

**PLANNING BOARD MEETING
May 7, 2018**

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

Members Present

**SCOTT HERRICK, VICE CHAIRMAN
MOLLY BUTLER-BAILEY
SCOTT FIRMIN
GEORGE FOX
LEE PRATT
MICHAEL RICHMAN**

Staff Present

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

Members Absent

EDWARD ZELMANOW, CHAIRMAN

Scott Herrick, Vice Chairman, assumed the chair and called the meeting to order at 7:00 p.m. Mr. Herrick said that because of the full agenda, no new business will be taken up after 10:00 p.m. The Clerk called the roll, noting that Edward Zelmanow was absent.

APPROVAL OF THE APRIL 2, 2018 MINUTES

George Fox MOVED and Lee Pratt SECONDED a motion to approve the April meeting minutes as distributed. Motion CARRIED, 6 ayes (Edward Zelmanow absent).

REORGANIZATION OF THE BOARD – Mr. Herrick recommended postponing the election of officers until the June Board meeting when Mr. Zelmanow returns.

George Fox MOVED and Lee Pratt SECONDED a motion to postpone the election of officers until the June meeting of the Board. Motion CARRIED, 6 ayes (Edward Zelmanow absent). [7:04 p.m.]

COMMITTEE REPORTS – Mr. Herrick reported that the Ordinance Subcommittee met briefly on Thursday, April 26, 2018 to discuss sandwich board signs, which will come before the full Board for public hearing.

COMPREHENSIVE PLAN IMPLEMENTATION COMMITTEE – Mr. Fox reported that the committee had an hour-long workshop this evening which was attended by citizens who suggested ideas for the Committee to investigate.

CHAIRMAN'S REPORT – Mr. Herrick noted that there is no Chairman's report this evening.

ADMINISTRATIVE REVIEW REPORT – Mr. Poirier reported that there have been no new Administrative Review applications since the last Board meeting.

CONSENT AGENDA

Site Plan Review: Central Maine Power – request for approval to upgrade the 34.5/12/47 kV Substation on Shaws Mill Road, on property located on Map 81, Lot 32, Suburban Residential zoning district.

Mr. Poirier explained the process involved with items on the Consent Agenda, that they have been reviewed by staff with no outstanding issues, and that unless someone from the Board or from the public wishes to take an item off the Agenda, the item will be approved without discussion.

There being no one from either the Planning Board or the public taking the item off the Agenda,

George Fox MOVED and Lee Pratt SECONDED a motion to approve the item on the Consent Agenda. Motion CARRIED, 6 ayes (Edward Zelmanow absent). [7:10 p.m.]

ITEM 1 Public Hearing – Site Plan Amendment Review – Hannaford’s Supermarket and Pharmacy – request for approval to create a “Hannaford to Go” Park and Call pickup area, to relocate the Clynk bottle return service from inside the building to a free-standing redemption unit, and to replace the existing signage and colors on the front of the building façade, on property located at 99 Main Street, Map 102, Lot 155, Urban Commercial zoning district.

Mr. Poirier explained that this is the first time this item has come before the Board for general discussion and for the Board to determine if a site walk is warranted. This application will be reviewed under site plan and also will need to meet the Urban Commercial Performance standards set out in Chapters 1 and 2 of the Land Use Code, which have been provided for the Board to review.

J.M. Lord, P.E., Maple Rock Consulting, Rye Beach, NH, appeared on behalf of the applicant and said that Hannaford is in the process of updating all of their stores in the greater Portland area, including Gorham. The colors of the building are to be changed and new somewhat smaller signage is proposed, down lit instead of internally lit. Mr. Richman confirmed with Mr. Lord that the new colors will extend around the entire building. Part of the remodel will include adding a grocery pick-up service, which will allow customers to call in their orders in advance and pick them up. Hours of operation are from 10:00 a.m. to 8:00 p.m. with the number of pick-up customers limited to 12 to 15 orders per hour and given a time slot as to when to come to pick up their groceries. The proposed pick up layout will be the west side of the store, the existing 8 parking spaces will be restriped as reserved parking spaces, each having a parking space number and a phone number to call to announce arrival for pick up. The Clynk bottle redemption unit will be moved from inside the store to a free standing pre-fabricated 12’ x 32’ unit, color matched with the main building, located in the parking area to the northwest of the store and will sit directly on pavement. There will be three reserved parking spaces for Clynk customers. Returnables will be picked up on a regular basis by a standard box truck. The parking lot, drive aisles and sidewalks will be overhauled, but the same layout will be kept. The entire parking lot will be ground, shimmed and resurfaced.

Mr. Fox asked if there will be designated parking for someone dropping off returnables at the Clynk unit. Mr. Lord replied that there will be three designated parking spaces. Mr. Fox and Mr. Lord discussed the single motion-activated down light in the center of the Clynk unit building overhang. Mr. Lord told Mr. Firmin that returnables will be removed once a day from in front of the Clynk unit.

Mr. Herrick commented that the plans identify the existing rear setback as 55 feet with a proposed new setback being 50.2 feet, but no proposed building expansion is identified on the plans. Mr. Lord said that no changes are proposed to the setbacks, and the plan will be changed to reflect that. Mr. Herrick referred to the long term storage currently being handled through the use of a tractor trailer, storage container and outside, which are not permitted uses on the site and should not continue. Mr. Lord suggested adding something as a stipulation in the approval prohibiting such storage.

Mr. Herrick expressed concerns about pedestrian traffic in the grocery pick-up area and the width of the drive aisle at that location to accommodate both loading of cars and vehicles driving in the aisle. The Board

driving in the aisle. The Board discussed the process involved in the grocery pickup area, ultimately concluding that the pickup area and drive aisle should be at least 18 feet wide, including a 6 foot buffer strip, for safety of the pickup vehicles and off loading of groceries behind vehicles by store employees, as well as safely accommodating other vehicles which might be using the drive aisle. The consensus is that if the width is less than 18 feet, then the Board would need to schedule a site walk to look at the area. Mr. Lord said he would prepare a blowup of the area showing the buffer strip and other dimensions of the drive aisle.

PUBLIC COMMENT PERIOD OPENED: Mr. Poirier read into the record an email received on May 5, 2018, from Brian Morin, as follows:

“I read that Hannaford will be requesting approval to create Hannaford to go in the next meeting. Please allow this service. I don’t see any reason to deny the request and it will be a great service to add as well as allowing Gorham residents to use this service without having to go the Westbrook or Windham

Thank you”

PUBLIC COMMENT PERIOD ENDED

George Fox MOVED and Lee Pratt SECONDED a motion to postpone further review of Hannaford Supermarket and Pharmacy’s request for site plan amendment approval pending responses to remaining issues and finalizing revisions to the plans. Motion CARRIED, 6 ayes (Edward Zelmanow absent). [7:45 p.m.]

ITEM 2 Subdivision Amendment Review – Maine Optometry – request for an amendment to the Fairview Acres Subdivision for lot line revision and the addition of easements on Lot 1B for the benefit of Lot 1A, on property located at the corner of Route 25 and Route 237, Map 32, Lot 24.101, Commercial Office zoning district.

Mr. Poirier reminded the Board that in its review of Maine Optometry’s site plan, it was seen that the actual lot in the subdivision was changed somewhat to increase the size of lot 1A and shrink the size of lot 1B, as well as the requirement for an amendment to add an easement on lot 1B for the benefit of lot 1A for parking and dumpster storage area to be located on that lot. These changes require a subdivision amendment to the original subdivision approval. In addition, comments have been received from the Portland Water District that the hydrant that is going to be located for the benefit of lot 1A and 1B is going to be located on lot 1B for the benefit of lot 1A, so there will need to be an easement for the hydrant as well. This easement language can be incorporated with a condition of approval that staff has created regarding the Portland Water District.

Andrew Morrell, representing the applicant, introduced Amy Landry of Maine Optometry and Tom Perkins, project architect. Mr. Morrell said that the original subdivision, approved in 2009, had two lots, 1A and 1B. Lot 1A had one unit proposed and approved, and lot 1B had four separate units. The applicant’s site plan amendment for lot 1A will be next on the Board’s agenda this evening. Mr. Morrell said that three changes have been made to the subdivision: a piece of land is being combined with lot 1A, a 20-foot wide easement on the 2009 approval is being adjusted as part of this amendment, and an easement on a small portion of the site that falls within lot 1B to accommodate one parking space and a dumpster location has been added to lot 1A.

Mr. Herrick referred to a communication from the Portland Water District about the Vista Drive roadway crossing over the existing 48” diameter transmission water main having been done without Water District review and approval, so the plans will need to be resubmitted to the Water District. Mr. Morrell said that no one knows the exact location of the water line, and in the 2009 approval, prior to the construction of Vista

Drive, test pits were required to be done to determine the elevation of the water main. He said that if Vista Drive construction results in more than 10 feet of cover over the top of the water main, adjustments may be required to the design. Mr. Morrell said that notes have been added to Maine Optometry's plans to reflect this requirement. They have received comments from the Water District today and hope that approval under item 3 can be conditioned on meeting the Water District's requirements.

Mr. Poirier said, based on the Water District's comments, staff recommends the language be changed slightly on the subdivision plans to include a utility easement through lot 1A and to show the hydrant location on lot 1B.

George Fox MOVED and Lee Pratt SECONDED a motion to grant Maine Optometry's request for subdivision amendment approval to Fairview Acres Subdivision to revise the size of Lots 1A and 1B, and to add an access and maintenance easement on Lot 1B for the benefit of Lot 1A, on property located on Map 32, Lot 24.101, Commercial Office zoning district, with Findings of Fact and Conditions of Approval as written by the Town Planner. Motion CARRIED, 6 ayes (Edward Zelmanow absent).

ITEM 3 Public Hearing – Site Plan Amendment – Maine Optometry – request for approval of a site plan amendment to Vista Park in Fairview Acres Subdivision, on property located at the corner of Route 237 and Route 25, Map 32, Lot 24.001, Commercial Office zoning district.

Mr. Poirier told the Board that this item was last before the Board on April 2, 2018, and a site walk was held on April 12, 2018. The applicant has received approval from DEP (L-24548-NJ-C-M) for the amendment to the DEP permit on Vista Park. Mr. Poirier said comments have also been received from the Water District, requiring that there be two services, one for lot 1A and one for lot 1B; staff has drafted a condition of approval to deal with the District's concerns should the Board approve the site plan amendment this evening.

Andrew Morrell came to the podium and told the Board about changes that have been made to the plans to deal with comments from the Board at their last appearance on April 2, 2018. The first item deals with the parking requirements for the project; staff worked with the applicant to modify the design of the parking lot to add the additional required parking space and to increase the width of the access drives around the parking lot, improving vehicular circulation around the site. Landscaping has been added to the parking lot islands and snow storage has been added to the plan. The easement for lot 1B has been added. Minor changes were done to the grading of the site. Separate water services for lots 1A and lot 1B as requested by the Portland Water District will be addressed on the plans before the Board's endorsement of the final mylar. Mr. Morrell thanked staff for working with the applicant on this project as they are anxious to get started on it.

Mr. Richman, referring to the elevations shown for the northwest and west, suggested making the roof "crickets" darker as in the siding below with trim to match. He and Mr. Perkins discussed some aspects of the building's architectural details, particularly the three white vertical panels on the southeast elevation, which Mr. Richman feels are not consistent with the design of the rest of the building and which he believes will detract from the overall appearance.

PUBLIC COMMENT PERIOD OPENED: James Sanderson, abutter to northwest, asked if Maine Optometry plans to occupy the entire building. Mr. Perkins replied that Maine Optometry will occupy one floor, and there will be two other similar businesses on the upper floors. Mr. Sanderson confirmed that they will all have the same hours of operation.

PUBLIC COMMENT PERIOD ENDED.

Mr. Fox asked Mr. Morrell if the pits being dug to confirm the elevation of the Portland water main are in excess of their standard, what is the likely outcome. Mr. Morrell said that if constructing Vista Drive creates

more than 10 feet of cover, what the District has said is that permission would be needed to do so from the trustees of the Portland District, or Vista Drive could be constructed to be less than 10 feet of cover. Mr. Morrell said that there would be no impact on this site of constructing Vista Drive.

Mr. Poirier read the new Condition of Approval #19 "That prior to the Planning Board's endorsement of the final plan, the applicant shall receive approvals from the Portland Water District."

George Fox MOVED and Lee Pratt SECONDED a motion to grant Maine Optometry's request for site plan amendment approval for Vista Park Lot 1A, located on Map 32, Lot 24.001, at the intersection of Route 237 and Route 25, Commercial Office zoning district, with Findings of Fact and Conditions of Approval as written by the Town Planner and modified this evening by the Planning Board. Motion CARRIED, 6 ayes (Edward Zelmanow absent). [8:13 p.m.]

ITEM 4 Subdivision Amendment – Dale and Kim Foster – request for approval of land swaps and easements at 22 Hope Drive in the Sewell Subdivision, on property located on Map 48, Lot 20.213, Suburban Residential zoning district.

Mr. Poirier explained that this subdivision amendment is before the Board for the first time for review. The amendment will clean up some issues with a house having been built too close to setbacks and driveway location.

Dale Foster, 22 Hope Drive, told the Board that he and his wife are selling their home and relocating, and a survey done by the buyer revealed certain issues. Mr. Foster said they have enlisted Sebago Technics to do some surveying to resolve the issues. He said they have worked with neighbors outside the subdivision to complete a land swap and with neighbors to the right within the subdivision who are granting an easement to resolve the driveway issues. Mr. Foster said nothing will change visually on the site, these are just technicalities being taken care of.

Mr. Herrick confirmed that the Fosters are receiving an easement from lot 12 for the driveway on the eastern side of the property and they are conveying a small portion of property to an abutter in exchange for receiving a small portion of property at the back of the lot.

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

George Fox MOVED and Lee Pratt SECONDED a motion to grant Dale and Kim Foster's request for Sewell Farm Subdivision amendment approval to create a driveway easement across lot 12 and lot line changes and a pedestrian easement across lot 13 to Map 47, Lot 20, located in the Suburban Residential zoning district, Map 48, Lots 20.213 and 20.212, based on Findings of Fact and Conditions of Approval as written by the Town Planner. Motion CARRIED, 6 ayes (Edward Zelmanow absent). [8:18]

ITEM 5 Preliminary Subdivision Review – BNO, LLC (Normand Berube Builders) – request for preliminary approval of New Colony Settlement, a 6-lot residential subdivision on 18.16 acres on property located between Route 25 and Brown Road, Map 57, Lot 1, Rural zoning district.

Mr. Poirier told the Board that after sketch plan reviews in September and October regarding clustered and conventional subdivision plans, the applicant identified that it preferred the conventional subdivision plan. The applicant was before the Board on February 5, 2018 for preliminary subdivision approval and the

applicant has resubmitted for preliminary review. Mr. Poirier said that the applicant has submitted a high intensity soil survey as part of the net acreage plan calculation and asked if the Board would like to have the high intensity soil survey peer reviewed by a licensed soil scientist. Mr. Poirier referred to comments submitted from the Public Works Director recommending that for safety and mobility in the area, the developer widen the breakdown lane to eight feet along its property to accommodate traffic accelerating and decelerating from the subdivision.

Andrew Morrell, BH2M Engineers, appeared on behalf of the applicant and told the Board that they have received the DOT Highway Entrance Permit Waiver. He said that changes have been made to the future right-of-way extending to the Coulthard property, and the high intensity soils survey has been updated by Mark Hampton Associates. In reply to a question from Mr. Morrell, Mr. Poirier recommended that he meet with the Public Works Director to establish the length of widening the breakdown lane. Mr. Morrell said they will have that addressed when they come forward for final approval.

Mr. Poirier answered a question from Mr. Pratt that as a conventional development, this would not be required to have trail access. Mr. Herrick and Mr. Morrell discussed access to lot 6; Mr. Morrell said that the driveway location for lot 6 would be added to a profile sheet. A snow storage area will also be shown on the plan.

Mr. Richman asked whether having a peer review of the high intensity soils survey is typical. Mr. Poirier said that there is an ordinance amendment currently before the Town Council on this matter, but they have not acted on it yet. Mr. Poirier said the Board at its discretion can request a peer review but it is not a requirement. Mr. Richman confirmed with Mr. Morrell that the soils survey had been done by Mark Hampton; Mr. Richman said he is comfortable with Mr. Hampton's work. Mr. Fox said that setting a standard is desirable, but until that is approved by the Town Council, he is not concerned with having a peer review with this development. Mr. Herrick polled the Board, with the consensus being that a majority of the Board felt that no peer review is necessary.

Mr. Poirier noted that the letter of financial capacity has not yet been received and suggested that the applicant tweak the location of the future easement so as not to impact the stormwater facility. Mr. Herrick confirmed that Mr. Morrell will meet with the Public Works Director about the shoulder widening.

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

George Fox MOVED and Lee Pratt SECONDED a motion to grant BNO, LLC's request for preliminary subdivision approval for New Colony Settlement Subdivision off Ossipee Trail, Map 57, Lot 1, Rural zoning district, based on Findings of Fact as written by the Town Planner. Motion CARRIED, 6 ayes (Edward Zelmanow absent). [8:30]

ITEM 6 Preliminary Subdivision Review – Robert Hamblen – request for approval of Harrison Lane, a 6-lot residential subdivision on 10.10 acres, on property located off Libby Avenue, Map 47, Lot 23, Suburban Residential-Manufactured Housing zoning district.

Mr. Poirier reminded the Board that the item was heard as a sketch plan on June 5, 2017, at which time the Board discussed with the applicant the differences between a clustered and a conventional subdivision plan. The applicant is proposing a conventional subdivision at this time. A net acreage plan is not required in the SR/MH zoning district so long as each lot is at least 60,000 square feet and the Board finds that it is a buildable lot. Mr. Poirier asked whether the Board would like to conduct a site walk for the project.

Robert Hamblen, the applicant, came to the podium and said he is representing his sister and himself and they are proposing a 6-lot subdivision off the northerly end of Libby Avenue. The most notable feature of the property at this time is a woods road with an existing easement for the Water District to access their cross country mains. Proposed is an approximate 650 foot dead end street, culminating in a t-turnaround and designed to be offered to the Town. At the end of the proposed street, Harrison Lane, there is a provision for a future connection to the rear property owned by Charles Hamblen. The proposed street would provide access to 5 of the lots, with access to a 6th lot off an existing driveway. Overall wetland impacts to the project are under 1/10 of an acre, there is a public water main on Libby Avenue and each of the 6 lots would be connected to that system. Because of availability of public water, Mr. Hamblen is requesting a waiver of the requirement for a nitrate plume analysis. Hydrant locations will be added to the plan, sight distance is in excess of 750 feet in both directions on Libby Avenue, names will be suggested for the shared driveway, a clustered mailbox location will be added to the very end of the proposed street closest to Libby Avenue, and as part of the final plan submission, financial and technical capacity letters will be submitted for the Board's review.

In reply to Ms. Butler Bailey, Mr. Hamblen discussed the drive at 322 Libby Avenue, which is thanks to an existing easement on property owned by his brother Charles. The abutter Mr. Lewis benefits from that easement which allows access to his property, so it would be a shared driveway in this case. Mr. Lewis maintains the drive now, and with the development of lot 1 there would have to be a maintenance agreement. Mr. Herrick confirmed with Mr. Hamblen that lot 1 will have sufficient developable area and the right-of-way would be separate and distinct from any lot area there.

Mr. Herrick confirmed with Mr. Poirier that the Board can waive the nitrate plume requirement when the development is proposed to have public water. Mr. Fox asked Mr. Hamblen where the well is located on Mr. Lewis's lot. Mr. Hamblen said he believes it is served by public water, but he will check that out and will record what it is. Mr. Pratt said that if that lot is served by a well, he believes that a nitrate plume analysis would be warranted.

The Board concurred that a site walk should be scheduled, with the center line of the road staked out, as well as the lot boundaries, especially lot 1, and the end of the proposed road.

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

George Fox MOVED and Lee Pratt SECONDED a motion to postpone further review of Robert Hamblen's request for preliminary subdivision approval for Harrison Lane Subdivision pending responses to remaining issues and finalizing revisions to the plan. Motion CARRIED, 6 ayes (Edward Zelmanow absent). [8:50 p.m.]

ITEM 7 Pre-Application Discussion – Bramblewood, LLC – a request for sketch plan discussion of a subdivision and site plan amendment to Glenwater Subdivision to increase the number of dwelling units from 10 to 18 in Cottage Court, on property located off Grove Street on Map 99, Lot 61 and Map 101, Lot 21, Urban Residential zoning district.

Mr. Poirier advised the Board that Glenwater Subdivision was approved in 2016 under the Development Transfer Overlay provisions of the Land Use Code, with a minor amendment to reconfigure a road right-of-way in 2017. This subdivision and sit plan amendment proposes to increase the number of units from 10 to 18 in Cottage Court.

Dustin Roma, DM Roma Consulting Engineers, came to the podium and introduced the applicant Greg McCormack of Bramblewood, LLC. Mr. Roma said that as originally approved in 2016, the project

consisted of 20 single family lots and lot 21, which included 10 apartment buildings. Basically those were single floor living, two car garage units, intended to be apartment buildings which at some point in the future could be converted to condominium units. Most of the single family homes have been built out, and the original apartment layout is now proposed to be increased from 10 to 18 units, staying with a duplex configuration. This will increase the originally approved 30 units to 38. Proposed now are two story buildings, a first story unit and a second story unit, with storage in the basements for each dwelling

To accomplish the reconfigured layout to add the additional 8 units, it is proposed to move some land from lot 20 and basically allocate that land to lot 21. Lot 20 was originally proposed at about 4-1/2 acres and was residual land left over. It is proposed to take about 3 acres of that land and add it to lot 21 to be able to increase the density on that property. Open space is going to change, with some added and other areas removed. In reply to a question from Mr. Poirier, Mr. Roma said he does not believe that the open space has been conveyed out to the Town. Mr. Poirier said that staff will confirm if there is a recorded deed.

Mr. Roma said that the driveway to Cottage Court has been changed to allow the addition of parking spaces on the inside of the loop. The envelope of disturbance to build the 18 units is essentially the same as what would have been done for the 10 units because the garages are being eliminated and consolidating the buildings. None of the setbacks are being increased. Mr. Roma said they have met with the Portland Water District to discuss the layout of the water systems and are anticipating an approved plan with the District. A preemptive Tomar system will be installed at the intersection of Water Street and Route 25.

Mr. Herrick said his recollection of lot 20 is that a 50 foot easement (also to serve as the driveway) would be reserved and asked what will happen to the remaining portion of lot 20. Mr. Roma showed a possible building envelope on lot 20 and a possible small addition to the open space. He also pointed out where trail head parking would be located. Mr. Roma said he does not believe the open space has been conveyed out to the Town. Mr. Poirier said staff will confirm if there is a recorded deed.

Mr. Herrick asked for the drive aisle width in the original approval and the current proposal, especially as with the first approval two-car garages were proposed. Mr. Herrick confirmed with Mr. Roma that under the original approval, each unit would have had its own 2-car garage, as well as 2 parking spaces in each driveway. Mr. Roma replied to Mr. Fox that there will be no deeded parking spaces but they will be assigned, and told Mr. Fox that there would be no designated overflow parking. Mr. Roma and the Board discussed the parking options that would be available to the additional units on Cottage Court, with the Board expressing concerns about the proposed reduction in parking spaces available to each unit.

Greg McCormack came to the podium and suggested that the parking situation proposed here is comparable to the parking at the project known as Station Square. Mr. Herrick pointed out that there are significant differences between the two projects, one being that proposed here is a dead end street with no public parking, whereas at Station Square there is on-street parking available in the downtown area in addition to the parking being provided on site, as well as the Hannaford lot. Mr. Poirier reminded the Board that Station Square got a contract zone and its parking was approved as part of that contract zone approval with the Town Council. Mr. McCormack asked if the Code has parking requirements for buildings. Mr. Poirier said staff will review the Code's parking requirements, but there are also requirements for safe vehicular access around the site, and the Board can as well require additional items such as parking spaces. Mr. McCormack said that inadequate parking will be their problem as the units would not be rentable. Mr. Herrick said that in part it is the developer's problem but it can also be a problem for access by emergency vehicles, so the Board needs to highlight what it sees as concerns about changing the existing obligations under the original approval, and the Board needs to consider safety issues with the parking.

Mr. Herrick summarized the Board's concerns with parking and circulation. Mr. Pratt added that information needs to be provided as to where snow storage will occur and how snow will be removed from the site.

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

ITEM 8 Pre-Application Discussion – PAL, LLC – a request for sketch plan discussion of a 12-lot residential subdivision on \pm 115 acres, on property located at 239 County Road, Map 15, Lot 25.001, Rural-Manufactured Housing zoning district.

Mr. Poirier told the Board that the site is located in the Rural zoning district and there appear to be a lot of wetlands associated with it. A net acreage calculation showing all deductions will need to be completed to set the density for the development. The net acreage calculation carries a requirement that any isolated land be deducted so the Board will need to determine if the large wetland constitutes isolating the back portion of the land and if it should be deducted for net acreage calculation purposes. The Board may also wish to discuss what might be proposed for the 92.07 acre lot 9, because if development of this piece is anticipated in the future, staff recommends that when designing the roads any future development be taken into account to ensure that the roads are designed to handle the appropriate amount of traffic.

Jason Vafiades, Atlantic Resources Consultant, appeared on behalf of the applicant PAL, LLC, and gave the Board an overview of the parcel. He pointed out the proximity of Small Pond Road to the project site, and said they have been in communication with Rudy Ahlquist, who controls Small Pond Road, about the possibility of connecting into that road. Mr. Vafiades said that a more detailed wetlands study and a Class A High Intensity Soils Survey will be provided, so perhaps the Board would like to hold off on discussing the large wetland as isolated land. The subdivision will have private wells and septic systems and underground power.

Mr. Herrick said it would be helpful to have more complete information before deciding whether the back lot is isolated. He asked Mr. Vafiades if there is a connection to Deering Farm Road; Mr. Vafiades said there was a land swap some years ago and it would be difficult for this applicant to connect to Deering Farm Road, which would need upgrading. Mr. Vafiades said they will need to secure some DEP stream crossing permits and his calculations tell him they do not need a Tier 1 NRPA permit, but the updated wetlands study will answer that more fully. Mr. Herrick confirmed that if they are able to use Small Pond Road there would need to be a maintenance agreement and some updating of the road.

Mr. Vafiades asked if the Class A High Intensity Soils Survey could be limited to the development area only. Mr. Poirier confirmed that if the Board considers the large portion isolated, there would be no sense doing a Class A High Intensity Soils Survey there if that area is undevelopable; he believes the Board would be in support of that and would not require something that provides no information. In reply to Mr. Herrick, Mr. Vafiades said that the large portion could be utilized as open space.

PUBLIC COMMENT PERIOD OPENED: Joel Wezowicz, 35 Faith Drive, abutting the property at its northwest end, expressed concern about the Stroudwater stream and erosion. He asked if there is any concern about the impact of 12 additional lots to the traffic on Route 22. Mr. Vafiades said that the traffic report indicates that the maximum number of trips for 12 single family homes would be ten trips per household per day, so 120 trips with a possible slip lane.

Laura Raney, 246 County Road, asked if the existing driveway off County Road will be part of the connection to Small Pond Road. Mr. Vafiades showed the Small Pond Road connection and the one connection to Route 22 which would use the existing gated gravel driveway.
PUBLIC COMMENT PERIOD ENDED.

Mr. Poirier asked if the Board would like to have the High Intensity Soils Survey peer reviewed. Mr. Vafiades said that Jim Logan is doing the work. Mr. Pratt said he would like to see an accurate depiction of the wetlands first.

ITEM 9 Pre-Application Discussion – Chase Custom Homes – a request for sketch plan discussion of Sawyer Acres, a 121-lot residential subdivision on 103.59 acres, located off South Street on Map 21, Lots 10, 16 and 17.016, Rural and Suburban Residential zoning districts.

Mr. Poirier gave the Board a history of the project, noting that it has been before the Board before but for a number of reasons has never gone forward. The applicant is now looking for approval of a Development Transfer Overlay subdivision on the parcel, so staff has provided the DTO standards for the Board's information.

Andrew Morrell, BH2M Engineers, came to the podium and introduced Heather McNally on behalf of Chase Custom Homes. Mr. Morrell gave the history of the parcel, saying that the land was purchased in 2003 and has been before the Board for three different projects, the first in 2007, a 101 lot DTO project with pressure sewer; the next was in 2011, a 42 cluster subdivision with subsurface waste water disposal systems; and in 2012 a contract zone was moved forward for a 101 lot DTO subdivision with gravity sewer. None of those projects ever moved forward. For this application, the applicant's first step was to hire Mark Hampton Associates to re-review the wetlands, originally delineated in 2003. The plans before the Board now show the new delineation showing the southern portions of the site toward South Street to be very similar in wetlands, but the back portions of the site are now shown as drastically different, a large portion now showing as not being wetlands. This means that additional lots can be added in that back portion of the site.

Mr. Morrell said that the project now for the 103.9 acre site is a 121 lot DTO subdivision, with 49 acres proposed to be open space. Proposed are two connections to South Street, a connection to the Heartwood Subdivision along Starlit Way, a connection to the existing Crestwood Drive off South Street, and a right-of-way connection to Waterhouse Road. The 121 lots would be served by public water and public sewer and underground electric. There has been a meeting with the Portland Water District, who is going to allow a pressure sewer system for somewhere between 10 and 20 lots, so the thought is for a gravity sewer system to serve this subdivision to a pump station on South Street, where it will be pumped up South Street to the existing gravity system in South Street. Some of the ends of the gravity sewer system will potentially have some pressure sewer systems on them. Some other things discussed with the Water District involved the pump station in the Heartwood Subdivision; the District is currently reviewing whether that pump station needs to be involved in the design for this system. The District is also considering whether the Heartwood pump station has the capacity to handle some of the lots within this subdivision. Mr. Morrell said that if connection to the Heartwood pump station is not required as part of this project, the sewer design is altered drastically because of the size of the cost of the infrastructure costs.

Mr. Morrell said they would like direction from the Board on the Board's thoughts on a DTO subdivision on this parcel, sidewalks along South Street and a connection to Waterhouse Road. Mr. Poirier suggested the Board might want to discuss the DTO requirement for use of active open space and noted that this project, because it is so large, will need a traffic movement permit from DOT, and possibly a turn lane at one of the entrances.

Mr. Firmin pointed out that he works for the Portland Water District and while he has not been involved in any discussions of this iteration of the project, he was involved in past discussions and was involved in the original design of the Heartwood pump station. Therefore, in order to avoid any perception of conflict of interest, he will recuse himself from participation in the discussion of this item. Mr. Poirier commented that the Board will have to vote to allow Mr. Firmin to recuse himself once the application is out of the pre-application stage.

Mr. Herrick asked Mr. Morrell how far away the end lot in the development is from any public road if the Waterhouse connection is not made. Mr. Morrell said that the closest connection is the existing Starlit Way in Heartwood and the applicant does not want to connect to Waterhouse Road because of the cost and directing traffic to Waterhouse Road. Mr. Herrick said he would like to have more information about how far away those end houses will be to any public road.

Mr. Herrick commented that most of the proposed open space is clearly wetland and he doesn't see any open space that isn't at least predominantly wetland. Mr. Morrell said the DTO requirement is for 10% of the parcel as open space, they are proposing 48 acres; and a further requirement is for 5% of the total developable area is part of the open space. He said he will have to make sure that they meet that requirement, which would assure that more useable land would be part of the open space. Mr. Fox commented that because of the size of this development, there is a greater need for legitimate useable open space for the residents.

Regarding sidewalks, in reply to Mr. Herrick, Mr. Morrell said that there is a sidewalk down Weeks Road at the light to the Middle School. Mr. Pratt said that because there could be a large number of children living in this development, he believes there is a need for sidewalks everywhere – to the Middle School, to the Village School and to the High School. Mr. Morrell said that the applicant does propose internal sidewalks and what does the Board think is required along South Street, to Weeks Road or along the front of the subdivision. Ms. Butler Bailey said the speed along South Street is very fast and dangerous and will cause problems for pedestrians coming out of this subdivision. Mr. Fox said he would like to hear what the financial impact would be for putting in the sidewalks. Mr. Poirier noted that the Board can always require a connection to an existing sidewalk or a partial extension of sidewalks. Mr. Morrell said another consideration is that there are drainage ditches along either side of South Street now and if a sidewalk is installed there would have to be an enclosed drainage system within it.

Mr. Herrick asked about the sizes of the lots in the two zoning districts involved. Mr. Morrell replied that the minimum lot size is 8,500 square feet in the Suburban Residential zone and 12,750 square feet in the Rural district. Mr. Morrell asked if the Board would want to see the specific house layouts for each lot. Mr. Fox said he believes it would be sufficient to showing something representative, what typical setbacks would be.

Mr. Herrick said the Board needs to know what the distance would be to install a sidewalk and what the financial impact of installing the sidewalk would have on the units so the Board can weigh that against adding so many units, significantly changing the character of this area. Mr. Morrell asked if the project can come back again as a sketch plan before the Board with some more information on the sidewalks and a modified layout on how to use the open space. Mr. Herrick said the Board needs to understand as much information as possible on the issues that are going to affect both the developer and the Town.

PUBLIC COMMENT PERIOD OPENED: Dale Rodgers, 33 Waterhouse Road, expressed concern about wetlands on the site and the potential traffic on Waterhouse Road if the connection were made.
PUBLIC COMMENT PERIOD ENDED.

Mr. Richman asked that future plans submitted to the Board show the subdivision on one sheet and not two.

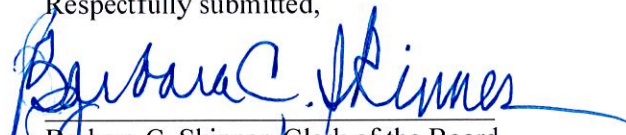
OTHER BUSINESS	NONE
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ANNOUNCEMENTS	NONE
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ADJOURNMENT

George Fox MOVED and Scott Firmin SECONDED a motion to adjourn. Motion CARRIED, 6 ayes (Edward Zelmanow absent). [10:09 p.m.]

Respectfully submitted,


Barbara C. Skinner, Clerk of the Board
June 4, 2018

CONSENT AGENDA – CENTRAL MAINE POWER SHAWS MILL ROAD SUBSTATION

CHAPTER 4, SITE PLAN REVIEW, SECTION 9 – Approval Criteria and Standards

The Planning Board, following review of the Site Plan Application, makes these findings based on the Site Plan Review criteria found in Chapter 4, Section 9 – Approval Criteria and Standards, of the Town of Gorham Land Use and Development Code.

CHAPTER 4, Section 9 – Approval Criteria and Standards

A. Utilization of the Site: The plan for the development will reflect the natural capabilities of the site to support development.

The applicant has provided the Planning Board with a site plan sheet set, site plan application, and accessory information showing that the lot can support the proposed lot improvements.

Finding: The plan for the development reflects the natural capabilities of the site to support the development and the natural features and drainage ways are preserved to the greatest extent practical.

B. Access to the Site: Vehicular access to the site will be on roads which have adequate capacity to accommodate the additional traffic generated by the development.

Access to the site is via Shaws Mill Road. Shaws Mill Road is classified as a Rural Sub-collector by the Town of Gorham. Once constructed the substation facility only requires limited access by Central Maine Power staff for maintenance.

Finding: Shaws Mill Road has adequate capacity to accommodate the traffic generated by the development.

C. Access into the Site: Vehicular access into the development will provide for safe and convenient access.

The site access will be improved to a 15' wide gravel driveway. A 30' long paved apron with 4" of bituminous pavement is proposed to be constructed.

Finding: The plans provide for safe and convenient vehicular access into the development.

D. Internal Vehicular Circulation: The layout of the site will provide for the safe movement of passenger, service and emergency vehicles through the site.

The driveway has 2 access points into the substation pad. A chain link fence gate is located on each driveway into the substation; the gates will be locked restricting vehicular access into the substation area. The driveway is long enough and provides enough area to allow large utility trucks to turn around without having to back out onto Shaws Mill Road.

Finding: The layout of the site provides for the safe movement of passenger, service, and emergency vehicles through the site.

E. Pedestrian Circulation: The development plan will provide for a system of pedestrian circulation within and to the development.

No sidewalks are located along Shaws Mill Road and no sidewalks are proposed within the development.

Finding: The plans provide a system of pedestrian circulation within the development.

- F. Storm water Management: Adequate provisions will be made for the disposal of all storm water collected on streets, parking areas, roofs or other impervious surfaces through a storm water drainage system and maintenance plan which will not have adverse impacts on abutting or downstream properties.

Stormwater from the site will be collected and treated in a series of ditches, stone check dams, and a level spreader. The applicant has received Maine Department of Environmental approval for the site.

Finding: The stormwater run-off will not have adverse impacts on abutting or downstream properties and the biological and chemical properties of the receiving waters downstream will not be degraded.

- G. Erosion Control: For all projects, building and site designs and roadway layouts will fit and utilize existing topography and desirable natural surroundings to the fullest extent possible.

The "Erosion Control Details" plan, sheet 1 of 1, identifies parameters for erosion control and winter erosion control measures to be utilized on site. The applicant will also comply with the "Maine Erosion and Sediment Control Handbook for Construction: Best Management Practices," Maine Department of Environmental Practices.

Finding: The plan utilizes existing topography and desirable natural surroundings to the fullest extent possible.

- H. Water Supply: The development will be provided with a system of water supply that provides each use with an adequate supply of water meeting the standards of the State of Maine for drinking water.

No water supply is proposed to be developed on site.

Finding: The development provides a system of water supply that provides for an adequate supply of water meeting the standards of the State of Maine for drinking water.

- I. Sewage Disposal: A sanitary sewer system will be installed at the expense of the developer if the project is located within a sewer service area as identified by the sewer user ordinance. The Site Plan Review Committee or Planning Board may allow individual subsurface waste disposal systems to be used where sewer service is not available.

No bathroom or sewage disposal system is proposed to be developed on the site.

Finding: The development provides for sewage disposal for the anticipated use of the site.

- J. Utilities: The development will be provided with electrical and telephone service adequate to meet the anticipated use of the project.

The existing substation is served by overhead utilities. The relocated and expanded substation is proposed to be served by overhead utilities.

The proposal is to install underground power lines from the substation to serve the existing distribution power line in Shaws Mill Road.

Finding: The development will provide for adequate electrical and phone service to meet the anticipated use of the project.

- K. Natural Features: The landscape will be preserved in its natural state insofar as practical by minimizing tree removal, disturbance and compaction of soil, and by retaining existing vegetation insofar as practical during construction.

Development of the site will be focused in the northern quarter of the lot. No wetlands or sensitive natural features are proposed to be impacted by the development on the site.

Finding: The development of the site will preserve the existing vegetation to the greatest extent practical during construction.

- L. Groundwater Protection: The proposed site development and use will not adversely impact either the quality or quantity of groundwater available to abutting properties or public water supply systems.

Any storage of hazardous materials must be in compliance with federal, state, and local requirements.

Finding: The proposed development will not adversely impact either the quality or quantity of the groundwater available to abutting properties or public water supply systems.

- M. Exterior Lighting: The proposed development will provide for adequate exterior lighting to provide for the safe use of the development in nighttime hours.

Two lighting schematics are proposed for the site: normal and maintenance operations.

The normal operation lighting consists of 6 halophane mongoose model luminaires mounted on 16' high poles around the yard. The lighting is set on a light sensor and will turn on at dusk and turn off dawn.

The maintenance operation lighting consists of 5 halophane predator model luminaires mounted 25' high around the electrical infrastructure. These lights that can be turned on and off as needed for maintenance and emergency conditions warrant.

All proposed lighting shall be full cut-off style of lighting.

Finding: The proposed development provides for adequate exterior lighting to provide for the safe use of the development during nighttime hours.

- O. Waste Disposal: The proposed development will provide for adequate disposal of solid wastes and hazardous wastes.

Any proposed solid waste generated on the site will be immediately removed from the site by CMP and disposed of at a licensed off-site waste disposal facility.

No storage of hazardous waste is proposed to be stored at the site

Finding: The proposed development provides for adequate disposal of solid wastes and hazardous wastes.

- P. Landscaping: The development plan will provide for landscaping to define street edges, break up parking areas, soften the appearance of the development and protect abutting properties from adverse impacts of the development.

The applicant is proposing a 45' wooded buffer minimum which will retain the existing trees between the substation and Shaws Mill Road. The applicant is also proposing to plant 4 arborvitae trees, 6'-8' tall,

in the right-of-way where underground utilities will be installed between the substation and the Shaws Mill Road right-of-way.

Finding: *The proposed plan will provide landscaping to soften the appearance of the development.*

- Q. Shoreland Relationship: The development will not adversely affect the water quality or shoreline of any adjacent water body. The development plan will provide for access to abutting navigable water bodies for the use of occupants of the development.

The northern edge of the property is located within the North Branch Brook Stream Protection Area. The existing substation, located within the Stream Protection Area, is proposed to be removed and the area will be revegetated. No other impacts are proposed in the Stream Protection Area.

Finding: *The development will not adversely affect the water quality or shoreline of any adjacent body of water.*

- R. Technical and Financial Capacity: The applicant has demonstrated that he has the financial and technical capacity to carry out the project in accordance with this Code and the approved plan.

Central Maine Power has provided a statement identifying that they have up to \$250 million in credit for the construction of the facility. Central Maine Power manages delivery and infrastructure to serve up to 600,000 retail customers with a service area of over 11,000 square miles.

Finding: *The applicant has the financial and technical capacity to complete the project in accordance with Gorham's Land Use and Development Code and the approved plan.*

- S. Buffering: The development will provide for the buffering of adjacent uses where there is a transition from one type of use to another use and to screen service and storage areas. The buffer areas required by the district regulations will be improved and maintained.

The applicant is proposing a 45' wooded buffer minimum which will retain the existing trees between the substation and Shaws Mill Road. The removal of trees in this area will be limited to dead, diseased, and dying trees with the approval of the Town Planner.

The applicant is proposing to install 4 arborvitae trees 6'-8' tall in the area to be cleared for a duct bank to Shaws Mill Road.

Finding: *The development provides buffering to screen service and storage areas.*

- T. Noise: The applicant has demonstrated that the development will comply with the noise regulations listed in Table 1 – *Sound Level Limits* and the associated ordinances.

The uses at the site are required to meet the A-weighted hourly equivalent sound level limits of 60 dBA daytime (7am-7pm) and 50 dBA nighttime (7pm-7am).

Finding: *The development will comply with the A-weighted hourly equivalent sound level limits of 70 dBA daytime (7am-7pm) and 60 dBA nighttime (7pm-7am).*

Conditions of Approval

1. That this approval is dependent upon, and limited to, the proposals and plans contained in this application and supporting documents submitted and affirmed by the applicants and that any variation

from the plans, proposals and supporting documents is subject to review and approval by the Planning Board or Site Plan Review Committee, except for minor changes which the Town Planner may approve;

2. That prior to the commencement of construction of the site plan, 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 all relevant conditions of approval from past Site Plan approvals shall remain in effect;
 5. That any proposed use on the site shall meet the sound level requirements outlined under Chapter 4, Section 4-9, T. Noise;
 6. That the applicant shall make the final changes to the plan prior to the Planning Board's endorsement of the final plan;
 7. That prior to the pre-construction meeting the applicant will establish the following: a performance guarantee totaling 125% of the costs to complete the construction and an escrow for field inspection meeting the approvals of Town Staff and the Town's Attorney;
 8. That prior to the commencement of any site improvements, the applicant, their earthwork contractor, and the design engineer shall arrange a pre-construction meeting with the Town's Review Engineer, Public Works Director, Fire Chief, Code Enforcement Officer and the Town Planner to review the proposed schedule of improvements, conditions of approval, and site construction requirements;
 9. That the applicant shall video Shaws Mill Road with the video being dropped off at Gorham Public Works prior to the start of construction;
 10. That prior to the pre-construction meeting the applicant shall establish a performance guarantee escrow for the off-site improvements to Shaws Mill Road;
 11. That at the completion of the site work the applicant shall provide an overlay meeting the approval of Gorham's Public Works Director on Shaws Mill Road from the site to Dingley Springs Road with a total costs not to exceed \$60,000;
 12. That all site construction shall be carried out in conformance with the Maine Erosion and Sediment Control Best Management Practices, Maine Department of Environmental Protection, latest edition and in accordance with the erosion and sedimentation control information contained in the application;
 13. That the Planning Board Chairman is authorized by the Planning Board to sign the Findings of Fact on behalf of the entire Board; and
 14. That these conditions of approval must be added to the site plan and the site plan shall be recorded at the Cumberland County Registry of Deeds within thirty (30) days of the date of written notice of approval by the Planning Board, and a dated mylar copy of the recorded site plan shall be returned to the Town Planner prior to the pre-construction meeting.
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ITEM 2 MAINE OPTOMETRY SUBDIVISION AMENDMENT

CHAPTER 3 - SUBDIVISION, SECTION 3 - PRELIMINARY PLAN

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

Because no physical changes are proposed with this amendment, most of the Standards are not applicable, as indicated below.

C. PRELIMINARY PLAN REVIEW

- 2) The Planning Board shall include in its review the following general and specific requirements that the development has proposed for approval:
- a) Shall be in conformance with the Comprehensive Plan of the Town, and with all pertinent State and local codes and ordinances, including the Performance Standards related to specific types of development which are stipulated in Chapter II.

The revised size for lots 1A and 1B meets the requirements for the Commercial Office District.

Finding: The amendment to Vista Park/Fairview Acres subdivision amendment conforms with the Comprehensive Plan of the Town, and with all pertinent State and local codes and ordinances.

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

No changes to the subdivision are proposed that would impact the conditions of public roads on or off the site.

Finding: Not applicable.

- 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.

No changes are proposed to the subdivision lot utilities or fire protection requirements. The easement on lot 1B allows for the location of the dumpster to ensure lot 1A has the appropriate waste storage and removal areas.

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

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

No changes are proposed to the approved subdivision's water supply.

Finding: Not applicable.

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

No changes are proposed to the approved subdivision's sewage waste disposal.

Finding: *Not applicable.*

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

No changes are proposed to the amount of wetland disturbance approved for the lots.

Finding: *Not applicable*

- 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.

No changes are proposed to the amount of impervious area approved for the lots.

Finding: *Not applicable*

- 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.

Lots 1A and 1B are not located in the Town's Shoreland Overlay District. No changes are proposed to the amount of wetland disturbance approved for the lots.

Finding: *Not applicable.*

- 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 lot does not have any known historic sites or rare or irreplaceable natural or manmade assets located on it.

Finding: *Not applicable.*

- 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.

As part of the site plan application the applicant has provided a letter dated February 7, 2018, letter from Earle F. Harvey, Senior Vice President Commercial Lending, Mechanics Savings Bank, identifying that it has the financial capacity to complete the project.

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 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.

Finding: Not applicable.

- 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.

Finding: Not applicable.

CHAPTER 3 - SUBDIVISION, SECTION 4 –FINAL PLAN REVIEW

D. FINAL PLAN REVIEW

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

Finding: This is an amendment to an approved plan and requires only a subdivision 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: This is an amendment to an approved plan and requires only a subdivision amendment approval.

Conditions of Approval

1. That this approval is dependent upon, and limited to, the proposals and plans contained in this application and supporting documents submitted and affirmed by the applicants and that any variation from the plans, proposals and supporting documents is subject to review and approval by the Planning Board, except for minor changes which the Town Planner may approve;
2. That the applicant shall provide property line information and site information in auto-cad format to the Town Planner;
3. That all relevant conditions of approval from all subsequent approvals shall remain in effect;
4. That the applicant shall address staff comments prior to the Planning Board's endorsement of the final plan;
5. That the Planning Board Chairman is authorized by the Planning Board to sign the Findings of Fact on behalf of the entire Board; and
6. That these conditions of approval must be added to the subdivision plan and the subdivision plan shall be recorded in the Cumberland County Registry of Deeds within ninety (90) days of endorsement of the plan by the Planning Board, and that a recorded mylar copy of the subdivision plan shall be returned to the Town Planner.

ITEM 3 MAINE OPTOMETRY SITE PLAN AMENDMENT REVIEW

CHAPTER 4, SITE PLAN REVIEW, SECTION 4-9 – Approval Criteria and Standards

The Planning Board, following review of the Site Plan Application, makes these findings based on the Site Plan Review criteria found in Chapter 4, Section 4-9 – Approval Criteria and Standards, of the Town of Gorham Land Use and Development Code.

CHAPTER 4, Section 9 – Approval Criteria and Standards

A. Utilization of the Site: The plan for the development will reflect the natural capabilities of the site to support development.

The applicant has provided the Planning Board with a site plan sheet set, site plan application, and accessory information showing that the lot can support the proposed lot improvements.

Finding: The plan for the development reflects the natural capabilities of the site to support the development and the natural features and drainage ways are preserved to the greatest extent practical.

B. Access to the Site: Vehicular access to the site will be on roads which have adequate capacity to accommodate the additional traffic generated by the development.

Access to the site is via Mosher Road, State Route 237. Mosher Road, State Route 237 is classified as a minor arterial by the Maine Department of Transportation. The applicant anticipates that the medical office space will generate 120 new trips entering and exiting the site on a daily basis.

Finding: Mosher Road, State Route 237 has adequate capacity to accommodate the traffic generated by the development.

C. Access into the Site: Vehicular access into the development will provide for safe and convenient access.

The site will be accessed via a 24' wide paved driveway on the abutting lot called Vista Drive. The driveway was approved as part of Vista Park Condominiums in 2009 and no changes are proposed in the construction of the proposed shared driveway.

Finding: The plans provide for safe and convenient vehicular access into the development.

D. Internal Vehicular Circulation: The layout of the site will provide for the safe movement of passenger, service and emergency vehicles through the site.

The Maine Optometry parking lot has one way circulation around the lot. Entrance into the parking lot is through an 18' wide driveway off Vista Drive with the exit from the parking lot being through a 12' wide driveway onto Vista Drive.

Finding: The layout of the site provides for the safe movement of passenger, service, and emergency vehicles through the site.

E. Pedestrian Circulation: The development plan will provide for a system of pedestrian circulation within and to the development.

No off-site sidewalks are located along Main Street, State Route 25, or Mosher Road, State Route 237 and none are proposed to be installed as part of the site plan. A 5' wide concrete sidewalk is proposed

along the western side of the building to facilitate pedestrian circulation into the building from the parking lot.

Finding: *The plans provide a system of pedestrian circulation within the development.*

- F. Storm water Management: Adequate provisions will be made for the disposal of all storm water collected on streets, parking areas, roofs or other impervious surfaces through a storm water drainage system and maintenance plan which will not have adverse impacts on abutting or downstream properties.

Stormwater from the site will be collected in a catch basin and directed into a vegetated soil filter for treatment and discharged into the Mosher Road right-of-way. The proposed impervious area on the lot is the same area that was approved as part of the initial site plan approval.

The lot is located within the Town of Gorham's Urbanized Area and the proposal will disturb over an acre so the site is subject to the Town of Gorham's Post-Construction Stormwater Management Ordinance.

Finding: *The stormwater run-off will not have adverse impacts on abutting or downstream properties and the biological and chemical properties of the receiving waters downstream will not be degraded.*

- G. Erosion Control: For all projects, building and site designs and roadway layouts will fit and utilize existing topography and desirable natural surroundings to the fullest extent possible.

The "Grading Plan", sheet C1.4, identifies locations for erosion control measures to be utilized on site. The "Erosion Control Details," Sheet C2.1, identifies parameters for erosion control and winter control measures to be utilized on the site. The applicant will also comply with the "Maine Erosion and Sediment Control Handbook for Construction: Best Management Practices," Maine Department of Environmental Practices.

Finding: *The plan utilizes existing topography and desirable natural surroundings to the fullest extent possible.*

- H. Water Supply: The development will be provided with a system of water supply that provides each use with an adequate supply of water meeting the standards of the State of Maine for drinking water.

The site is served by an 8" public water main located in the Main Street, State Route 25, right-of-way. The proposed building is to be served from an 8" water main lateral serving Vista Park Condominiums. The building will be served by 2 water stubs, a 4" stub for domestic water and a 6" stub for fire protection.

The water mains located on lots 1A and 1B are required to be maintained by the owners of the lots.

Finding: *The development provides a system of water supply that provides for an adequate supply of water meeting the standards of the State of Maine for drinking water.*

- I. Sewage Disposal: A sanitary sewer system will be installed at the expense of the developer if the project is located within a sewer service area as identified by the sewer user ordinance. The Site Plan Review Committee or Planning Board may allow individual subsurface waste disposal systems to be used where sewer service is not available.

The site is served by an 18" gravity sewer main located in the Mosher Road, State Route 237.

The site is served by a 6" gravity sewer main located on lot 1B in Vista Drive. The proposed new building will be served by a 6" gravity sewer line which directs sewage into the sewer line located under Vista Drive.

The gravity sewer lines located on lots 1A and 1B are required to be maintained by the owners of the lots.

Finding: *The development provides for sewage disposal for the anticipated use of the site.*

J. Utilities: The development will be provided with electrical and telephone service adequate to meet the anticipated use of the project.

The lot has access to natural gas and overhead power, cable and phone located in the Main Street, State Route 25, right-of-way.

The proposed building will be served by natural gas and underground electric, cable, and telephone.

Finding: *The development will provide for adequate electrical and phone service to meet the anticipated use of the project.*

K. Natural Features: The landscape will be preserved in its natural state insofar as practical by minimizing tree removal, disturbance and compaction of soil, and by retaining existing vegetation insofar as practical during construction.

The proposed development on the lot will impact wetlands to the lowest extent practical and no other significant natural resources are proposed to be impacted.

Finding: *The development of the site will preserve the existing vegetation to the greatest extent practical during construction.*

L. Groundwater Protection: The proposed site development and use will not adversely impact either the quality or quantity of groundwater available to abutting properties or public water supply systems.

The applicant is proposing to treat the stormwater from the new impervious areas in the stormwater infiltration pond located on the lot. The stormwater infrastructure utilized to flow stormwater into the existing pond is required to be maintained by the owner of the site.

The lot and owner of the site must comply with Town of Gorham's Post-Construction Stormwater Management Ordinance.

Finding: *The proposed development will not adversely impact either the quality or quantity of the groundwater available to abutting properties or public water supply systems.*

M. Exterior Lighting: The proposed development will provide for adequate exterior lighting to provide for the safe use of the development in nighttime hours.

The proposal is to locate 2 pole mounted lights and 2 wall pack lights. One pole mounted light will be located in each of the parking lot islands. Each end of the building will have a wall pack light. Both the pole mounted and wall mounted lights are required to be full cut-off style of light.

Recessed lights are proposed to be located in the entry way of the building.

Finding: *The proposed development provides for adequate exterior lighting to provide for the safe use of the development during nighttime hours.*

O. Waste Disposal: The proposed development will provide for adequate disposal of solid wastes and hazardous wastes.

The site is served by a concrete dumpster pad located on the abutting lot, lot 1B, in close proximity to the western corner of lot 1A. The pad is screened by a fence. An easement is located on the abutting lot allowing for the dumpster and pad to be located on lot 1B for use by lot 1A.

Finding: *The proposed development provides for adequate disposal of solid wastes and hazardous wastes.*

P. Landscaping: The development plan will provide for landscaping to define street edges, break up parking areas, soften the appearance of the development and protect abutting properties from adverse impacts of the development.

Landscaping is proposed to be located along all the property lines to break up the development from Main Street, Mosher Road, and abutting properties. The proposal is also to keep existing wetland vegetation between Main Street and Mosher Road rights-of-ways.

Finding: *The proposed plan will provide landscaping to soften the appearance of the development.*

Q. Shoreland Relationship: The development will not adversely affect the water quality or shoreline of any adjacent water body. The development plan will provide for access to abutting navigable water bodies for the use of occupants of the development.

Wetland impacts are limited to the greatest extent possible and the site is not located in any of the Town's Shoreland Overlay Districts.

Finding: *The development will not adversely affect the water quality or shoreline of any adjacent body of water.*

R. Technical and Financial Capacity: The applicant has demonstrated that he has the financial and technical capacity to carry out the project in accordance with this Code and the approved plan.

The applicant has sent a letter from Earle F. Harvey, Senior Vice President Commercial Lending, Mechanics Savings Bank, dated February 7, 2018 identifying that it has the financial capacity to complete the project.

The applicant has provided a statement identifying its technical capacity.

Finding: *The applicant has the financial and technical capacity to complete the project in accordance with Gorham's Land Use and Development Code and the approved plan.*

S. Buffering: The development will provide for the buffering of adjacent uses where there is a transition from one type of use to another use and to screen service and storage areas. The buffer areas required by the district regulations will be improved and maintained.

The applicant is proposing to buffer the abutting use through a landscaped buffer located along all sides of the property. The landscaping will buffer the development from Main Street, Mosher Road, and abutting properties. The proposal will retain existing wetland vegetation along the eastern third of the site.

The building is proposed to utilize New England character and fit with abutting commercial and residential properties.

Dumpsters are located to the rear of the lot and will be screened from Main Street and Mosher Road by existing trees, new landscaping, and a stockade fence dumpster enclosure.

Finding: *The development provides buffering to screen service and storage areas.*

T. Noise: The applicant has demonstrated that the development will comply with the noise regulations listed in Table 1 – Sound Level Limits and the associated ordinances.

The uses at the site are required to meet the A-weighted hourly equivalent sound level limits of 60 dBA daytime (7am-7pm) and 50 dBA nighttime (7pm-7am).

Finding: *The development will comply with the A-weighted hourly equivalent sound level limits of 70 dBA daytime (7am-7pm) and 60 dBA nighttime (7pm-7am).*

Conditions of Approval

1. That this approval is dependent upon, and limited to, the proposals and plans contained in this application and supporting documents submitted and affirmed by the applicants and that any variation from the plans, proposals and supporting documents is subject to review and approval by the Planning Board or Site Plan Review Committee, except for minor changes which the Town Planner may approve;
2. That prior to the commencement of construction of the site plan, the applicant is responsible for obtaining all required local, state and federal permits;
3. That all site construction shall be carried out in conformance with the Maine Erosion and Sediment Control Best Management Practices, Maine Department of Environmental Protection, latest edition and in accordance with the erosion and sedimentation control information contained in the application;
4. That any proposed use on the site shall meet the sound level requirements outlined under Chapter 4, Section 4-9, T. Noise;
5. That the owner of the site is responsible for compliance with the Town of Gorham Stormwater Ordinance, Chapter 2 - Post Construction Stormwater Management;
6. That the building shall meet all applicable sections of the NFPA 101 Life Safety Code and the NFPA Fire Prevention Code 1;
7. That a set of building construction plans showing the proposed layout of the interior shall be submitted to the Gorham Fire Department for review;
8. That the building is required to be sprinkled and meet all applicable sections of the Town's sprinkler ordinance;
9. That there shall be a separate sprinkler room for the main controls of the system and the main fire alarm panel. The room shall be accessed from an outside door with the door being labeled "Sprinkler Control Room";
10. That a lock box and master key shall be installed at the front entrance as well as the sprinkler control room;

11. That a complete set of sprinkler plans shall be submitted to the Gorham Fire Department and the State Fire Marshal's Office for review and permitting and the plans must be submitted to the Fire Department at least two weeks prior to the start of installation of the system;
12. That the sprinkler test papers shall be submitted to the Department at the time of issuance of a certificate of occupancy;
13. That the natural gas meters shall be protected by bollards;
14. That a fire hydrant shall be installed per the requirements outlined in Robert Lefebvre, Fire Chief's memo to Tom Poirier, Town Planner, dated March 22, 2018;
15. That prior to the pre-construction meeting, the applicant will establish the following: a performance guarantee totaling 125% of the costs to complete the construction and an escrow for field inspection meeting the approvals of Town Staff and the Town's Attorney;
16. That prior to the commencement of any site improvements, the applicant, its earthwork contractor, and the design engineer shall arrange a pre-construction meeting with the Town's Review Engineer, Public Works Director, Fire Chief, Code Enforcement Officer and the Town Planner to review the proposed schedule of improvements, conditions of approval, and site construction requirements;
17. That no clearing of vegetation is allowed along the front 50' landscaped buffer area except for dead, diseased, and dying trees, shrubs, and plants without the approval of the Town Planner;
18. That the landscaped buffer area will be maintained as approved and in a sanitary and tidy condition by the owner of the site;
19. That prior to the Planning Board's endorsement of the final plan, the applicant shall receive approvals from the Portland Water District;
20. That the Planning Board Chairman is authorized by the Planning Board to sign the Findings of Fact on behalf of the entire Board; and
21. That these conditions of approval must be added to the site plan and the site plan shall be recorded at the Cumberland County Registry of Deeds within thirty (30) days of the date of written notice of approval by the Planning Board, and a dated mylar copy of the recorded site plan shall be returned to the Town Planner.

ITEM 4 DALE AND KIM FOSTER – SUBDIVISION AMENDMENT

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

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

C. PRELIMINARY PLAN REVIEW

- 2) The Planning Board shall include in its review the following general and specific requirements that the development has proposed for approval:
- a) Shall be in conformance with the Comprehensive Plan of the Town, and with all pertinent State and local codes and ordinances, including the Performance Standards related to specific types of development which are stipulated in Chapter II.

The revised lot 13 will remain at 45,005 sq. ft. The revised street frontage will remain the same.

The Comprehensive Plan identifies the future land use designation in this area as Suburban Residential.

Finding: Amendment to Sewall Farm Subdivision conforms with the Comprehensive Plan of the Town, and with all pertinent State and local codes and ordinances.

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

The subdivision lots have legal road frontage on Hope Drive.

No increase in traffic is proposed from either lot.

Finding: Amendment to Sewall Farm 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 lots are currently served by underground utilities from Hope Drive right-of-way and the Town's contracted waste disposal contractor. No changes are proposed.

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

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

The single-family dwellings located on the lots have existing connections to the public water main located in the Hope Drive right-of-way. No changes are proposed.

Finding: Sewall Farm Subdivision amendment has sufficient water supply available for present and future needs as reasonably foreseeable.

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

The single-family dwellings located on the lots have private septic systems. No changes are proposed.

Finding: Sewall Farm Subdivision amendment will 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.

No wetlands or natural features are proposed to be impacted with the proposed change. The lots have been previously developed and no changes are proposed as part of the subdivision amendment.

Finding: Amendment to Sewall Farm 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 lots have been previously developed and no changes are proposed as part of the subdivision amendment.

Finding: Amendment to Sewall Farm 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.

No improvements are proposed to any wetland or waterbody.

Finding: Amendment to Sewall Farm 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 lots have been previously developed and no changes are proposed as part of the subdivision amendment.

Finding: Amendment to Sewall Farm 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.

- k) 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.

No physical improvements are required to either lot.

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.

Both lots have been developed and no changes are proposed that would require the payment of a Recreational Facilities and Open Space Impact Fee.

Finding: Not applicable.

- 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.

No changes are proposed.

Finding: Not applicable.

CHAPTER 3 - SUBDIVISION, SECTION 3-4 C. –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 proposal is for a subdivision amendment approval which does not require a preliminary approval prior to final approval.

Finding: Not applicable.

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

The proposal is for a subdivision amendment approval which does not require a preliminary approval prior to final approval.

Finding: Not applicable.

Conditions of Approval

6. 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;

7. That all relevant conditions of approval from previous subdivision approvals shall remain in effect;
8. That the applicant shall make the changes to the plan as outlined in staff comments prior to the Planning Board's endorsement of the final plan;
9. That the subdivision plan shall be recorded within 90 days of the subdivision approval; and
10. That the Planning Board Chairman is authorized by the Planning Board to sign the Findings of Fact on behalf of the entire Board; and
11. That once the subdivision plan has been recorded at the Cumberland County Registry of Deeds, a dated mylar copy of the recorded subdivision plan shall be returned to the Town Planner.

ITEM 5 BNO, LLC PRELIMINARY SUBDIVISION APPROVAL

CHAPTER 3 - SUBDIVISION, SECTION 3 - PRELIMINARY PLAN

The Planning Board, following review of the Preliminary Subdivision Application, makes these findings based on the Subdivision Review criteria found in Chapter 3, Subdivision, Section 3-3 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 single-family lots range in size from 40,808 square feet to 335,755 square feet with street frontage for the lots ranging in size from 200 ft. to 718 ft.

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

Finding: New Colony Settlement Subdivision conforms with the Comprehensive Plan of the Town, and with all pertinent State and local codes and ordinances.

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

See Town staff and Town Engineer comments about the concerns regarding Ossipee Trail, State Route 25, and shifting a future right-of-way out of a majority of the wetland area.

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

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

The single-family homes located in the subdivision will be served by underground power, electric and telephone lines, and the Town's contracted waste disposal contractor.

Finding: New Colony Settlement 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 Groundwater Nitrate Evaluation for the subdivision. The subdivision plan also identifies a zone acceptable for wells.

Finding: New Colony Settlement 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 will have on-site subsurface disposal systems designed by a Maine Licensed Site Evaluator. All private septic systems are required to meet the requirements of the State of Maine Subsurface Wastewater Disposal Rules.

The applicant has provided a Groundwater Nitrate Evaluation for the subdivision. The subdivision plan also identifies locations for on-site subsurface disposal systems.

Finding: New Colony Settlement 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 a portion of the road will be treated through a wet pond. Sewage disposal from the site will be treated in subsurface disposal systems designed by a Maine Licensed Site Evaluator.

Finding: New Colony Settlement 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.

All the residential house lots will be loamed and seeded to prevent soil erosion. The majority of the storm water from the subdivision will be directed and treated in a grassed underdrained soil filter and a wetpond.

The New Colony Settlement Subdivision homeowners' association shall be required to maintain the storm water drainage infrastructure.

Finding: New Colony Settlement 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.

See staff comments regarding relocating the future access easement further outside of the wetland area.

The plan set includes sheets showing the locations for erosion control devices as well as providing erosion control details and requirements. The information is shown on Sheets 3, 4, 5, and 6.

Finding: New Colony Settlement 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.

See staff comments regarding relocating the future access easement further outside of the wetland area.

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

Finding: New Colony Settlement 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.

This financial capacity letter is still outstanding.

The applicant has provided a schedule of values for the proposed improvements as well as an estimated construction schedule.

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 six (6) lots within the subdivision.

Finding: New Colony Settlement 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 formal open space as part of the development of the site.

Finding: New Colony Settlement Subdivision is not proposing to create open space and recreational land and facilities within the subdivision. .