

**PLANNING BOARD MEETING MINUTES
JUNE 13, 2022**

MEMBERS PRESENT

**JAMES ANDERSON, CHAIRMAN
VINCENT GRASSI, VICE-CHAIRMAN
DAVID BURROWS
SUSAN DURST
RUSSELL FRANK
SEVEN SIEGEL**

STAFF PRESENT

CAROL EYERMAN, TOWN PLANNER

**MEMBERS ABSENT
THOMAS HUGHES**

Chairman James Anderson called the meeting to order at 7:00 p.m. The roll was called, with Thomas Hughes absent.

Mr. Anderson confirmed with Ms. Eyerman that the minutes from the Board's June 6, 2022 meeting are not yet available.

COMMITTEE REPORTS

- A. Ordinance Review Committee** – Susan Durst, Committee chairman, reported that the committee discussed mobile food trucks, allowing their use in Little Falls district and Urban Residential/Manufactured Housing district. The amendment will come before the full Board for public hearing.
 - B. Comprehensive Plan Implementation Committee** – Russell Frank, Committee chairman, said he is working on a data base to clarify the different zones and districts of the Town. The South Gorham Crossroads amendment was reviewed.
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ADMINISTRATIVE REVIEW REPORT

- Ms. Eyerman reported that the Administrative Review committee has approved the Town's Weeks Road pump track and trails parking lot, shed, bathroom and signage. Work will begin by Town staff on the project shortly.
 - The committee is reviewing a request from FFJ, LLC, for after-the-fact approval of the clearing of over one acre at 36 Middle Jam Road.
 - The committee is also reviewing a request from Rustic Holdings, LLC, for the renovation at 184 Brackett Road to use the barn as commercial kitchen space. Ms. Eyerman said it is not an event venue.
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ITEM 1 Subdivision – Jack Riley – 69 Brackett Road – a request for approval to divide the lot to create a duplex lot on Day Road, in the SR zoning district, Map 28, Lot 3.

Ms. Eyerman advised the Board that this application is for a duplex on Day Road on approximately 3.6 acres. The applicant is requesting three waivers, including a request for both preliminary and final Board approval in one meeting.

Andrew Morrell, BH2M Engineers, came to the podium and introduced the applicant, Jack Riley. Mr. Morrell explained that since the Board last saw the plan in April, all the required soils information has been completed by Mark Hampton Associates, wetlands have been delineated, no vernal pools were found on the site, a high intensity Class B soils survey was added to the plan, and an HHE 200 design was submitted. Kevin Brown Architecture prepared building plans which have been submitted. The driveway, grading, utilities and any pertinent erosion control measures have all been added to the plans. Proof of financial capacity and a construction schedule were also submitted

Mr. Morrell explained the waivers requested. He said they are hoping not to have to come back for a third meeting as this is a minor subdivision, so they are asking for preliminary and final approval in one meeting. A waiver is also being requested from the requirement to submit a Class A soils survey; a Class B soils survey has been provided by Mark Hampton Associates. He said the final waiver request is from the requirement to provide a nitrate study, based on the HHE 200 design by Mark Hampton Associates for the septic systems and the size of the lot.

In reply to Mr. Anderson, Mr. Morrell said that the proposed duplex lot is a little over 80,000 square feet, and the remaining land of the applicant's family is around 77,000 square feet. The proposed septic system has been located on the site, taking into consideration wells and septic systems of abutting lots. Mr. Morrell confirmed that similar waivers for the Class A soils survey and nitrate analysis were approved by the Board for an abutter at its June 6, 2022 meeting.

At the request of Mr. Siegel, Mr. Morrell explained the difference between a high intensity Class A and a high intensity Class B soils survey as basically the level of detail, with the Class B requiring fewer test pits within an acre in the parcel. Mr. Morrell explained the symbols referring to the soils types on the parcel.

Mr. Burrows and Mr. Morrell discussed the parking for the proposed duplex, with Mr. Morrell saying there is a one-car garage for each unit and the building is set back 50 feet from the street, wide enough to fit 4 cars in the driveway as well.

PUBLIC COMMENT PERIOD OPENED: Sue Osier, 125 Day Road, confirmed that only one duplex will be built with 2 units in the building. She expressed concern about impact on her water supply.

PUBLIC COMMENT ENDED

Mr. Morrell explained that a nitrate plume analysis will consider the amount of water anticipated to the septic system and the soils of the area to determine how far nitrates would flow from the septic system and whether that would impact any abutting wells. Mr. Anderson confirmed that the nitrates would not impact any of the exclusion zones located on abutting properties. Mr. Anderson said that with the well exclusion zones having been shown and a Class B soils survey having been done, he is comfortable with granting the applicant's waiver. Ms. Durst and Mr. Siegel concurred.

Vincent Grassi MOVED and Susan Durst SECONDED a motion to approve the requested

waiver from the requirement of Chapter 3, Section 3-3, B-16 to submit a nitrate analysis. Motion CARRIED, 6 ayes (Thomas Hughes absent).

Mr. Anderson said that a Class B soils survey requires test pits to determine a location that will support a septic field, and again said he is in favor of this waiver as well. Mr. Grassi concurred.

Susan Durst MOVED and David Burrows SECONDED a motion to approve the requested waiver from Chapter 3, Section 3-3, B-11, to allow submission of a Class B soils survey instead of the required Class A soils survey. Motion CARRIED, 6 ayes (Thomas Hughes absent).

Mr. Anderson asked the Board if anyone believes that some items have not been adequately addressed and this could be moved to a future Consent Agenda item. He said that the two waivers have resolved some of the peer reviewer's comments. Mr. Morrell said he will take care of the remaining comments from the peer review engineer.

Ms. Eyerman noted that Condition of Approval #3 states that "... any staff and peer review comments have been addressed prior to the Board Chair signing the plans" but she recommends removal of the word "Chair" as the entire Board needs to sign these plans. In this instance, she believes that with the small number of comments in this case, the application would not necessarily have to come back before the Board and staff could review it quite easily. Ms. Eyerman confirmed Mr. Anderson's query that if preliminary and final approvals were both granted this evening, any comments arising after approval could be added to the plan so long as they were minor in nature.

Mr. Anderson said he is comfortable with staff being able to streamline small items that will not affect the overall application. Mr. Burrows and Ms. Durst concurred in letting staff take it from here. Mr. Anderson said it appears that the Board is willing to grant the third waiver request to grant both preliminary and final approvals at the same meeting.

David Burrows MOVED and Russell Frank SECONDED a motion to grant the waiver request from Chapter 3, Section 3-63, C.5 to allow the Planning Board to grant both preliminary and final approvals in the same meeting. Motion CARRIED, 6 ayes (Thomas Hughes absent).

Mr. Morrell said the applicant agrees with the Conditions of Approval.

Susan Durst MOVED and Vincent Grassi SECONDED a motion to final subdivision approval for Jack Riley, 69 Brackett Road, located on Map 28, Lot 23 in the Suburban Residential zoning district, based on Findings of Fact and Conditions of Approval as written by the Town Planner and amended by the Planning Board to revise Condition #3 to remove the word "Chair." Motion CARRIED, 6 ayes (Thomas Hughes absent).

ITEM 2 Subdivision Amendment and Private Way – James Davenport - 375 Fort Hill Road – a request for approval of a 1 lot private way located within the Fort Hill Road Subdivision for Kirk Nadeau, in the R zoning district, Map 65, Lot 3-1.

Ms. Eyerman advised the Board that this is the second time the Board has seen this application, the

first time being in March as a pre-application. Still needing to be submitted are a letter of financial capacity and a letter of approval from each property owner in the subdivision, due to the note on the original subdivision plan stating there would be no further subdivision of lot 1, making it deed restricted. The deed restriction can be amended by the property owner, but the subdivision plan needs to be approved by the Board and all of the lot owners in the original subdivision itself. An additional two names need to be submitted for the private way, and a fully completed maintenance declaration for the private way needs to be submitted for review by the Town's legal counsel. The applicant has submitted a waiver request for the requirement to submit a nitrate analysis. Comments from the Town's peer review engineer have been received but not yet reviewed by staff.

Andrew Morrell, BH2M Engineers, appeared on behalf of the applicant and introduced the applicants James and Michelle Davenport. Mr. Morrell explained this four lot subdivision was approved in 2001, with an existing house on lot 2 and three lots proposed, lots 1, 3 and 4. The Davenports purchased lot 1 in that subdivision. Lot 1 had some restrictions on what would be allowed, a single family residence. The applicants would like to build two residences on this parcel, one being a temporary structure in the front of the lot in which they will live while they construct the primary residence in the rear. Eventually they will move into the primary residence and rent out the unit in the front. In order to put two houses on the parcel, the house needs to have double the frontage and double the area. There is double the area, but not double the frontage, which is why they are requesting approval of a private way to gain the required frontage. Therefore this is a subdivision amendment of the Nadeau Subdivision, but only for lot 1 within that subdivision and by adding a private way to that lot.

Mr. Morrell said they have worked with Town staff and the Town Attorney to see if that lot could be developed in this approach. As mentioned by Ms. Eyerman, one of the requirements is for the applicant to get sign off approval from the other lot holders in the subdivision. The applicants is working with the lot owners and have received a sign off from the existing house on lot 2, next door to this lot, and will continue working with the owners of lots 3 and 4.

Mr. Morrell said the proposed private way is 238 feet long and designed to the 2-6 lot private way standard, even though it is only going to serve one lot. Code Enforcement felt because there will be two residences, the 2-6 private way standard needs to be met. The private way has been designed to limit the impact to an existing manmade pond on the front corner of the site.

Mr. Morrell said that the driveway was originally shown off the end of the hammerhead turnaround, but the fire chief wants the driveway to be at least 22 feet wide or the width of the private way up to the first residence to allow access to that location for emergency vehicles, as well as turn around. The fire chief now wants the driveway to be off the end of the hammerhead and will be the 22 feet wide as requested.

Comments from the Town's review engineer will be met, a letter of financial capacity will be provided, additional names for the private way will be provided, and sign off information from the two other lot owners will be provided. He said the waiver for the nitrate analysis is based on the size of the lot, which is over 10 acres.

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

Mr. Morrell answered a question from Mr. Burrows that lots 2, 3, and 4 were sold by the original

developer to other owners, who are certainly part of the subdivision being amended, but the applicants have no financial interests in those lots. The owners of lots 2, 3 and 4 need to approve adding two units to lot 1.

Mr. Siegel confirmed with Mr. Morrell that there is no existing house on lot 1. Mr. Morrell said that lot 3 is still not yet developed, but lot 2 has the existing house and lot 4 has been developed.

Mr. Anderson and Mr. Morrell discussed the layout for the private way, based on the requirements of the fire chief. Mr. Morrell confirmed that the private way will provide the required frontage for two houses on the lot and that it will remain one lot with two residences on it and not be split into two lots. Mr. Morrell confirmed with Mr. Siegel that the applicants are prepared to undertake the responsibility of the maintenance of the private way. Mr. Morrell said he will add a note to the plan about the private way maintenance.

Mr. Frank asked about the temporary housing in the front of the lot during primary housing construction, asking if it will remain. Mr. Morrell said it will remain as permanent, to be rented out when the applicants move to their primary residence. Mr. Morrell said he will make a note to change the “temporary” language. Mr. Morrell told Mr. Siegel that the rental unit will have two bedrooms, the primary residence will be three bedrooms and building plans have been provided.

Mr. Morrell told Mr. Anderson that tests pits have been done to determine where a leach bed can be installed for the primary residence when it is built. The test pits were shown as part of the Nadeau subdivision and Mr. Morrell will add them to this plan.

The Board discussed the applicants’ waiver request for a nitrate analysis and it was agreed that the size of the lot will allow locating areas where a well and septic field can be installed.

Vincent Grassi MOVED and Susan Durst SECONDED a motion to approve the requested waiver from the requirement of Chapter 3, Section 3-3, B. 16 to submit a nitrate analysis. Motion CARRIED, 6 ayes (Thomas Hughes absent).

Mr. Anderson summarized outstanding items as the letter of financial capacity, maintenance agreement and signoff letters from the other lot holders. He also said that the peer review comments will need to be reviewed by staff. Ms. Eyerman told Mr. Morrell that a packaged unit of emails from the lot owners concerning their sign offs would be acceptable.

Vincent Grassi MOVED and Seven Siegel SECONDED a motion to table further review of subdivision amendment and private way approval for James Davenport pending responses to remaining issues and finalizing revisions to the plan. Motion CARRIED, 6 ayes (Thomas Hughes absent).

ITEM 3 Discussion - Barbara and Joel Slager – Pre-Application - North Street – a request for approval of a 2-6 lot private way approximately 150 feet long, in the R zone, Map 79-Lot 2.

Ms. Eyerman advised the Board that this is the first time this application has gone before the Board. Ms. Eyerman said that the applicant should check with the Historic Preservation Commission of

Gorham to make sure there is nothing on which they would like to provide comment. Recreation and open space and Middle School impact fees would apply to this private way and any development that would occur here. A comment from Public Works advised checking the culvert condition out front.

Andrew Morrell, BH2M, introduced the applicant Joel Slager. Mr. Morrell explained that this is an 8.3 acre parcel off North Street, zoned Rural. It is an undeveloped parcel which the applicant wants to split in two, one lot for his daughter and one lot to remain in his ownership. In order to split the lot, the applicant needs to create frontage to be accomplished by the proposed private way. The private way is proposed to the 2-6 lot private way standard, approximately 150 feet long. There is an existing curb cut off North Street at this location, and the private way is proposed to be placed on that existing curb cut. The applicant will hire Mark Hampton Associates to complete soils and test pits with all the pertinent soils information. The fire chief is in favor of a common driveway for the two lots, with no drive off the end of; the turnaround, Public Works will inspect the culvert on North Street to determine its condition and whether it can be used for this project.

Mr. Anderson said this type of pre-application discussion gives the Board and the applicant a chance to discuss what the Board would like to see going forward. Mr. Burrows asked for confirmation from Mr. Morrell that a single family residence will be built on each of the two lots.

Joel Slager came to the podium and discussed the abutting property. Mr. Burrows confirmed that the proposed driveway straddles the property line.

Mr. Anderson asked about potential locations for the house lots, based on the grade change heading toward the back of the lots. Mr. Morrell said that what is under consideration now is the private way, but when they come back they will provide some information on what is proposed for the lots, at least test pits and septic systems on the areas they are looking to develop.

Mr. Siegel confirmed that at this time only one building will be built and to sell the one family lot to his daughter. Mr. Morrell said if the lot had 400 feet of frontage he could simply split the lot, but the private way is needed because the lot as configured does not have the required frontage.

ITEM 4 Discussion – Subdivision and Private Way Pre-Application – JDP, LLC – Buck Street – a request for approval of a 13 lot residential subdivision and private way off Buck Street, zoned SR, Map 76, Lot 42.

Ms. Eyerman explained to the Board that this application is for a 13-lot residential subdivision adjacent to the Standish town line; it is zoned SR and is recommended by the Comprehensive Plan to remain SR. The Historic Preservation Commission of Gorham should be contacted to see if there is anything of interest or special about the property they would like to comment about. Impact fees that would apply to this include recreational and open space, and the Middle School fee. Access and connection to adjoining lands should be discussed, as well as the requirement to connect to public water and sewer, along with the required calculations that need to be submitted.

Owens McCullough, Sebago Technics, introduced Kailey Daigle, an engineer from Sebago. Mr. McCullough said the principal of JDP is Michael Phinney, who is looking to subdivide an approximate 40 acre parcel off Buck Street. The parcel has been surveyed by Steve Martin and all

the wetlands have been mapped, with a very small pocket of wetland on the site, and no vernal pools. The property is wooded and has been partially logged. It is a flat site with all uniform sands and gravels, so Mr. McCullough said that they will ask for a waiver to submit a Class B soils survey instead of the required Class A soils survey. The Class B will still require two test pits per lot for septic systems.

Mr. McCullough said the proposed private way would serve 6 back lots of the proposed 13 lots, and will be about 980 feet in length with 9 foot travel lanes, 18 feet total with 2 foot shoulders, standard dimensions for a gravel 2 to 6 lot private way. The rest of the lots would come off Buck Street.

Mr. McCullough said that public water is available at the intersection where Buck Street comes out on Route 25, and is about 2050 feet away, plus another 1000 feet of frontage along the site and then the access road. A spread sheet has been provided with the calculations, with an estimated cost of \$32,000 for private water and \$42,000 for public water per lot. They would propose private individual wells on the site. There is no public sewer within any close distance.

Referring to the fire chief's comment, Mr. McCullough said the back lot is purposely designed so that it will not come off the hammerhead turnaround. He said that the road has been redesigned so that there will be a minor sweep in the road in order to facilitate cross connection to the abutting lot without having to go through the man-made pond on site.

Mr. McCullough said the lots range in size from 1.7 acres to over 5 acres, well above the minimum lot size of 40,000 square feet and the density lot size is 60,000 square feet. Proposed are 13 lots on the site; if more lots are proposed, the subdivision law would be tripped for DEP Site Location, which is now taking over 200 days, something the applicant wishes to avoid. He said that not even enough impervious surface would be created to trip the stormwater law, but stormwater in the road will be treated through infiltration to meet the Town standards.

In reply to a question from Mr. Anderson about the 7 curb cuts off Buck Street, Mr. McCullough said that each lot is planned to have its own driveway off Buck Street, with individual site distances reviewed to confirm, but the site is fairly flat. He said it was not economical to do a loop road to access the lots. Mr. McCullough said that the Public Works Director is going to ask the developer to do a pavement overlay along the road frontage. Ms. Durst asked if the curb cuts could be reduced by having lots 3 and 4 come off the private way. Mr. McCullough replied that would require moving up to the next level in the Town's private way standards, which the developer would prefer not to do.

Mr. Frank and Mr. McCullough discussed the 50 foot right-of-way for the private way, creating an association document where each lot owner served by that access will have shared maintenance responsibilities. Mr. McCullough told Mr. Frank that the hammerhead could be split on the lots, but there has to be 200 feet of frontage along the improved road.

Mr. Burrows asked about traffic patterns along Dingley Springs and Buck Street. Mr. Burrows asked about maintaining wooded areas; Mr. McCullough replied that would be up to individual lot owners, and many of these large lots should have some good sized wooded buffers. In reply to Mr. Grassi, Mr. McCullough said the applicant will sell the lots and not develop them. Mr. McCullough confirmed that the private way will be kept to the 2-6 lot gravel standard.

Mr. Anderson and Mr. McCullough discussed the calculations for providing public water versus private wells, with Mr. Anderson asking if those figures include just getting it to the site or getting it to the site and down the private way. Mr. McCullough said the formula includes both linear feet as new water main in existing street, Buck Street; linear feet as new main in proposed street or right-of-way; number of units being proposed. Construction costs inflation factor is added, as well as an estimate included for the number of feet of ledge trench and any extra cost such as dealing with a culvert line. Mr. McCullough said his calculations indicate that the cost of public water would be almost \$43,000 per lot, and the cost of private wells would be about \$32,100 per lot.

Mr. Anderson confirmed that the Town's sprinkler ordinance requires a tank and a pump if the house is on a private well, and asked if that is factored into the cost. Mr. McCullough said that he followed the formula calculation method set forth in the Town's ordinance. Ms. Eyerman said that the sprinkler ordinance came in after the formula was established and she will check to see if the spreadsheet has been recalculated to include the fire suppression needs. Mr. McCullough said the formula also does not include running service to the lots from the public main, plus meter installs and other expenses. Mr. Anderson said he believes today's numbers would be even higher.

Mr. McCullough confirmed with Ms. Eyerman that sidewalks would not be required for this site, although the area is in flux. Mr. Anderson said he believes that without sidewalks on Buck Street and with the large size of the proposed lots, sidewalks in these instances are not necessary. In reply to Mr. Frank, Ms. Eyerman said that the Town would not be responsible for snow clearing on a private way itself. Mr. Siegel said the Town only plows sidewalks in and around the Village.

Mr. Siegel and Mr. McCullough discussed the 2-6 lot gravel private way standard, with Mr. McCullough noting that the 7-10 standard requires that a private way be paved, which would add significantly to the costs.

Mr. McCullough brought up the question of a Class B soils survey versus a Class A survey, asking if a waiver of that requirement seems to be a reasonable request based on the information he has provided about the site's sands and gravels condition. Mr. Anderson said that if the Class B soils survey is completed, along with a plan showing well exclusions zones and septic designs, he believes that based on the size of the lots a Class B survey is practical. Ms. Durst concurred. At Mr. Siegel's suggestion, Mr. Anderson recommended that abutters' wells and septic systems also be located as well.

Ms. Eyerman asked that proposed driveway locations be added and basic locations of the houses so that the peer review engineer can have that information to assess stormwater and erosion control. Mr. McCullough said that can be done, so long as it is understood that when the lots are developed things can shift. Ms. Eyerman said this could be a good discussion item with the review engineer.


OTHER BUSINESS: Ms. Eyerman advised that the proposed Planning Board Rules and Bylaws before the Board will be on an upcoming Board workshop for any comments and suggested edits.

ANNOUNCEMENTS: None

ADJOURNMENT:

Seven Siegel MOVED and Vincent Grassi SECONDED a motion to adjourn. Motion CARRIED, 6 ayes (Thomas Hughes absent). 8:58 p.m.

Respectfully submitted,


Barbara C. Skinner, Clerk of the Board
June 13, 2022