

**PLANNING BOARD MEETING  
February 3, 2020**

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

**Members Present**

**GEORGE FOX, CHAIRMAN  
SCOTT FIRMIN, VICE CHAIRMAN  
JAMES ANDERSON  
MICHAEL RICHMAN**

**Members Absent**

**MOLLY BUTLER-BAILEY  
VINCENT GRASSI  
JAMES HALL**

**Staff Present**

**THOMAS POIRIER, DIRECTOR OF COMMUNITY  
DEVELOPMENT  
CAROLYN EYERMAN, TOWN PLANNER  
BARBARA SKINNER, CLERK OF THE BOARD**

George Fox, Chairman, called the meeting to order at 7:00 p.m. The Clerk of the Board called the roll, noting that Molly Butler-Bailey, Vincent Grassi and James Hall were absent.

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**APPROVAL OF THE JANUARY 6, 2020 MEETING MINUTES**

**James Anderson MOVED and Scott Firmin SECONDED a motion to approve the minutes of the January 6, 2020 meeting as written and distributed. Motion CARRIED, 4 ayes (Molly Butler-Bailey, James Hall and Vincent Grassi absent).**

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**CHAIRMAN'S REPORT**

Mr. Fox said there was no Chairman's report this evening.

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**COMMITTEE REPORTS**

- A. Ordinance Review Committee** – Mr. Fox said that this committee has not met since the Board's last meeting.
  - B. Comprehensive Plan Implementation Review Committee** – Mr. Anderson reported that the committee met this evening and discussed two proposed amendments to the Comprehensive Plan involving a proposed rezoning in the area of Fort Hill Road area and the expansion of the Development Transfer Overlay District in the vicinity of Mosher's Corner. Mr. Anderson said there will be public hearings upcoming on both items.
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**ADMINISTRATIVE REVIEW REPORT**

Ms. Eyerma said that the Supplement Edge project has been approved and there is a new Administrative Review project under review by staff for a proposed 4-unit apartment building and parking area off Narragansett Street.

**ITEM 1 Discussion – Land Use and Development Code Amendment** – proposed amendment to the Land Use and Development Code to allow for Self-Storage Facilities in the Roadside Commercial Zone

Mr. Poirier reminded the Board that this is on for general discussion of a proposed amendment to add self-storage facilities as a permitted use in the Roadside Commercial zone. The Town Council has decided to move forward with the amendment to include a proposed definition for Self-Storage Facility, and has asked the Board to develop some design standards for lower Main Street. The Council would like to build on development that has already occurred in the area, such as Maine Optometry, Martin's Point medical office, Sebago Brewery, and the re-built Irving Gas Station. The Council would like the Board to develop some design standards to provide a better gateway into Gorham.

Mr. Fox asked how this would compare to the Board's work for the Narragansett Development District. Mr. Poirier said that the Narragansett District review involved more of a re-write of the entire zone, while this discussion involves some performance standards for buildings, adding self-storage as a permitted use in the Roadside Commercial district, and perhaps adding that use in other districts as necessary.

Mr. Anderson noted that it might make sense to do a full Board workshop to include all the Board members who are not members of the Comprehensive Plan Implementation Committee. Mr. Richman asked about the merit of having a public hearing/workshop to get public input first on the development in that area. Mr. Poirier said that without developing some specific design parameters, public participation would probably be limited. Mr. Firmin asked if staff could bring in some design standard suggestions from other towns. Mr. Anderson commented that Scarborough has fairly comprehensive design standards for their commercial area along Route 1. Mr. Firmin said he would prefer a full Board workshop.

**Scott Firmin MOVED and Michael Richman SECONDED a motion to move the item to a full Planning Board workshop. Motion CARRIED, 4 ayes (Molly Butler-Bailey, Vincent Grassi and James Hall absent). [7:10 p.m.]**

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**ITEM 2 Preliminary and Final Subdivision Review – Christopher Duchaine – Presumpscot Ridge Subdivision** – a request for approval of Presumpscot Ridge Road subdivision, a 4-lot subdivision at 207 North Gorham Road, with an upgrade to the existing private way. Zoned SR-MH, Map 96, Lots 11 and 11.001.

Ms. Eyerman advised the Board that this project, a proposed 4-lot subdivision, is off North Gorham Road and has been before the Board on several occasions. Also included in the proposal is an upgrade to an existing private way.

Andrew Morrell, BH2M Engineers, came to the podium and told the Board about several changes to the plans since they were last seen by the Board. Based on the discussion at the December 2, 2019 Board meeting about the wetlands and what would be done to insure them being protected from future homeowners, pins would be placed that would be marked with a surveyor's cap saying wetlands, and the erosion control mixed berm would be maintained permanently. Notes 29 and 30 have been added to the plans dealing with those two items. It is the applicant's intent to stump and grub the entire site, minus the wetland areas. Those areas will be loamed, seeded, and planted with a natural wild flower mix to be left to grow up on its own over time. Pavement has been moved 3 to 4 feet off the duplexes. Street trees have been proposed for both the lots and at the intersection with North Gorham Road, as seen in Note 26 on sheet 1 of the plans. It was determined by Town staff that this project does not meet the Maine Liquidation Harvesting standards. Mr. Fox asked Mr. Morrell if that determination is based on the applicant's land holdings or those of the prior land owner. Mr. Morrell said the state's response is based on the applicant's total holdings in the state. Mr. Morrell noted that the Town Attorney has determined that the existing lot at the end of the subdivision is not

part of the subdivision. Mr. Morrell said that the existing septic and well locations for three of the abutting homes have been added as requested by the Code Enforcement Officer.

Mr. Morrell said that a meeting was held with the Town's Project Review Group on January 8, 2020 and some minor changes were made to the plans as a result of that meeting. As recommended by the Fire Chief, the driveway for lot 4 was changed to make emergency access easier, and Notes 29 and 30 were added to the plans for the wetland items discussed earlier. Referring to comments in the staff memo, Mr. Morrell said that the applicant is intending to extend utilities overhead from existing poles. He said a cost estimate was submitted in December to the Board. He assured the Board that the spelling of "Presumpscot" will be corrected and consistent moving forward. The comments from the Town Attorney have been addressed.

Mr. Duchaine came to the podium and asked the Board to consider both preliminary and final at this meeting.

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

Mr. Richman asked Mr. Morrell if leaving the erosion control in place is common practice. Mr. Morrell said discussions with the Code Enforcement Officer resulted in a decision to leave the bark mulch erosion control barrier in place. Mr. Fox confirmed with Mr. Morrell that the private way has been upgraded to the 7 to 10 lot private way standard, which would include potentially 8 units and the house at the end. Mr. Anderson asked if the loam will be stockpiled on site or will it be brought in to the site. Mr. Duchaine replied that once the site is stumped there should be enough loam there to regrade the site and fill in the stump holes. Mr. Duchaine said that more loam will be generated when the footprints for the buildings are grubbed. Mr. Morrell replied to Mr. Anderson that typical loam depth is 4 to 6 inches; Mr. Morrell said that will be added to the plans.

Mr. Richman expressed his disappointment with the lack of detailed landscaping, with only a note that the applicant will install 2 six-foot pines at each of the proposed lots and 4 six-foot pines at the intersection for a total of 12 trees. In reply to Mr. Anderson, Ms. Eyerman said that there is a standard that says lots should be landscaped, and the road standard requires trees planted every 50 feet along the road; these are the only statements made about landscaping. Mr. Morrell said that the applicant is proposing 2 street trees per lot, or 8 trees along Presumpscot Ridge Road, with each lot having 200 feet of frontage. Mr. Poirier advised the Board that there are no standards regarding landscaping, but there are standards under Chapter 2 dealing with soil stabilization to prevent erosion, which the Board would review from the viewpoint of disturbing only what is necessary. Mr. Poirier said that street tree requirements apply only in the Development Transfer Overlay District.

Mr. Fox said that while there isn't a Code requirement to do so, it appears that the Board would like to see more trees installed in the lots. Mr. Duchaine agreed to add 8 more trees per lot for a total of 4 per lot or 16 trees. After discussion with the Board, Mr. Duchaine also agreed that stumping, grubbing and the planting of a wild flower mix will occur on all lots at the same time. These two changes will be added to the plans and as Conditions of Approval. Although Mr. Richman expressed his unhappiness with the scope of the proposed landscaping, the Board agreed that the applicant has met the minimum standards of the zone for landscaping.

In reply to Mr. Firmin, Mr. Morrell said that an estimate of construction costs was submitted on December 31, 2019.

Mr. Morrell confirmed that it is the applicant's intent to sell the lots.

In reply to Mr. Fox, Mr. Morrell said the applicant is satisfied with the Conditions of Approval and the additional ones that have been added.

**Scott Firmin MOVED and James Anderson SECONDED a motion to grant Christopher's Duchaine's request for preliminary and final subdivision approvals in one meeting. Motion CARRIED, 4 ayes (Molly Butler-Bailey, Vincent Grassi and James Hall absent).**

**James Anderson MOVED and Scott Firmin SECONDED a motion to grant Christopher Duchaine's request for preliminary and final subdivision approval for Presumpscot Ridge Subdivision, located on Map 96, Lots 11 and 11.001, 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. Motion CARRIED, 3 ayes, 1 nay (Michael Richman) (Molly Butler-Bailey, Vincent Grassi and James Hall absent). [8:41 p.m.]**

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**ITEM 3 Pre-Application Discussion – Site Plan – Nexamp – Fort Hill Road Solar Project** – a request for approval to construct a PV Solar Ground-Based Array south of 412 Fort Hill Road, with associated equipment, gravel access, perimeter fence and utility poles. Zoned R, Map 64, Lot 4.001.

Ms. Eyerman advised the Board that this proposal is for a solar array off Fort Hill Road. The site is proposed to be fenced. She asked what the total array acreage amount will be.

Henry Barrett, Nexamp, solar business development manager, came to the podium and introduced Palmer Moore, Nexamp vice president of business development, Chris Coppi of Frick Associates, and Christopher Ryan, Meridian Associates, Inc. Mr. Barrett told the Board that Nexamp, a solar energy company based in Massachusetts, will be the long-term owner and operator of the project. Nexamp is working with the landowner to bring forth this solar array as part of the procurement for distributed generation in Maine.

Christopher Ryan, Meridian Associates, Inc., representing Nexamp as site engineers for the project, told the Board that Nexamp will lease 35 acres of the 83.6 acre total existing farm field parcel from the Norman Martin Trust off Fort Hill Road in the Rural zoning district. Mr. Ryan said that Mr. Coppi of Frick Associates has delineated the natural resource areas on site, primarily wet meadow inside the wooded area, as well as an area of forested wetlands and a potential vernal pool as yet not verified. Appropriate setbacks have been established on the design. Mr. Ryan said that to the west end of the site there is a tributary to the Little River, traversing north-south on the property.

Mr. Ryan described the project as a 5-megawatt AC solar facility with onsite battery storage. The panels are planned on being single axis trackers, the panel rows will be oriented directly north-south and will rotate to follow the sun. Mr. Ryan said that the photovoltaic solar, ground-based array would consist of solar panels being 7 feet off the ground at the highest point, with a supporting framework consisting of posts 25 feet apart, with no concrete footings. He showed the onsite battery storage areas, basically a large bank of lithium ion batteries, totally self-contained with HVAC and fire suppression systems built in. He said that as the sun is shining, power is going into the grid, and at the same time the battery banks are being charged to feed electricity when the sun goes down. Utility poles for interconnection with the existing substation to the north will be installed out to the street, and the power would be tying in and utilizing some of the capacity of the substation. The area of the arrays will that will be fenced in is a little over 35 acres. The fence being proposed is a 6-1/2 foot farm fence, with wooden posts with wire mesh in between. The fence will have a six inch buffer from the ground to allow small animals to crisscross the site.

Mr. Ryan said the existing gravel road on site would remain, with an extension on either side to allow access for maintenance once the system is up and running, as well as to allow any emergency vehicles to access the

arrays. The entrance to the facility will have lock boxes with keys for emergency crews to utilize, and there will be signs listing emergency contact information.

Mr. Ryan showed the Board the initial sketch plan of the site, noting that a change they are hoping to do is to be able to move things away from the southern border to allow for landscape buffer plantings. Included with a formal submission will be a view shed analysis of the project. No lighting is proposed. The idea is to leave the field as it is as much as possible and no tree removal is proposed. Any disturbed areas occurring during construction will be re-seeded, using a conservation seed mix containing fast growing, low plants including wildflowers and other pollinator-friendly plants to establish regrowth as quickly as possible.

Mr. Fox said he assumes that the existing topography of the field will remain the same, that the units follow the curve that exists there now. Mr. Ryan said that is correct, with the idea being to minimize earthwork as much as possible. Mr. Ryan said there is a small area with a 20% slope on the sides which the system designers are trying to figure out how to avoid. Mr. Fox asked about the areas of wet meadow on the plans. Mr. Coppi of Frick Associates came to the podium and told the Board that he delineated the site in November, saying that the wetlands are linear because they basically follow the wet furrows in the wet meadow that hold water and have all the wetland characteristics of vegetation hydrology and hydric soils. In reply to Mr. Fox, Mr. Coppi said that the wetlands qualify for a normal tier 2 level permit review for one acre with the DEP, so there are no wetlands of special significance, with the exception of any wetlands within 250 feet of the vernal pool. Mr. Coppi said the DEP requires a 75-foot setback from the stream, and the arrays all meet that setback, with most of the impact coming from the shading of the panels over the wetlands.

Mr. Ryan told Mr. Richman that the single axis trackers, one solar module next to another in a row, are approximately 6 feet long by 3 feet wide. Mr. Richman said there will be a string of panels tied together, with an h-shape post every 20 to 25 feet driven into the ground as support. Mr. Richman asked Mr. Ryan to provide the Board with photographs of existing panels similar to what is being proposed. Palmer Moore from Nexamp advised Mr. Richman that a project of this scale would probably take between 4 to 6 months to build. Mr. Richman asked what the life expectancy of this project is; Mr. Moore replied that it is about a 20-year life cycle, and the system could be in service for up to 35 or 40 years, with maintenance visits expected to be 1 or 2 times a year, consisting of a light duty vehicle and a couple of people checking some of the major electrical components. Mr. Moore said they could potentially have vegetation maintenance but they are trying to introduce grazing animals at most of their sites, so a herd of sheep will doing most of that maintenance work.

In reply to Mr. Richman, Mr. Moore said that the components that rotate the modules are not loud, the noise emanating equipment are the inverters, which on this site are located toward the eastern end of the site. Mr. Moore said they will provide noise analysis studies which have been done on the inverters in the past, but at source they are about 95 plus or minus decibels and degrade to about 40 or 50 decibels to background noise at about 100 feet from the source. The noise generates from the cooling system and will peak on a hot day, and will not be constant.

Mr. Richman asked if there will be any glare produced. Mr. Moore said that there have been third party analyses on glare, which they will provide with a more formal submission. He said that the single axis tracker wants to be pointing at the sun, and if there is light reflecting off that panel, it will be pointing up at the sky and not at ground level. Mr. Moore said the surface is glass and is not especially reflective. Mr. Richman asked for samples of the panels to be provided.

Mr. Anderson asked how tall are the units off the ground. Mr. Ryan replied that the high end will be about 7 feet off the ground. Mr. Ryan said the area of the perimeter fencing is 35 acres and the panel array would be some 2 to 3 acres less than that. Mr. Anderson said the site is bigger than the Maine Mall and it would be helpful for the Board to have as much information as possible in reviewing the project. Mr. Anderson noted that the project abuts homeowners along Norway Road and asked if there are trees there now and does the

applicant intend to do some additional buffering in that area. Mr. Ryan said it is proposed to add to any natural buffer already there, and once the area is not being mowed, a certain amount of vegetation will grow back. Mr. Anderson asked that the applicant consider upgrading the fence along that property to a wooden fence or a PVC solid fence.

**PUBLIC COMMENT PERIOD OPENED:** James Moulton, 21 Norway Road, spoke about concerns about wind noise and heat to Norway Road and a possible increase in pests, asked when construction would start and what happens after 20 years. He asked if any farming uses would continue on the overall site.

Michelle Whittemore, 12 Norway Road, expressed concerns about wind conditions and bugs. She asked who would benefit from the project and who would use the power. She expressed concerns about the impact of the project on property values.

Mr. Moore responded to the abutters' comments. He said that when wind passes over the array it may be knocked down somewhat because of the structures being there and it may be a little less windy. There are no appreciable temperature differences and they can provide temperature field data. Mr. Moore said he believes that there will still be some haying done around the perimeter of the site and they can figure out a vegetated maintenance schedule for their area. It is proposed that a much more diversified plant mix will be installed in an attempt to enhance the ecosystem. The project will be ready for ground breaking in the fall of 2020 or spring of 2021. There will be no concrete footings, only the posts every 20 to 25 feet, and at the end of the project life the posts will be removed and the site reverts to being an open field. He said the proposed community solar project would generate electricity connecting to the grid and there will be credits generated for each kilowatt hour that comes off the project. Those credits can be assigned to utility poles, so anyone within the same utility service area can sign up to be a recipient of the credits of this project allocated by CMP. Mr. Moore said that it can benefit the community by producing electricity for nearly 1,000 homes. Mr. Moore said that a farm fence is being proposed, not a chain link fence, with wooden posts and wire in between and blends in well with agricultural uses.

Keith Havenor, Nexamp communications director, said that the company launched a solar grazing program last year, with sheep grazing on four of its sites, two in New York and two in Massachusetts. They would anticipate partnering with a local farmer to determine the right approach for this site.

**PUBLIC COMMENT PERIOD ENDED.**

Mr. Firmin advised the Board that he works for the Portland Water District and its Board of Trustees recently approved a contract on the demand side of a program such as this one. He was not involved in that and does not see a conflict of interest but believes it is important to note it for the record.

Mr. Richman asked that a sample of the fence being proposed be provided, and suggested that the boundary line be pushed further away from the neighborhood on the south side of the property. Mr. Ryan said they are looking into trying to do exactly that, to push away as far as possible from that border.

Mr. Fox said the Board will be looking to see that quality of life issues are being considered, as well as reviewing the project as a renewable energy generating facility. Mr. Firmin read from the Comprehensive Plan that Gorham strives to be a sustainable community and supports the sustainability of the environment and natural resources and should be open to considering new technologies and new ideas.

Mr. Poirier advised the Board that the project will be reviewed under the performance standards of Chapter 2 and Chapter 4, and the Board cannot consider impacts on value to abutting properties.

Mr. Fox reassured the abutters that they will have ample opportunity to comment in the future as the application progresses under review, as well as being able to attend any site walk or hearings.

Mr. Fox advised Mr. Ryan about the sequence for scheduling a site walk, which is set up once the Board has received a formal application. Mr. Ryan asked when they can expect to receive comments from the Fire Department, which would impact the width of the gravel paths proposed. Ms. Eyerman said he could reach out directly to the Fire Chief.

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**OTHER BUSINESS: Molly Butler-Bailey will serve as the Planning Board's representative on the Comprehensive Plan Amendment Committee.**

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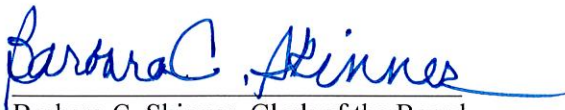
**ANNOUNCEMENT: None**

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**ADJOURNMENT:**

**Scott Firmin MOVED and James Anderson SECONDED a motion to adjourn. Motion CARRIED, 4 ayes (Molly Butler-Bailey, Vincent Grassi and James Hall absent). [8:35 p.m.]**

Respectfully submitted,

  
Barbara C. Skinner, Clerk of the Board  
February 3, 2020

**ITEM 2 CHRISTOPHER DUCHAINE – PRELIMINARY AND FINAL SUBDIVISION REVIEW  
– PRESUMPCOT RIDGE ROAD SUBDIVISION – MAP 96, LOTS 11 AND 11.001**

**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...**

The lots served by the private way are required to meet the requirements of the Suburban Residential zoning district. The maximum number of lots/dwelling units allowed to be served by the private way is 10 lots or dwelling units. Currently there is one (1) single-family house being served by the private way. The existing private way name is "Presumpscot Ridge Road." No changes to the private way name are proposed.

*Finding: The private way is designed to meet the 2-6 lots/dwelling units private way standard and no more than six dwelling units can be served by the private way.*

**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 applicant has hired BH2M to prepare the private way plans, which have been prepared by a registered land surveyor, Robert Libby, P.L.S., #2190, and sealed by a registered professional engineer, Andrew Morrell, P.E., #13285. The Plan title block reads "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 Plan 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., E., 3.

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 prepared by a registered land surveyor and sealed 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 proposal is for a 4-lot private way, so a private way maintenance agreement is required as part of the private way review. The applicant has submitted a homeowner's agreement for maintenance of the road.

*Finding: The homeowners' 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.**

A paved apron is proposed 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.

The existing private way apron and road is to be removed and the area loamed and seeded.

*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 1,071' private way to the 7-10 lot/dwelling unit private way standard. The private way plan shows the required 7-10 lot/dwelling unit private way standard cross section. The private way will have the required proposed turnaround located at station number 10+07.43.

*Finding: The private way meets all the criteria and design requirements presented in Tables 1 and 2 and the typical cross sections depicted in Figures 9 and 10 of the Gorham Land Use and Development Code.*

8) Notwithstanding the above, 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 7-10 lot/dwelling unit private way to serve 4 new lots and 1 existing lot with an existing single-family house. The four new lots will serve a maximum of 2 dwelling units each.

*Finding: The private way is proposing to serve 5 lots with a total of not more than 10 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 Suburban Residential zoning district. The ownership of the right-of-way will remain with lot Map 96, Lot 11-1, shown on the private way plan.

*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 private way is served off North Gorham Road which is designated as a collector by the Town of Gorham.

*Finding: The public roads serving the proposed private way have the ability to ensure off-site access and are suitable to serve the proposed private way.*

### **CHAPTER 3 - SUBDIVISION, SECTION 3 - PRELIMINARY PLAN**

The Planning Board, following review of the Preliminary Subdivision Application, makes these findings based on the Subdivision Review criteria found in Chapter 3, Subdivision, and 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 two-family lots range in size from 80,000 square feet to 98,618 square feet with street frontage for the lots ranging in size from 200 ft. to 250 ft. The Comprehensive Plan identifies the future land use designation of this lot as in the Suburban Residential district.

*Finding: Presumpscot Ridge Road Subdivision 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.

The four lots are proposed to have street frontage along Presumpscot Ridge Road private road constructed to the Town's 7-10 paved private way standard. The private way is accessed from North Gorham Road, which is classified as a collector road by the Town of Gorham.

*Finding: Presumpscot Ridge 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 two-family homes will be served by overhead power, cable, and telephone lines from Presumpscot Ridge right-of-way. The Town's contracted waste disposal contractor will pick up trash and recyclables. The residential units are required to have residential home sprinkler systems.

*Finding: Presumpscot Ridge 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 subdivision lots will be served by individual water supply wells located up-gradient of the wastewater disposal systems. The applicant has provided a nitrate analysis conducted by Sevee and Maher, Engineer, Inc., which shows proposed locations for well zones.

*Finding: Presumpscot Ridge Road Subdivision provides for adequate water supply for present and future needs.*

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

The lots are proposed to be served by on-site subsurface disposal systems designed by a Maine Licensed Site Evaluator. All private septic systems must meet the requirements of the State of Maine Subsurface Wastewater Disposal Rules.

Each lot will have its septic system located as shown on the plan, unless the applicant can provide the Code Enforcement Officer with a report from a licensed hydro-geologist stating that the new location will not impact any drinking supply wells or negatively impact the abutting lots' ability to locate drinking supply wells.

*Finding: Presumpscot Ridge Road Subdivision provides for adequate solid and sewage waste disposal for present and future needs as reasonably foreseeable.*

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

Storm water from the house lots will be allowed to sheet flow into nearby wooded areas. Sewage disposal from the site will be treated in subsurface disposal systems designed by a Maine Licensed Site Evaluator.

*Finding: Presumpscot Ridge 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 lot area disturbed as part of construction activity will be loamed and seeded to prevent soil erosion. The majority of the storm water from the subdivision road will be directed to the road side ditch and then directed into the large forested wetland located into the center of the lot or to the end of the private way onto lot 96-11-1. Storm water from the lots will be allowed to sheet flow into the wooded and vegetated areas on the lots.

*Finding: Presumpscot Ridge 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.

A large forested wetland was located in the center of the proposed subdivision lots. A smaller wetland and farm ponds are located on the eastern and western edges of the parcel. Wetland impacts proposed total 608 square feet.

The construction on each lot shall comply with the "Maine Erosion and Sediment Control Handbook for Construction: Best Management Practices," Maine Department of Environmental Protection.

*Finding: Presumpscot Ridge 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 subdivision has impacted the forested wetland by clear cutting the site. The applicant proposes to provide replacement trees to buffer the proposed houses from North Gorham Road. The applicant proposes planting with a wild flower seed mix to replace the forested area that was removed. No scenic vistas, historic sites or irreplaceable natural or manmade assets have been identified on the site.

*Finding: Presumpscot Ridge 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.

The applicant has provided a letter of capacity from Gorham Savings Bank.

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

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

The applicant will be required to pay the Recreational Facilities and Open Space Impact Fee prior to the issuance of building permits for the four (4) lots within the subdivision that will have new duplex homes constructed on them.

*Finding: Presumpscot Ridge Road Subdivision is responsible for providing open space and recreational land and facilities to meet the additional demand created by residents of the subdivision.*

- 4) If an applicant chooses to create open space and/or recreational land and facilities within the subdivision in addition to paying the impact fee, the following applies:

a) Land Improvements: The applicant shall improve the land according to the proposed use of the land and the requirements of the Planning Board.

b) Owners Association: A homeowners' association shall be formed to provide for the perpetual care of commonly owned recreation land.

The applicant is not proposing any open space as part of the subdivision approval.

*Finding: Not applicable.*

## **CHAPTER 3 - SUBDIVISION, SECTION 3-4C- FINAL PLAN REVIEW**

### **D. FINAL PLAN REVIEW**

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

The applicant has submitted all information required of preliminary plan. The plan shows all existing and proposed monuments and pins. The plan shows sufficient information to locate streets, easements, and property lines. The application states the location of the size and type of plantings and landscaping as proposed. The street plan shows the profiles, radii of curves, and angles of intersection of the road. Statements have been provided by all reviewing authorities.

Finding: *The applicant has met the standards of this section for final plan 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.

The applicant has submitted the application and plans within 12 months of preliminary plan approval.

Finding: *The applicant has met the standards of this section for final plan approval.*

## **CHAPTER 7 SECTION 7-2 MIDDLE SCHOOL IMPACT FEE #1**

Any residential development activity anywhere in Gorham that may potentially have school aged children living in the units will be subject to the impact fee.

The applicant will be required to pay the Middle School Impact Fee #1 prior to the issuance of building permits for the four (4) lots within the subdivision that will have new duplex homes constructed on them.

### **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 the duplex units shall be properly numbered with the numbers being visible from the street year around;
4. That the driveway name shall be approved by the Police and Fire Chiefs;
5. That any underground electric lines shall be inspected by the Code Enforcement Office prior to backfill;
6. That the private way shall be properly named and signed with Town approved signs and signs shall be in place as soon as the private way is constructed;

7. 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;
8. That the private way shall be properly maintained by the homeowners' association for access of emergency vehicles year round;
9. That the homeowners' association is responsible for maintenance of the stormwater infrastructure including ditches;
10. 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;
11. That the buildings will meet all applicable sections of the NFPA 101 Life Safety Code and the NFPA Fire Prevention Code 1;
12. That the applicant is responsible for recording the approved homeowners' association documents within 90 days of the date of approval of the subdivision by the Planning Board and a recorded copy of the Homeowners' Association documents shall be returned to the Planning Department prior to a preconstruction meeting behind held;
13. That the Planning Board Chairman is authorized by the Planning Board to sign the Findings of Fact on behalf of the entire Board;
14. That the subdivision and private way 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 are required to be recorded within one year of original approval or the approval becomes null and void;
15. That once the subdivision and private way 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.
16. That the following engineering edits recommended as of January 23, 2020 will be made prior to the Planning Board signing the final plan:
  - a. Silt fence provision downgradient of the slope west of Station 6+00 to prevent sediment migration into the culverts and wetlands. The applicant added silt fence in this area; however, runoff from the adjacent road embankment will still enter the culvert that discharges to the wetland area without being filtered by silt fence. Please provide silt fence at the toe of the slope accordingly.
  - b. The winter construction period begins on November 1<sup>st</sup> per the Maine DEP Erosion and Sediment Control BMP Manual; please revise Winter Construction Note 1 on Sheet 4 accordingly. The applicant should review all the erosion control plan notes on Sheet 4 for conformance with the Maine DEP BMP Manual and make revisions accordingly; and.
17. That the legal edits recommended as of January 9, 2020 will be made prior to the Planning Board signing the final plan;
18. That the subsurface wastewater disposal systems for the lots will be located as shown on the Groundwater Impact Study Plan unless the applicant can provide the Code Enforcement Officer with a

report from a certified Hydro-Geologist stating that the new location will not impact any drinking supply wells or negatively impact an abutting lot's ability to locate a drinking supply well in the approved acceptable well zone;

19. That the individual wells for lots will be located in the acceptable well zone as shown on the Final Subdivision Plan unless the applicant can provide the Code Enforcement Officer with a report from a certified Hydro-Geologist stating that the new location and well installation is suitable for drinking water supply and will not impact any abutting lot's ability to locate the subsurface wastewater disposal systems in the area shown on the subdivision plan;
20. That two additional street trees per unit will be added for a total of sixteen trees; and
21. That stumping, grubbing and the planting of a wild flower mix will occur on all lots at the same time.