

**PLANNING BOARD MEETING
March 6, 2017**

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

Members Present

EDWARD ZELMANOW, Chairman
SCOTT HERRICK, Vice Chairman
SCOTT FIRMIN
GEORGE FOX
LEE PRATT

Members Absent

JAMES ANDERSON

Staff Present

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

Edward Zelmanow, Chairman, called the meeting to order at 7:00 p.m. The Clerk called the roll, noting that James Anderson was absent.

APPROVAL OF THE FEBRUARY 6, 2017 MINUTES

Scott Herrick MOVED and Lee Pratt SECONDED a motion to approve the minutes of February 6, 2017, as written and distributed. Motion CARRIED, 5 ayes (James Anderson Absent). [7:02 p.m.]

COMMITTEE REPORTS

A. Ordinance Review Committee – Mr. Herrick reported that the Committee met last week on February 28, 2017, to discuss two items: agricultural events buildings and retail sales in the Office Residential zoning district, which is on this evening for discussion.

B. Streets and Ways Committee – Mr. Zelmanow reported that this Committee has not met since the last Board meeting.

CHAIRMAN’S REPORT – Mr. Zelmanow said that it is hoped that the Town Council at its meeting on March 7, 2017, will announce the appointment of the Planning Board’s seventh member. He noted that there will be a second Planning Board meeting this month, on the 20th.

ADMINISTRATIVE REVIEW REPORT – Mr. Poirier reported that two active projects are under review: Greg Isherwood at 19 Bartlett Road and V&M rentals.

ITEM 1 PUBLIC HEARING – Site Plan Review – Carter Development, LLC – request for approval to construct a new two-story, 2,880 sf building at 18 Elm Street, having 2 commercial areas on the first floor and 2 residential areas on the second floor, located on Map 102 L165, Urban Commercial zoning district.

Mr. Poirier said that the item was last before the Board on November 7, 2016 as a pre-application discussion with the applicant self-represented. Since that time, the applicant has retained BH2M Engineers, William Thompson, to represent them through the process. Mr. Poirier said that in addition to Chapter 4, Site Plan, as well as Chapter 2, General Standards of Performance, this project is also governed by performance standards under Chapter 1, Section 1-10, Urban Commercial district.

William Thompson, BH2M, introduced Doug Carter of Carter Development, LLC, and described the project as a mixed use building at 18 Elm Street, abutting Mr. Carter's property, Carter's Automotive, on 2 Railroad Avenue. The lower level of the proposed building will be split into two retail specialty stores, and on the second floor there will be two 2-bedroom apartments. The building currently on site will be demolished. An access easement will be granted from the abutting automotive use for a shared driveway into the two uses. The site is graded toward the back, so all stormwater come back into a collection system at the rear of the site, which will be curbed behind it to keep any transfer of stormwater into the Hannaford site. Stormwater will proceed through two catch basins in a perforated pipe and will go into the automotive site's existing system. The site will be served by public water and sewer, gas and underground electric and other utilities. There will be a handicapped ramp with a 5-foot wide raised walkway along the back of the building

There will be a walkway from the street and 11 parking spaces at the back of the site with one handicapped spot, all accessed in from Elm Street. Because the parking requirement for the mixed use is 17 spaces, Mr. Thompson said that they will request a parking waiver because there is on-street parking available on both sides of Elm Street and because they believe there will be a greater amount of foot traffic to the specialty shops coming from other uses in the area.

Landscaping and lighting will be submitted. Mr. Thompson described the elevations of the proposed building, with a combination of entrances at the rear and the front of the building having a retail entry door with a split entry inside the building. The height of the proposed building will be 30 to 32 feet, measured from ground level to the midpoint on the pitched roof. He said there will be some 3,500 sf of green space. Mr. Poirier will confirm that proposed height with the Code Officer. There will be a combined shielded dumpster use with the abutting Carter's Automotive use. Mr. Thompson described the calculations for the trip generation figures of a total of 90 to 95. A letter of financial capacity will be provided. A curbed concrete sidewalk will be installed in front of this property.

Mr. Herrick commented that Zoning Board Appeal approval was granted for the enlargement or replacement of the existing non-conforming use at 18 Elm Street but it appears that the plan attached to that approval is for a smaller retail space with fewer parking requirements than that before the Board. He asked if there are issues if Board has before it something that is significantly bigger. Mr. Poirier said that he will confirm with the Code Office to get the ZBA findings to clarify that approval.

The Board, Mr. Thompson and Mr. Carter discussed the width of the proposed combined shared access driveway, 36 to 37 feet of paved area, which is too wide to meet standard Village character for the type of use proposed. Mr. Poirier said the drive needs to be narrowed and clearly delineated; Mr. Carter said that he could extend the grass area on Carter's Automotive to close off the parking area. In response to Mr. Herrick, Mr. Poirier said that the Carter's Automotive plan could be amended as part of this project. Mr. Fox suggested the possibility of parallel parking in that area, which could ameliorate the parking waiver request. Mr. Poirier replied to Mr. Herrick that there is no requirement for screening between the two properties because the shared entry will be considered as a creative parking solution.

PUBLIC COMMENT PERIOD OPENED: Phil Gagnon, 91 Gordon Farms Road, said that the proposed plan is an improvement of what is there now and he supports it.
PUBLIC COMMENT PERIOD ENDED.

Mr. Zelmanow said that a waiver for the required parking should include showing 6 off-street parking spaces on the plan if the applicant will be relying on those spaces to meet the site's parking requirements. Mr. Thompson told Mr. Fox that he will take a look at more parallel parking spots as a result of a reconfigured shared entrance so that the waiver will hopefully be for less than 6 spaces. Mr. Thompson said that the applicant will meet with the Town to determine what is required to match the sidewalks on either side of the site. Mr. Poirier advised the applicant that a master sign plan is required to identify the locations for both retail building signs and their sizes, and a free-standing sign.

The Board concurred that no site walk for the project is necessary.

Scott Herrick MOVED and George Fox SECONDED a motion to postpone further review of Carter's Development, LLC's request for site plan approval pending responses to remaining issues and/or finalizing revisions to the plans. Motion CARRIED, 5 ayes (James Anderson absent). [7:36 p.m.]

ITEM 2 PUBLIC HEARING – Site Plan Amendment – Shaw Earthworks – request for subdivision and site plan amendment to add storage, parking and additional drive areas to the existing shop location located at 11 Cyr Drive, Map 29 Lot 2.006 in the New Portland Parkway Subdivision, Industrial zoning district.

Mr. Poirier said this item was last before the Board on January 9, 2017, as a pre-application discussion and noted that the applicant is self-represented. Mr. Poirier said that the lot abuts the Rural district and residential properties, so therefore there are additional buffering requirements under Chapter 2, Section 2-1. In particular, #4 in this section applies, which requires the applicant to shield the contractor storage yard from the view of abutting residential properties as well as from the view of Cyr Drive and New Portland Road. Because the lot is in a subdivision, the applicant will also be required to amend the subdivision plan due to impervious and wetland impacts; if this amendment is done at the same time as the site plan amendment, staff has the ability to waive the subdivision amendment fee. If done separately, the applicant will need to pay the additional subdivision amendment fee.

Brian Shaw, Shaw Earthworks, came to the podium and introduced his brother Brad Shaw. Mr. Shaw said they will provide a subdivision amendment application, they are waiting on a DEP permit number for that amendment. Mr. Shaw said that DEP has reviewed the proposal and has forwarded it to the Army Corps of Engineers, and it is hoped that both approvals should be received within the next month.

Mr. Shaw said at this time their greatest concern is with their proposal to use a retaining wall with plantings on top to serve as the required screening from abutting properties, but staff has recommended that a fence should be erected on top of the wall instead. Mr. Shaw said their preference is for landscape plantings such as shrubs or trees. Mr. Poirier said that the fence on top of the wall is an option that would allow the applicant to utilize as much of the gravel storage area as possible without taking up a lot of area for landscaping.

The Board discussed with Mr. Shaw the options for planting landscaping as opposed to a fence. Mr. Herrick said he believes it would be a challenge to provide adequate buffering with landscaping on the wall. Mr. Shaw said he believes it would be more of softening rather than hiding. In reply to Mr. Pratt, Mr. Shaw said that the proposed wall would be some 12 feet higher than the road and 180 feet from the

road, with the abutters across on the other side of New Portland Road. Mr. Fox indicated that the landscaping on top of the wall would need to be more mature to truly provide any kind of buffer. Mr. Pratt agreed, noting that the plantings would need to be closer together to buffer the abutters at grade.

Mr. Shaw said they will contact a landscape architect to determine what kind of trees would be appropriate, especially so that their root systems do not adversely impact the wall itself. They also propose a timber guard rail and to give up some of the storage area for landscaping.

The Board concurred that no site walk is required for this project.

PUBLIC COMMENT PERIOD OPENED: None offered.

PUBLIC COMMENT PERIOD ENDED.

Scott Herrick MOVED and George Fox SECONDED a motion to postpone further review of Shaw Earthworks, Inc.'s request for site plan approval pending responses to remaining issues and/or finalizing revisions to the plan. Motion CARRIED, 5 ayes (James Anderson absent).
[8:00 p.m.]

ITEM 3 SUBDIVISION AMENDMENT – Diversified Properties – request for approval of a Third Amendment to Gordon Farms Subdivision Phase II to modify the approved alignment of the 50 foot right-of-way (Madison Way), located at 79 Gordon Farms Road, Map 45 Lot 23.422, Rural zoning district.

Mr. Poirier told the Board that in July of 2013 the applicant received approval for a private way and a right-of-way extension to abutting property at 79 Gordon Farms Road. The private way has not been constructed, and the applicant is now seeking approval to relocate the right-of-way and replace the private way with a road to serve a subdivision in a lot to the east, which is on for the Board's review this evening as Item 4, to be known as "Madison Way Subdivision." Net residential density calculations need to be done and added to the plan. Mr. Poirier said that all information pertaining to the construction of the road and utilities on that application will need to be added to this application and removed from the subdivision approval on the abutting lot.

Douglas Reynolds, Gorrill Palmer, came to the podium and told the Board that approval was granted for a right-of-way to access to Map 47 Lot 2, but a modification to the proposed right-of-way is now necessary to reduce wetland impacts. The proposed amendment includes the removal of the turnaround right-of-way at the beginning of the roadway. A remaining portion of 79 Gordon Farms Road will be conveyed to the applicant in the next item on the Board's agenda; 79 Gordon Farms Road will be approximately 69,000 square feet, which is greater than the required minimum lot size and will therefore remain a conforming lot after the land conveyance.

Mr. Herrick confirmed that the amendment is to re-align the road for the next project. Mr. Reynolds told Mr. Zelmanow that the original right-of-way location would have created 13,000 square feet of additional wetland impact, and DEP would not allow that.

PUBLIC COMMENT PERIOD OPENED: Phil Gagnon, 91 Gordon Farms Road, said that this subdivision was approved by the Planning Board and it has a homeowners' association with covenants that are applicable. A proxy vote of 24 out of the 38 subdivision lot owners oppose this application, that the last right-of-way dirt conveyance was not in accordance with the subdivision's deed restrictions and covenants and any proposed conveyance of utilities would also not be in accordance with those restrictions. Mr. Gagnon said that an attorney has advised that the applicant does not have sufficient

right, title or interest to proceed and their plan to install a right-of-way is clearly prohibited, as shown in an example cited by Mr. Gagnon of a similar case heard in Maine's Supreme Court. Mr. Gagnon asked the Board to deny approval to this application.

Mr. Reynolds replied to a question from Mr. Zelmanow that what is proposed now from what was approved in 2013 is an extension of a 20 foot wide road with 4 foot shoulders and is a way to access the back lot. Mr. Gagnon said the homeowners' association opposed the right-of-way in 2013 as not being in compliance with the association's deed restrictions, that the applicant never got the 20 signatures required, but the Planning Board approved it anyway; if it has been recorded, they will "go backwards" and file a restraining order. Mr. Poirier said that in 2013 the applicant received approval for a one-lot private way and a right-of-way to abutting property. Mr. Zelmanow confirmed with Mr. Gagnon that the homeowners' position is that the current approval was not authorized. Mr. Poirier said the Town does not enforce private covenants, so the subdivision association can take the matter to court asserting that the applicant is in violation of subdivision requirements. Mr. Poirier said that staff will ask the Town Attorney to review the submission of materials from Mr. Gagnon, including the court case he cited, and to provide an opinion for the Board, as well as a determination of whether the previous approval is still valid. Mr. Poirier said that the Board's charge is to determine if the proposal meets the Town's ordinance requirements.

Mr. Zelmanow asked that a copy of the existing plan be provided as well as the proposed plan, something he would like all applicants to provide going forward.

Jim Cupps, 33 Mercier Way, asked that the wetlands in the area and any impact on them be carefully evaluated.

PUBLIC COMMENT PERIOD ENDED.

Mr. Zelmanow reiterated that the Town Attorney should be asked to review the subdivision homeowners' documents and restrictive covenants, and to determine whether or not the current amendment is valid, and if there is anything that the Board needs to do or if the homeowners need to do anything to invalidate that approval so the current proposed amendment cannot go forward. Mr. Herrick said once again that the Board does not enforce private covenants.

Scott Firmin MOVED and Lee Pratt SECONDED a motion to table further review of Diversified Properties' request for Gordon Farms Phase II third subdivision amendment approval pending responses to remaining issues. Motion CARRIED, 5 ayes (James Anderson absent). [8:40 p.m.]

ITEM 4 PRELIMINARY SUBDIVISION REVIEW – W.A. One – request for approval of a 9-lot subdivision on property located off Gordon Farms Road, Map 47 Lot 2, Rural zoning district.

Mr. Poirier advised the Board that this item was on for pre-application discussion on August 1, 2016, at which time the Board determined that the clustered form of development was the best form for the site with some configurations to lots 1 and 2. No vote was taken at the pre-application conference, so the Board will need to vote that the clustered subdivision is the best form of development for the site at some time in the review process. He said the applicant is requesting a waiver from the requirement for a high intensity soil survey, the location of trees over 5 inches in diameter, and a nitrate plume analysis. Mr. Poirier said that this project does require a net acreage calculation so a high intensity soil survey is required and cannot be waived for the entire site. However, the Board could agree that those areas already deducted from the net acreage calculations do not need to have the high intensity soil survey, but those areas that are not deducted would require the high intensity soil survey to be completed.

Mr. Poirier said that staff has received some requests for connections to abutting lands with a right-of-way, the latest being from Nate Hurteau on March 5, which has been provided to the Board. Staff has also received a letter from Rob Lavoie, Chairman of the Gorham Conservation Commission, identifying a request that this project's open space be deeded to the Town for both use of the trail use and the open space.

Douglas Reynolds, Gorrill Palmer, representing the applicant W.A. One, advised that the traditional subdivision meets all zoning requirements, has a much larger footprint over the development area, whereas the clustered subdivision provides a much larger open space. The traditional subdivision encompasses close to a 9.8 acre development window versus the clustered window which is approximately 4.5 acres. The conventional road way is approximately 1,500 feet and in the clustered it is 1,200 feet. Wetland impacts from the traditional subdivision are some 17,000 square feet as opposed to 9,000 square feet of impact with the clustered. Of the total parcel of 41.5 acres, the proposal is to donate to the Town of Gorham approximately 8.5 acres as a conservation parcel, with the remaining 33 acres of land to contain 9 residential lots. For these reasons the developer prefers the clustered form of development.

Mr. Reynolds said that the road way is proposed to be 20 feet paved width with 4 foot gravel shoulders. An existing 8" water main is proposed to be extended from Gordon Farms Road to the turnaround, and conduits for electric, telephone and cable will also be extended to the lots. Each lot will be served by a private septic system. The site has been delineated for wetlands impact and permits from DEP will be required for stormwater and NRPA. Stormwater will be managed by the use of a wet pond, located behind lots 7 and 8, and a underdrained soil filter located behind lots 5 and 6. The lots would be developed by the developer and the stormwater improvements would be constructed by the developer as well. Mr. Reynolds said they will meet with staff to address the issues brought on by the Gordon Farms Subdivision covenants.

Mr. Pratt confirmed that the lots will be served by public water and private septic systems. In reply to Mr. Zelmanow, Mr. Reynolds said that the existing snowmobile trails slightly to the back of the property will be moved into the open space so as not to cross any property lines. Mr. Reynolds said that the open space does provide access down to the Little River, allowing the Town to use that and the trails as well. Nothing will be constructed down to the River, but access will be allowed. Mr. Fox said that in a clustered subdivision there is a higher expectation regarding the use of open space, and he questioned whether maintaining existing trails is the best use of the open space.

Mr. Herrick asked about the man-made pools on lot 9; Mr. Reynolds said they are considered man-made and not vernal pools by the wetlands scientist and were created by skidder trails or 4-wheeler trails. Mr. Reynolds said that none of the man-made pools are being filled because the building envelopes on each lot will restrict that.

Mr. Zelmanow asked the Board whether the conventional or the clustered development is preferred. Mr. Fox said he would prefer the clustered if there are some improvements made in how the open space is utilized. Mr. Zelmanow agreed. Mr. Pratt asked how wet is the open space on the property; Mr. Reynolds pointed out areas on the plans that are wetlands and upland dry areas.

As Mr. Zelmanow was asking for a motion for the Board's preferred form of development, members of the public asked if they could comment on which form would best suit the site.

PUBLIC COMMENT PERIOD OPENED: Andrew Christakis, 110 Gordon Farms Road, said he does not believe that the clustered form of development is in keeping with the abutting neighborhood to which it would be connected, and he feels there is no suitable area for public parking to access the open

space or trails because parking could only occur in people's driveways or in front of their houses which would be improper on a 20 foot wide road.

Phil Gagnon, 91 Gordon Farms Road, asked if the proposed re-alignment of the private way due to wetland impact on the traditional did not indicate that the traditional form has been chosen. Mr. Zelmanow said that nothing is final until the Board votes. Mr. Fox noted that the clustered form of development would have a much smaller impact on the wetlands. Mr. Reynolds said that with the realigned road and the cluster, wetland impact is around 9,000 square feet.

Janet Zidle, 46 Mercier Way, said that she understands that the clustered lots would be smaller, so that would mean that the houses would have to be smaller than what their subdivision covenants required them to build. She believes this would impact resale value in their neighborhood.

Jenny Skolfield, 73 Gordon Farms Road, abutter to the parcel under discussion, said that the lots and house sizes would be smaller than in their neighborhood.

Mr. Zelmanow said that the Board cannot take into consideration the size of the homes that might go on the lots when it makes a determination of preference between conventional and clustered development; the Board considers wetland impact and impervious surface, but what may or may not be built on there and its potential valuation impact on neighboring communities cannot be taken into consideration. Mr. Herrick asked what the footprint of the houses would be; Mr. Reynolds replied that a two-story house would be around 3,000 square feet. Mr. Herrick said it would be the same building envelope, even though the lots are smaller.

Ms. Skolfield said she uses the trails often, is very concerned about the wetlands, and cannot imagine anyone taking a kayak down to the River. She encourages the Board to do a site walk in the area. Mr. Fox asked Ms. Skolfield if, as an active user of the area, she has any suggestions on how the area could be bettered. Mr. Zelmanow said that question should be saved for the open public comment period as a question to be posed to the abutters on a more developed usage of the open space.

Andrew Christakis, 110 Gordon Farms Road, asked if it would be advantageous for the Board to consider doing a site walk. Mr. Zelmanow said that the wetlands are delineated on the plans, but he would recommend having a site walk.

The Board concurred that the clustered form of development is the better form for the site because of its lesser impact on the wetlands, but agreed that some better use of the open space should be considered.

\ **Scott Herrick MOVED and Lee Pratt SECONDED a motion finding that the clustered form of development with better open space use is the preferred form of development for the site. Motion CARRIED, 5 ayes (James Anderson absent).**

PUBLIC COMMENT PERIOD OPENED: Jim Cupps, 33 Mercier Way, asked if the clustered form would be the same number of residences, and has a traffic assessment impact been done of those residents on the existing neighborhood. He said there are many children playing out in the streets and they are concerned what impact the higher level of traffic will have. Mr. Cupps said that the wetlands are very wet and the Board should look at them. Lastly, Mr. Cupps asked what are the plans for beyond this piece of property because these designs have a negative impact and change the fundamental character of their neighborhood.

Mr. Reynolds said there are 9 lots proposed on both forms of development, the traffic generated from 9 houses is a couple of trips per house per hour. The wetlands were delineated by a certified wetlands

scientist and it is tough to know where you are when you are out walking in the woods. Mr. Zelmanow confirmed that a permit is required from the DEP for the wetland impact.

Andrew Christakis, 110 Gordon Farms Road, the average lot size in the Gordon Farms neighborhood is 2.3 acres and it is going down to 1.2 acres in the proposed development, a significant difference and it won't feel like a part of the neighborhood. The average assessment in their neighborhood is \$380,400 and he believes that these houses will be much less, again impacting their values. Gross square footage in their neighborhood averages at 5,293 square feet both in Gordon Farms and Mercier Way. Average living square footage is 2,600 square footage as compared to 1,800. Mr. Christakis said they have protective deeded covenants and asked if this proposed development will also have them. Examples of their covenants is a minimum of 2,000 sf for a two story home, single story 1,700 sf, split foyers are not permitted. He is concerned that these homes would be of much small size and stature. Their protective covenants are to protect their investments, there are designed to create a shared standard and insure that there is relative value that is maintained. There is no intent to extend to a neighborhood that doesn't have the same covenants.

Mr. Christakis asked why the developer is proposing to go from a 24 foot road to a 20 foot road, especially in light of the usage of the open space as there will be no parking that would be available on a 20 foot road. He also does not understand why a hammerhead is proposed instead of a cul-de-sac, especially for safety concerns. Mr. Christakis asked why there would be an extension to abutting property such as a 50-foot right-of-way to Mr. Hurteau's property at the back of lot 4, if that would be turned into a right-of-way to extend to Libby Ave, which would create an unreasonably large amount of traffic going through. Mr. Christakis said there are issues in the open space now and opening additional space without adequate lighting would attract more of that kind of use. He said he hoped that the trails could be improved with the road extended perhaps in gravel form to create parking down by the River.

Phil Gagnon, 91 Gordon Farms, said when the performance bond was dropped by the Town there was unfinished electrical work to some of the lots.

Michelle Christakis, 110 Gordon Farms, said she is dismayed that the Board cannot consider property values. She said she has concerns with going to a 20 foot road without a cul-de-sac and related safety issues. She would like a guarantee that this will not abut to a third neighborhood and this will not be a conduit to somewhere else. She is concerned about the open space being set up for public use, which will mean much more traffic. She said she is not opposed to development in Gorham within proper constraints.

Mr. Zelmanow said it is refreshing to hear that someone is not opposed to development, because many times people lose sight of the fact that the house they live in was part of a development at one time when abutters would have preferred open space instead of a development. Mr. Zelmanow stressed that the Board cannot predict or forecast or take into consideration what may be built next to it, what a third community might be built off it, but must limit consideration to what is in front of it, to the four corners of the application and the plan. Mr. Herrick said that staff's concerns about safety are always taken into consideration.

Paul Ottoson, 72 Gordon Farms Road, disagreed with traffic numbers, where will people park to access all this public land, which is mostly wetland, safety issues, proposed right-of-way seems it is obvious someone is looking to access more land. Has concerns about traffic cutting over to Libby Ave, which will be a cut-through.

Mr. Zelmanow commented that to cut over to Libby would mean spanning Tannery Brook, which would be very costly. He also noted that every property owner has the right to develop his land so long as it meets the requirements of the Land Use Code.

Will Zidle, son of Matt and Janet, 46 Mercier Way, expressed concerns about traffic issues and safety problems that can come with developments other than this one that can affect the neighborhood. Mr. Zelmanow commended Will for coming to the podium and offering his perspective.

Tiffany Cupps, 33 Mercier Way, asked what the Town proposes to do with the land it is getting from the developer. Mr. Zelmanow said that this is where the Conservation Commission comes in. Mr. Poirier said that it would be used for recreation and trails. Ms. Cupps asked if the whole town would be using this community park, they did not buy their home for traffic to come like that, and it wouldn't be safe for children. She said that the Planning Board should be planning for their future. Mr. Zelmanow and Ms. Cupps discussed at length how open space is provided throughout the Town to its residents.

Mr. Herrick said that the recourse for people who don't want development is to buy the land that abuts them. Ms. Cupps said she is not opposed to the development of an addition to their subdivision, she is opposed to opening up traffic flow from the entire Town on the roads in their subdivision which are dangerous for people who are not familiar with them who would be looking for this public park. Mr. Poirier said it would not be a "park" and the roads are designed by engineers to safety standard protocols set out in the Land Use Code. Mr. Zelmanow asked staff to check with the Conservation Commission to see what traffic uses are in residential communities which already have open access to the public.

E-mail correspondence from Nate Hurteau, March 5, 2017:

"Hi, Tom,

This is Nate Hurteau. Tis email is to follow up our conversation that we had a few months ago regarding the subject property. The property I own at 439 Libby Ave map 47 lot 4 abuts the proposed subdivision continuation of Gordon Farms. My property contains approximately 14 +/- acres. Due to the site restrictions of the Libby Ave side of my property, future development of the parcel would be difficult. Such restrictions include but are not limited to: A excessive elevation drop coming off of Libby, well exceeding a ten percent grade and a wide section of the Tannery Brook that would need to be crossed. With respect to future development of my parcel, I am asking the planning board to consider a ROW from Gordon Farms to my parcel be added to the subdivision plan before the approval process. My engineer/surveyor can provide any necessary information/fieldwork necessary. If anyone has any questions, I can be reached any time via email or phone at 207-839-5615. Thank you for your consideration.

Nate Hurteau"

PUBLIC COMMENT PERIOD ENDED

Mr. Zelmanow said that in order to accommodate parking for use of the open space, the road could be extended past lot 3 and along side lot 2 and into the beginning of the open space and creating a small gravel parking area for 3 or 4 vehicles to park. Mr. Reynolds said they would certainly consider doing that. Mr. Zelmanow suggested creating access to the River. Mr. Poirier said that Rob Lavoie, Chairman of the Conservation Commission, probably is familiar with the area and could offer some suggestions.

Mr. Reynolds said that there will be covenants for this development, the developer owns lot 22 in the Gordon Farms Subdivision and is familiar with those covenants and can add to them. The 20 foot wide road meets the rural standard, has 4 foot shoulders along each side and ditching so snow will cascade off.

The hammerhead design meets the standards of the Town and is designed so that fire trucks and all other vehicles can maneuver properly. The suggestion about the parking area for use of the trails is acceptable. The right-of-way shown to abutting property is required by the Town, but Tannery Brook is a considerable barrier to access Libby Ave and the developer has no ownership on any of those properties. Mr. Fox commented that the width of this roadway is different from that in Gordon Farms Subdivision, and asked Mr. Reynolds if they would be open to reconsidering that width to be more in line with what already exists. Mr. Reynolds said he would discuss that with the developer. Mr. Zelmanow suggested a width of 22 feet.

Jim Wolfe, developer, said they have not discussed with anyone what is going to be built in that area, there are no plans and no contracts, now their intent is to get the project approved, and see what the market demands. Basically they are thinking of houses such as those in The Crossing. They have had no conversations with anyone out back, their intent is to do this project only. They would welcome input from representatives of the neighborhood to incorporate into their next submission to the Town.

Even though the issues raised in Item 3 need to be addressed, Mr. Zelmanow directed staff to schedule a site walk. The center line of the roadway and corners of the lots should be staked out.

Ten Minute Break to 9:05 p.m.

Mr. Zelmanow announced that due to time constraints, Items 7 and 8 will be continued to the Board's second March meeting on the 20th.

Scott Herrick MOVED and George Fox SECONDED a motion to take Item 6 out of order prior to Item 5. Motion CARRIED, 5 ayes (James Anderson absent). [9:06 p.m.]

ITEM 6 PUBLIC HEARING – Subdivision and Site Plan Amendment – STJ, Inc. request for approval of an amendment to Brackett Brook Condominiums, approved September 9, 2016, to change private water mains to public water mains and to transfer a small portion of the land to the Town of Gorham, on property located on 3.45 acres off 210 Huston Road, Map 111 Lot 46, Urban Residential and Manufactured Housing zoning districts.

Mr. Poirier said that this project was approved on September 9, 2013, with a private water main to serve the condominium units. The applicant would now like to consider an easement to the Portland Water District for a public water main and deeding over a small section of 550 square feet to the Town to be merged into the Huston Road right-of-way that contains a fire hydrant. The item is on for public hearing instead of as a consent agenda because it is a site plan approval amendment and everything is in order for approval.

Mr. Firmin said that while he works for the Portland Water District, he believes that he can participate impartially on the discussion of this item and does not believe he needs to recuse himself.

Edward Zelmanow MOVED and Scott Herrick SECONDED a motion to allow Mr. Firmin to participate in the review of the item. Motion CARRIED, 4 ayes (Scott Firmin abstaining and James Anderson absent).

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

The applicant is aware of the Conditions of Approval.

Scott Herrick MOVED and George Fox SECONDED a motion to grant STJ, Inc.’s request for a subdivision amendment to change ownership of the private water mains to public water mains and to transfer a small portion of land to the Town of Gorham on the 14-unit residential condominium project located on 3.45 acres off Huston Road on Map 111 Lot 46 in the Urban Residential and Manufactured Housing zoning districts, based on Findings of Fact and Conditions of Approval as written by the Town Planner. Motion CARRIED, 5 ayes (James Anderson absent). [9:35 p.m.]

ITEM 5 FINAL SUBDIVISION REVIEW – John Peters LLC – request for approval of Webb Farm, a 7-lot residential subdivision on 12.14 acres off Clay Road on Map 54 Lot 19.101, Rural zoning district.

Mr. Poirier said that this applicant received preliminary approval at the Board’s January 9, 2017 meeting. During that meeting, the Board discussed with the applicant open space, a right-of-way to abutting property owner’s parcel on Watts Drive, the need for sidewalks, street trees and street widths. A letter has been received from Rob Lavoie, Chairman of the Gorham Conservation Commission, requesting an easement area over the proposed trail for the ability to maintain the trail but not the requirement to do so.

Bill Thompson, BH2M Engineers, introduced the applicant John Peters. The trail system will be developed with little or no disturbance with a 15-foot easement around it. A 50 foot right-of-way easement is shown to abutting property on Watts Drive. Net residential calculations and nitrate plumes have been added to the plans. There will be a continuous 10 foot easement outside the right-of-way to allow for utilities or transformer pads. There will be no sidewalks, the road will be designed to the rural standards, 20 feet wide with 4 foot shoulders. There will be a clustered mailbox at the road entrance. The applicant has agreed to the upgrades requested by the Public Works Director to the culvert improvements. Homeowners’ documents and protective covenants will be addressed per the Town Attorney’s comments.

In response to Mr. Zelmanow, Mr. Thompson said they have not yet received their Permit by Rule.

Mr. Herrick confirmed with Mr. Thompson that there will be no sidewalks. Mr. Thompson said sidewalks would have changed the stormwater design and there are no sidewalks on Clay Road to connect to. Mr. Zelmanow said he is comfortable with no sidewalks.

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

Mr. Zelmanow asked if the remaining issues should be addressed by consent agenda or could be conditioned. Mr. Poirier said that the plans probably could not be signed until the Board’s next meeting anyway. A consensus of the Board is that the project can be approved with a condition of approval covering all the outstanding issues. Mr. Poirier crafted a new Condition of Approval #15 as follows: “That the applicant will address all outstanding staff comments and will receive the Maine DEP Stormwater Protection by Rule permit prior to the Planning Board’s endorsement of the final plan.”

Mr. Thompson said they are satisfied with the Conditions of Approval as amended this evening.

George Fox MOVED and Lee Pratt SECONDED a motion to grant John Peters LLC’s request for final subdivision and private way approval for Webb Farm Subdivision and Benjamin Way private way off Clay Road located on Map 54 Lot 19.101, Rural zoning district, based on

Findings of Fact and Conditions of Approval as written by the Town Planner and amended this evening by the Planning Board. Motion CARRIED, 5 ayes (James Anderson absent).
[9:52 p.m.]

OTHER BUSINESS Items 7 and 8 will be heard at the Board's March 20, 2017 meeting.

ANNOUNCEMENTS Mr. Zelmanow determined that the Board will have a workshop before the April meeting to discuss the proposed ordinance amendment for agricultural event centers.

ADJOURNMENT

Scott Firmin MOVED and Lee Pratt SECONDED a motion to adjourn. Motion CARRIED, 5 ayes (James Anderson absent). [9:56 p.m.]

Respectfully submitted,

Barbara C. Skinner, Clerk of the Board
_____, 2017

ITEM 5 STJ, Inc. Amendment to Brackett Brook Condominiums

CHAPTER 3 - SUBDIVISION, SECTION 3 - PRELIMINARY PLAN

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

C. PRELIMINARY PLAN REVIEW

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

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

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

The Comprehensive Plan identifies this area as Village Residential. The plans meet the requirements of the Urban Residential zoning district for density.

Finding: Brackett Brook Condominiums conform 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.

Access to Brackett Brook Condominiums is via Tucker Drive and Tall Pine Bluff, which will be constructed to the Town's Urban Access road standard. Tall Pine Bluff and Tucker Drive are dead end drives that exit onto Huston Road.

The roads have been named Tucker Drive and Tall Pine Bluff and both names have been approved under E911 naming requirements.

Finding: Brackett Brook Condominiums 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 condominium units will be served by underground power, telephone, cable lines, and natural gas as shown on Plan and Profile: Sheet 4 of 7.

Finding: Brackett Brook Condominiums 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 condominium units will continue to be served by a 4" public water main extended from the Portland Water District's 8" water main located in the Huston Road right-of-way. The water main design and installation must meet the requirements of the Portland Water District.

The applicant is proposing to convey over 550 sq.ft. of lot area off Huston Road for the area occupied with the existing fire hydrant.

Finding: *Brackett Brook Condominiums provide for adequate water supply for present and future needs.*

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

The sewer mains and pumps located within the condominium development are required to be maintained by the Brackett Brook Condominium Association.

The southern 5 duplex condominium units will be served by 8" gravity sewer with the 2 northern duplex units being served by 2" low pressure force main sewer.

Finding: *Brackett Brook Condominiums 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.

The proposed condominium buildings will have two dwelling units per building. Storm water from the site will be treated in storm water infrastructure meeting the Maine Department of Environmental Protection's and the Town of Gorham's storm water requirements. The dwellings units' sewage disposal will be treated in the Portland Water District public sewer system.

Finding: *Brackett Brook Condominiums will not result in undue pollution of air, or surficial or ground waters, either on or off the site.*

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

The proposed construction of the condominium units and proposed road will not impact any wetlands or waterbodies. The wetlands on the northern edge of the site will be located in common space and protected from development.

Finding: *Brackett Brook Condominiums 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.

Brackett Brook is located on the northern edge of the lot. The stream is not located in any of the Town's Shoreland Overlay districts. No disturbance is proposed to occur within 60' of the proposed stream.

Storm water maintenance has been designed in accordance with state, Federal, and local requirements prior to discharging into groundwater or into abutting wetland and stream.

Finding: Brackett Brook Condominiums 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 layout of the buildings and road will not impact any wetlands or other natural features on the site.

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

Finding: Brackett Brook Condominiums 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.

No changes to the applicants' financial or technical capacity are proposed.

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

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

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

Finding: Brackett Brook Condominiums will be responsible for providing open space and recreational land and facilities to meet the additional demand created by residents of the subdivision.

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

The applicant is required to form a condominium association for the development. The condominium association will maintain the land located outside of the individual condominium units, storm water infrastructure, and utilities located on the lot.

Finding: Brackett Brook Condominiums will have common space within the subdivision in accordance with the Planning Board requirements and the condominium association shall be required to provide for the perpetual care of commonly owned land.

CHAPTER 3 - SUBDIVISION, SECTION 4 –FINAL PLAN REVIEW

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 approval of the application is an amendment to an approved subdivision so preliminary and final approvals are not required.

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 approval of the application is an amendment to an approved subdivision so preliminary and final approvals are not required.

Finding: Not applicable.

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

The Planning Board, following review of the Site Plan Amendment 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 proposal is to construct six two-unit condominium buildings located on the western half of the lot. The very northern portion of the lot will remain undisturbed.

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.

Vehicular access to the site will be on Tucker Drive and Tall Pine Bluff which will be built to the Town's Urban Access road standard. Tucker Drive and Tall Pine Bluff will be dead end roads that exit onto Huston Road.

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

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

The proposed Tucker Drive and Tall Pine Bluff will be designed to the Town's Urban Access road standard.

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

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 western side of Tucker Drive will have a hammerhead meeting the requirements of the Town.

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.

A sidewalk will be located on the western side of Tucker Drive. The sidewalk will connect to the existing sidewalk located along Gray Road via a sidewalk proposed to be located along Huston Road.

Finding: *The layout of the site provides for a system of pedestrian circulation within and to 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.

The applicant is proposing to construct a storm water pond located at the end of Tucker Drive and Tall Pine Bluff. Storm water will also be treated in a smaller pond located along the eastern property boundary. Storm water from the site will be collected, treated, and discharged via storm water level spreaders.

Finding: *The site has adequate provisions 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.*

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.

During construction a filter berm or silt fence will be installed along the edge of the disturbed area, as shown on the Plan and Profile: Sheet 4 of 7. 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 project, building, and site designs and roadway layouts will fit and utilize 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 condominium units will be served by public water from the Portland Water District. A 4" water main will be extended into the site from the existing 8" water main located in the Huston Road right-of-way. The water main design and installation are required to meet the requirements of the Portland Water District.

Finding: 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.

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 condominium units will be served by private sewer which will connect into the Portland Water District's sewer main in Huston Road. A gravity sewer system will collect sewerage from 10 units with 2 units having low pressure sewer mains. The maintenance and operation costs of the sewer system located on the lot are the responsibility of the Brackett Brook Condominium Association.

Finding: The sanitary sewer system will be installed at the expense of the developer meeting the requirements of the sewer user ordinance.

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

The units will be served by underground power, cable, and telephone.

Finding: The development will be provided with electrical and telephone service adequate 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 proposal requires no clearing of trees to construct the condominium units, the proposed road, or storm water infrastructure. No wetland impacts are proposed.

The trees and wetlands located on the northeastern half of the site will remain undisturbed.

Finding: The landscape will be preserved in its natural state insofar as practical by minimizing tree removal, disturbance and compaction of soil, and existing vegetation will be retained insofar as 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 storm water in a pond located at the end of the road and along the eastern property boundary which provide storm water an opportunity to infiltrate into the ground. The condominium dwelling units will not utilize groundwater for use by the occupants of the units.

Finding: *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.*

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 applicant is proposing residential scale lighting on the units. No flood lights or pole lights are proposed as part of the development.

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

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

Trash removal will be through the Town's solid waste provider.

Finding: *The development will provide 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 has submitted a Landscaping Plan: Sheet 5 of 7 showing the location of 14 street trees along the western side of the proposed road. The applicant is proposing not to disturb the trees located along the northern edge of the lot.

Finding: *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.*

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 lot is not located in a Shoreland Overlay District. The applicant is proposing to treat storm water in storm water ponds before being discharged into upland areas near the wetland and Brackett Brook. No impacts are proposed to the stream or associated wetlands.

Finding: *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.*

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

The applicant has submitted a letter from Gorham Savings Bank, dated April 27, 2016, from Karl Suchecki, Senior Vice President.

Finding: *The applicant has demonstrated that it has the financial and technical capacity to carry out the project in accordance with this 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 proposal is to retain the existing trees located along the northern property line.

Finding: *The development will provide for buffering of adjacent uses where there is a transition from one type of use to another use and 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 (7 a.m. - 7 p.m.) and 50 dBA nighttime (7 p.m. - 7 a.m.).

Finding: *The development will comply with the A-weighted hourly equivalent sound level limits of 60 dBA daytime (7 a.m. – 7 p.m.) and 50 dBA nighttime (7 p.m. – 7 a.m.).*

CONDITIONS OF APPROVAL

1. That this approval is dependent upon, and limited to, the proposals and plans contained in this application and supporting documents submitted and affirmed by the applicants and that any variation from the plans, proposals and supporting documents is subject to review and approval by the Planning Board, except for minor changes which the Town Planner may approve;
2. That the applicant shall provide property line information and site information in auto-cad format to the Town Planner;
3. That the houses shall be properly numbered with the numbers being visible from the street year round;
4. That the street name shall be approved by the Police and Fire Chiefs;
5. That the underground electric lines shall be inspected by the Code Enforcement Officer prior to backfill;
6. That the streets shall be properly named and signed with Town approved street signs and street signs shall be in place as soon as the driveway is constructed;
7. That the applicant shall make all the required changes to the plan meeting Town Staff approval prior to the Planning Board's endorsement of the final plan;
8. That prior to the commencement of construction, the applicant, applicant's engineer and earthwork contractor shall have a pre-construction meeting with the Town's Engineer, Town Planner, Code Enforcement Officer, Public Works Director and Fire Chief;
9. That the private driveway shall be properly maintained for access of emergency vehicles year round;

10. That the applicant shall put a cash escrow of \$12,000.00 for sidewalk construction and \$12,000 for road repairs in the vicinity of Huston Road;
11. That the applicant is responsible for recording the approved Condominium Association documents within 90 days of the date of approval of the subdivision by the Planning Board and a recorded copy of the Condominium Association documents shall be returned to the Planning Department prior to a preconstruction meeting being held;
12. That the proposed water main shall be designed and constructed to meet the requirements of the Portland Water District's email dated March 2, 2017;
13. That the applicant shall submit all the required legal documents for the transfer of the 550 sq.ft. of land to the Town of Gorham to the Planning Office meeting the approval of Town staff and the Town Attorney prior to the issuance of the final occupancy permit being issued within the development;
14. That the two buildings located north of the proposed road must have their lower floors, including basement, a minimum of one foot above the 100 year floor elevation and must have this elevation certified by a professional engineer, surveyor or architect prior to start of construction;
15. That the Planning Board Chairman is authorized by the Planning Board to sign the Findings of Fact on behalf of the entire Board;
16. That the subdivision/site plan shall not be released for recording at the Cumberland County Registry of Deeds until the required performance guarantee has been posted meeting the approval of Town Staff; and the subdivision plan is required to be recorded within one year of original approval or the approval becomes null and void; and
17. 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 prior to a pre-construction meeting being held.

ITEM 5 JOHN PETERS LLC – Webb Farm, 7-lot Residential Development off Clay Road

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 – 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 30,000 square feet to 35,560 square feet with street frontage for the lots ranging in size from 120 ft. to 378.21 ft.

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

The applicant has provided a Net Residential Density Plan, which shows that the lot can support 7 single-family house lots.

Finding: Webb 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 will have legal road frontage on Benjamin Way, which has been designed to the Town's Rural Access Road standards.

Finding: Webb 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 single-family homes located in the subdivision will be served by underground power, electric and telephone lines, the Town's contracted waste disposal contractor, and residential home sprinkler systems.

Finding: Webb 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 subdivision lots will be served by individual drilled bedrock wells with well steel casings being installed at a minimum of 15 feet into competent bedrock and the annular space between bedrock boreholes and steel casings being sealed with grout. Sevee & Maher Engineers, Inc.'s Figure 2 Groundwater Nitrate Plumes identifies areas acceptable for placement of residential water supply wells. Lots will have wells located in the areas identified in the plan as being acceptable for placement of wells unless the applicant can provide the Code Enforcement Officer with a report from a licensed hydro-geologist stating that the new location will comply with safe drinking water standards.

Finding: Webb Farm 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.

Sevee & Maher Engineers, Inc.'s Figure 2 Groundwater Nitrate Plumes: identifies the locations for septic systems as well as the nitrate plume flows. Each lot will have its septic system located as shown on the plan, unless the applicant can provide the Code Enforcement Officer with a report from a licensed hydro-geologist stating that the new location will not impact any drinking supply wells or negatively impact the abutting lots' ability to locate drinking supply wells as shown on Sheet 4.

Finding: Webb Farm 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 served by road ditches which will direct storm water into the subdivision's open space. Sewage disposal from the site will be treated in subsurface disposal systems designed by a Maine Licensed Site Evaluator.

Finding: Webb 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.

All the residential house lots and the open space will be loamed and seeded to prevent soil erosion. The majority of the storm water from the subdivision will be directed to the forested area in the subdivision's open space.

Finding: Webb 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.

A storm water management plan, dated December 2016, has been submitted which identifies that storm water will be managed by routing the flows into the forested area in the open space.

The applicant has also submitted Sheet 4, Details A, which identifies how erosion control measures will be implemented on the site.

Finding: Webb 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 residential subdivision is proposing to protect 4.54 acres of open space which will remain in its natural state. No scenic vistas, historic sites or irreplaceable natural or manmade assets have been identified on the site.

Finding: Webb 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.

The applicant has provided a statement from Norway Savings Bank, identifying that it has sufficient funds to complete the project.

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 seven (7) lots within the subdivision.

Finding: Webb Farm 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 proposing to create 4.54 acres of open space with a walking trail. The remaining open space will be utilized as a buffer both visually and for storm water purposes. The Webb Farm Subdivision homeowners' association shall be required to take care of the common open space, hiking trails, and the storm water drainage infrastructure.

Finding: Webb Farm Subdivision is proposing to create open space and recreational land and facilities within the subdivision in accordance with the Planning Board requirements and the Webb Farm Subdivision homeowners' association shall be required to provide for the perpetual care of commonly owned recreation land.

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.

The proposal was given preliminary subdivision approval on January 9, 2017. The applicant has provided a final subdivision review packet.

Finding: *The applicant has submitted the required subdivision plan and accessory documentation showing that the required changes requested by the Planning Board at Preliminary Subdivision approval have been completed.*

- 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 was given preliminary subdivision approval on January 9, 2017.

Finding: *The plan is approved by the Planning Board within 12 months of Preliminary subdivision 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 the houses shall be properly numbered with the numbers being visible from the street year around;
4. That all the buildings shall be sprinkled meeting all applicable sections of the Town's sprinkler ordinance;
5. That the building sprinkler plans shall be submitted to the Gorham Fire Dept. and the State Fire Marshal's Office for review and permitting with the plans being submitted to the Fire Dept. at least two weeks prior to the start of installation of the system;
6. That Sprinkler test papers must be submitted to the Gorham Fire Dept. prior to the Certificate of Occupancy being issued;
7. The street name shall be approved by the Police and Fire Chiefs;
8. That the underground electric lines shall be inspected by the Code Enforcement Office prior to backfill;
9. The streets shall be properly named and signed with Town approved Street Signs and street signs shall be in place as soon as the roads are constructed;
10. That the applicant shall establish an inspection escrow meeting the approval of Town Staff and the applicant shall have a pre-construction meeting with Town staff, the Town's inspecting engineer, design engineer, and earthwork contractor prior to the start of construction for the development;
11. That the subsurface wastewater disposal systems for the lots will be located as shown on the approved subdivision plan unless the applicant can provide the Code Enforcement Officer with a report from a

certified Hydro-geologist stating that the new location will not impact any drinking supply wells or negatively impact any abutting lots ability to locate drinking supply wells;

12. That the individual wells for the lots will be located in the acceptable well zone as shown on Final Subdivision Plan for Webb Farm Clustered Subdivision, Sheet 1 of 5, and the wells shall meet the requirements of Sevee & Maher Engineers, Inc., dated November 8, 2016, but the well zone may be altered if the applicant can provide the Code Enforcement Officer with a report from a certified hydro-geologist stating that the new location and well installation is suitable and safe for drinking water supply;
13. That the applicant is responsible for recording the approved Webb Farm Homeowners' Association documents within 90 days of the date of approval of the subdivision by the Planning Board and a recorded copy of the Homeowners' Association documents shall be returned to the Planning Department prior to a preconstruction meeting being held;
14. That the applicant shall complete off-site improvements outlined in Bob Burns' comments dated March 2, 2017 meeting the approval of the Gorham Public Works Director;
15. That the applicant will address all outstanding staff comments and will receive the Maine DEP Stormwater Protection by Rule permit prior to the Planning Board's endorsement of the final plan;
16. That the Planning Board Chairman is authorized by the Planning Board to sign the Findings of Fact on behalf of the entire Board;
17. That the subdivision plan shall not be released for recording at the Cumberland County Registry of Deeds until the required performance guarantee has been posted meeting the approval of Town Staff; and the subdivision plan is required to be recorded within one year of original approval or the approval becomes null and void; and
18. 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 prior to a pre-construction meeting being held.