk along Main Street.

Andrew Morrell, BH2M Engineers, entered the zoom meeting and said that the applicant Trish Moulton is also present. Mr. Morrell said the site is east of Angelo's Pizza, across from Dolloff Drive. The applicant is looking to construct a dance studio and café. Mr. Morrell explained that the café will be open to the general public but it is anticipated to be a big use for the facility, with a lot of parents who drop off their children for dance classes using the café while they wait. He said 55 parking spaces are proposed, 5 in the front for the café and 50 spaces in the rear. A single access is proposed off Main Street, with the sight distance better closer to Dolloff Drive. The building will be served by public water, available off Main Street, underground electric, and natural gas. A subsurface waste water system is anticipated in the back, with the closest public sewer being at Maine Optometry to the west and Gateway Commons Subdivision to the east. Mr. Morrell said the design has been created to optimize traffic flow within the site, hoping to prevent drop-off and pickup traffic queueing on Main Street. Traffic flow is proposed to flow in a one-way, counter clockwise direction, with a covered drop-off and pickup area. A sidewalk is proposed along the entire building.

Mr. Morrell noted that future expansion may occur on the northern limits of the parcel. He pointed out a future building expansion area intended to be included with this review and approval.

Mr. Morrell said that a section of Dolloff Drive is not within the right-of-way at the intersection with Main Street, so part of this proposal moving forward could be to either amend the right-of-way or to relocate the private way to be within the right-of-way.

Mr. Morrell said there is a finger of wetlands that runs across the site, with 2 existing culverts flowing into that wetland, one comes under Main Street and one comes under Dolloff Drive.

Stormwater will be handled through a wet pond at the back of the parcel and a DEP stormwater permit will be required.

Mr. Morrell said the two most important issues to discuss this evening are sewer and sidewalks.

Trish Moulton said the business has been in the square in the Village for 20 years and they are trying to find another location to be able to offer classes and to find a way for parents to drop their children off with ample parking.

Mike Richman, Custom Concepts Architecture, said he and the applicant have discussed the project at length, in general leaning toward a single story structure with the site having good access. He said the footprint shown will probably be reduced as the floor plan is fine turned.

PUBLIC COMMENT PERIOD OPENED: None offered
PUBLIC COMMENT PERIOD ENDED

Mr. Fox said he believes Mr. Morrell hit on the two key issues he is wondering about, public sewer and sidewalks. He asked Mr. Morrell if he has considered the public sewer option. Mr. Morrell replied that the closest existing sewer is about 1200 feet away, with Maine Optometry to the west and Gateway Commons to the east as the closest. Mr. Morrell said that sewer could be extended with the industrial park across Main Street that is under discussion, but the timing on that is yet unknown. In addition there is language being considered in the proposed Mosher's Corner re-zone, but it too is unknown at this time. Mr. Morrell said that financially at this time connecting to public sewer for this site does not seem to make sense.

Mr. Fox asked Mr. Morrell about the feasibility of extending sidewalks outside the property. Ms. Eyerman told Mr. Fox that the proposed performance standards for the revised Mosher's Corner zone includes sidewalks along Main Street and throughout the area. She said that as the Town would prefer the sidewalks be installed to "match up," the Town can ask for the funds it would cost to extend a sidewalk along the frontage, based on the current cost per linear foot, to hand in when the sidewalks are installed along the roadway. Ms. Butler-Bailey confirmed with Ms. Eyerman that it is easier to have a "fee in lieu of" concept based on a site's frontage, rather than having an applicant run the sidewalk himself. The Public Works Director can provide a linear foot amount to be multiplied times the amount of frontage of a site. Ms. Eyerman confirmed to Mr. Morrell that the ordinance will require a sidewalk along the Main Street frontage. In reply to Mr. Morrell, Ms. Eyerman said the fee would be applied prior to a pre-construction meeting. Ms. Eyerman confirmed with Mr. Anderson that there are different design standards for street classifications.

Mr. Fox confirmed that if the installation cost of connecting to public sewer is not more than 3 times as expensive as onsite treatment, the applicant is then required to connect to public sewer. Ms. Eyerman said the Board will need to see the calculations in order to review the cost comparison.

Ms. Butler-Bailey asked about the front buffer and what the entrance will look like, versus the amount of pavement. Mr. Firmin asked about the number of arrivals and departures, both together and independently, and asked if there will be a traffic study to understand the impact on Main Street. Mr. Firmin said he would also like to see something about the expected impact of proposed

turns. Mr. Morrell asked what the Board thinks would be required for traffic. Ms. Eyerman said no traffic study is required, but it is up to the Board to decide what it wants. Mr. Morrell said he does not believe the amount of traffic would trigger a Maine DOT study. Ms. Butler-Bailey said she would like to know how many trips per class there would be and at what times. Mr. Fox agreed, noting that traffic flows on Main Street are already high, and while it may not be significant, he would like to see something the Board can check to confirm the impact.

Ms. Moulton said that traffic is an issue in the Village, and one of her reasons for wanting the café is to keep the parents on site while children are taking classes. She said she believes the proposed traffic flow pattern will help get people in and out quickly. Ms. Moulton told Mr. Morrell that she and Mr. Richman are currently working on 5 different classrooms, not all operational at the same time, with the busiest times having 30 to 40 kids. She said that many parents car pool.

Mr. Morrell confirmed that the Board wants to see the sewer costs analysis, saying he believes that the cost to do an onsite septic is going to be less than one third of the cost of public sewer. He also confirmed that a sidewalk along the frontage is required but not necessarily installed, with an "in lieu fee" instead. He asked if that requirement can be waived by the Board. Ms. Eyerman said she will check the ordinance. She suggested that Mr. Morrell get the linear foot cost from Public Works. Ms. Eyerman said pedestrian access should be provided up to the front door.

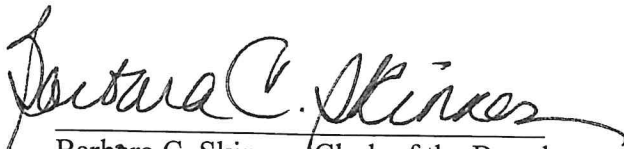
OTHER BUSINESS NONE

ANNOUNCEMENT NONE

ADJOURNMENT

Scott Firmin MOVED and George Fox SECONDED a motion to adjourn. Motion CARRIED, 7 ayes. [9:35 p.m.]

Respectfully submitted,


Barbara C. Skinner, Clerk of the Board
May 3, 2021

ITEM 5 JONATHAN STURGIS – LOMBARD ESTATES PHASE 11 SUBDIVISION AMENDMENT

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.

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 as Village Residential. The allowed uses in the Village Residential area should include a wide range of residential including single family homes.

Finding: Lombard Estates Phase II Amended Subdivision Plan #2 conforms to the Comprehensive Plan of the Town, and with all pertinent State and local codes and ordinances.

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

Access to this section of Lombard Estates Phase II Amended Subdivision Plan #2 is via William Henry Drive, which meets the Town's road standards.

Finding: Lombard Estates Phase II Amended Subdivision Plan #2 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 additional single family dwelling unit will be served by overhead power, telephone, and cable lines as stated in the application. The Town has anticipated growth within the Comprehensive Plan and has the ability to provide additional services to this additional lot.

Finding: *Lombard Estates Phase II Amended Subdivision Plan #2 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 additional single family dwelling unit will be served by the water main extended from the Portland Water District's water main located in William Henry Drive right-of-way.

The applicant shall provide an ability-to-serve letter from the Portland Water District prior to receiving building permit approval.

Finding: *Lombard Estates Phase II Amended Subdivision Plan #2 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 unit will be served by private onsite septic system.

Finding: *Lombard Estates Phase II Amended Subdivision Plan #2 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.

Re-ditching of the frontage of the new lot "A" shall be done during the single family dwelling construction phase.

Stormwater from the site will be treated in stormwater infrastructure meeting the Maine Department of Environmental Protection's and the Town of Gorham's storm water requirements. The single family dwelling unit will be served by private onsite septic system.

Finding: *Lombard Estates Phase II Amended Subdivision Plan #2 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 unit will not impact wetlands or waterbodies. Sheet 2 describes the method of erosion control.

Finding: *Lombard Estates Phase II Amended Subdivision Plan #2 will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result.*

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

The proposed construction of the single family dwelling unit will not impact wetlands or waterbodies.

Sheet 2 describes the stormwater infrastructure for the house site and it is designed in accordance with state, Federal, and local requirements.

Finding: Lombard Estates Phase II Amended Subdivision Plan #2 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 unit and driveway will not impact wetlands or waterbodies. The layout of the buildings and driveway will remove canopy trees and understory features on the site.

Finding: Lombard Estates Phase II Amended Subdivision Plan #2 will respectfully 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 intends to sell the newly created lot. Although the applicant will not be constructing the dwelling unit or driveway, he is responsible for adherence to the approved plan.

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 or new property owner will be required to pay the Recreational Facilities and Open Space Impact Fee prior to issuance of a building permit.

Finding: *Lombard Estates Phase II Amended Subdivision Plan #2 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 current parcel provides access to the trail network. The trail easement and connection is shown on the plan, Sheet 1.

Finding: *Lombard Estates Phase II Amended Subdivision Plan #2 will have common space within the subdivision in accordance with the Planning Board requirements and the condominium association shall be required to provide for the perpetual care of commonly owned land.*

CHAPTER 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 final plan amendment approval.

- 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 amendment was submitted in accordance with this Chapter.

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 an ability-to-serve letter for water shall be submitted prior to a building permit being issued.

4. Re-ditching of the frontage of the new lot "A" shall be included during the single family dwelling construction phase.
 5. That prior to the commencement of construction, the applicant, applicant's engineer and earthwork contractor shall have a pre-construction meeting with the Town's Engineer, Town Planner, Code Enforcement Officer, Public Works Director and Fire Chief;
 6. That all homes are to be sprinkled meeting all applicable section of the Town Fire Suppression Ordinance and a set of sprinkler plans shall be submitted to the Fire Department at least two weeks prior to the start of installation of the system for permitting and review;
 7. That the buildings will meet all applicable sections of the NFPA 101 Life Safety Code and the NFPA Fire Prevention Code 1;
 8. That the Planning Board Chairman is authorized by the Planning Board to sign the Findings of Fact on behalf of the entire Board;
 9. That the subdivision plans 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 and private way plans is required to be recorded within one year of original approval or the approval becomes null and void; and
 10. That once the subdivision plans have 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 a pre-construction meeting being held.
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ITEM 6 MICHAEL AND KEVIN PLOWMAN – PRIVATE WAY AMENDMENT

CHAPTER 2, SECTION 2-5, H. Standards for Private Ways

(This section is modified for brevity. See the current Land Use and Development Code for exact wording.)

- 1) An approved private way may serve a combination of dwelling units/lots identified below: 1 lot gravel private way – 1 lot with a single family house; 2-6 gravel private way – up to 6 lots, with no more that 6 total dwelling units served by the private way; 7-10 paved private way – up to 10 lots, with no more than 10 total dwelling units served by the private way; 25 dwelling unit paved private way - up to 25 lots, with no more than 25 total dwelling units served by the private way.

The lots served by the private way are required to meet the requirements of the 2-6 gravel paved private way standards. The maximum number of lots/dwelling units allowed to be served by the private way is up to 6 lots or dwelling units. The applicant proposes to construct the private way to a 7-10 lot standard so that the road will be ready for paving if they want to support 7-10 lots in the future.

The name of the private way extension will be the same "Plowman Road." The name meets the required E911 standards.

Finding: The private way is designed to the 2-6 gravel paved private way standards and no more than six dwelling units can be served by the private way until it is paved and meets the 7-10 paved private way standards..

- 2) A plan showing the private way shall be prepared by a registered land surveyor. The plan shall be drawn in permanent ink on permanent transparency material and shall be sealed by the registered professional engineer preparing the plan.

The private way plan is designed by Steve Blake, P.E. 1695.

The Plan title block reads "Second Amended Plan of a Private Way."

The Plan has an approval block that reads: "Private Way, Approved by the Town of Gorham Planning Board."

The approval block also has a line for the signatures of a legal majority of the Planning Board, and includes a line for the date of approval.

The Plans shows information sufficient to establish the exact location on the ground, direction, width and length of the private way right-of-way.

The street plan and profile, and street cross sections are in accordance with Chapter 2, Section 2-5.

The Plan has a note that reads, "The Town of Gorham shall not be responsible for the maintenance, repair, plowing, or similar services for the private way shown on this plan, and if the private way has not been built to public way standards, the Town Council will not accept it as a public way."

Finding: The Plan of Private Way has been sealed by a registered land surveyor and by a registered professional engineer meeting the requirement for private ways.

- 3) If a private way provides access to 2 or more lots, a maintenance agreement shall be prepared for the lots accessed by any private way.

The private way maintenance agreement has been submitted and meets the requirements of this section.

Finding: The private way maintenance agreement identifies the rights and responsibility of each lot owner with respect to the maintenance, repair, and plowing of the private way as outlined in this section.

- 4) Private ways shall have a minimum right-of-way width of 50 feet and a paved apron 20 feet in length commencing at the existing edge of pavement where it intersects with the private way.

The proposed private way will be built to the following standards:

- a) 9" of MDOT Spec. 703.06 Type E;
- b) 12" of base gravel MDOT Spec. 703.06 Type D;
- c) 3" of 1 ½" crushed gravel, Type A or reclaimed;
- d) a minimum of 4" of paved surface, or greater as specified by the Town Engineer;
- e) a negative 2.0% grade from the existing edge of pavement to an appropriate drainage way, but in no case less than 5 feet from the travel surface of the public way it intersects;
- f) approach radius shall be specified by the Town Engineer.

Finding: *The right-of-way width and a paved apron have been designed to conform to the paved apron standards outlined in this section.*

- 5) Private ways shall be designed to conform to the standards presented in Tables 1 and 2 and the typical cross sections depicted in Figures 9 and 10.

The applicant is proposing to construct the 2 – 6 lot private way to meet the private way standard. The private way plan shows the required 2-6 lot/dwelling unit private way standard cross section.

Finding: *The private way meets all the criteria and design requirements presented in Table 1 and 2 and the typical cross sections depicted in Figures 9 of the Gorham Land Use and Development Code.*

- 6) Notwithstanding other provisions of the Code to the contrary, no gravel surfaced private way shall provide access to or serve in any way to provide compliance with the requirements of the Code for more than the greater of six lots or six dwelling units; provided; however, nothing in this paragraph 8) shall serve to limit the use of such private way for occasional use by and for agricultural purposes.

The proposed private way may serve up to six (6) lots. The applicant proposes to serve two (2) residential dwelling units.

Finding: *The private way is proposing to serve two (2) residential dwelling units.*

...

- 8) Notwithstanding other provisions of the Code to the contrary, no gravel surfaced private way shall provide access to or serve in any way to provide compliance with the requirements of the Code for more than the greater of six lots or six dwelling units; provided; however, nothing in this paragraph 8) shall serve to limit the use of such private way for occasional use by and for agricultural purposes.

The applicant is proposing a 950 foot long private way extension for a 2-6 lot private way and intends to construct the private way to a 7-10 lot standard so that the road will be ready for paving if they want to support 7-10 lots in the future.

Finding: *The private way is proposing to serve two (2) additional residential dwelling units.*

- 9) The land area of the private way may not be used to satisfy the minimum lot area requirements for any lot (whether the lot(s) to be served or any front lot over which the private way runs).

The lots will need to retain enough area to meet the lot sizes in the Rural Zoning District.

Finding: *The land area of the private way is not being used to satisfy the minimum lot area requirements for the existing lot or any proposed future lot.*

- 10) The Planning Board shall have the ability to require improvements to both public roads and private ways serving any proposed private way to ensure off-site access is suitable to serve the proposed private way.

The proposed private way will be off County Road which is suitable to serve the proposed private way.

Finding: *The proposed private way will be off of County Road which is suitable to serve the proposed private way.*

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 prior to the commencement of construction of the private way, the applicant is responsible for obtaining all required local, state and federal permits;
3. That the applicant shall provide property line information and site information in auto-cad format to the Town Planner prior to the pre-construction meeting;
4. That the revision details from Woodard & Curran comments shall be completed prior to Planning Board signature;
5. That all staff and legal review comments will be addressed prior to the pre-construction meeting;
6. That prior to commencement of construction, the applicant, applicant's engineer and earthwork contractor shall have a pre-construction meeting with the Town's Engineer, Town Planner, Code Enforcement Officer, Public Works Director and Fire Chief;
7. That at least one week prior to the date of the pre-construction meeting, four complete sets of the final approved plan set will be delivered to the Planning Office to be distributed to: (1) Code Office, (2) Public Works Director, (3) Inspecting Engineer, and (4) Town Planner;

8. That prior to the pre-construction meeting, the applicant must provide estimated costs for the proposed improvements and must establish the performance guarantee per the Land Use and Development Code;
9. That the applicant shall provide an escrow for field inspection based on costs for improvements shown on the plan and meeting the requirements of Gorham's Land Use and Development Code;
10. That the approved amended private way maintenance agreement shall be recorded in the Cumberland County Registry of Deeds prior to a certificate of occupancy being given to any proposed new lot with a recorded copy of the private way maintenance agreement to be returned to the Planning Office;
11. That the Planning Board Chairman is authorized by the Planning Board to sign the Findings of Fact on behalf of the entire Board; and
12. That these conditions of approval must be added to the private way plan and the private way plan shall be recorded in the Cumberland County Registry of Deeds within thirty (30) days of endorsement of the plan by the Planning Board, and that a recorded copy of the private way plan shall be returned to the Town Planner prior to the Pre-construction Meeting.

