

PLANNING BOARD MINUTES

January 4, 2016

Municipal Center, Burleigh H. Loveitt Council Chambers
75 South Street, Gorham, Maine 04038

Members Present

EDWARD ZELMANOW, CHAIRMAN
MELINDA SHAIN, VICE CHAIRMAN
JAMES ANDERSON
GEORGE FOX
SCOTT HERRICK
LEE PRATT
RACHEL SUNNELL

Staff Present

THOMAS POIRIER, Town Planner
BARBARA 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 all members were present.

APPROVAL OF THE NOVEMBER 2, 2015 MINUTES

Melinda Shain MOVED and James Anderson SECONDED a motion to approve the minutes of December 7, 2015 as written and distributed. Motion CARRIED, 6 ayes (Scott Herrick abstaining as not having been present at the meeting). [7:03 p.m.]

COMMITTEE REPORTS

A. Ordinance Review Committee – Mr. Herrick reported that this Committee met earlier this evening to discuss the proposed ordinance language for Farm Stand Directional Signs. The proposed language will be on the Board's February 1, 2016 agenda for a public hearing.

B. Streets and Ways Subcommittee – Ms. Shain reported that this Subcommittee has not met.

CHAIRMAN'S REPORT: Mr. Zelmanow said that anyone interested in serving on the Planning Board should contact the Clerk's office for more information.

ADMINISTRATIVE REVIEW REPORT

Mr. Poirier reported that there are no new Administrative Review applications.

ITEM 1 Subdivision Review – Subdivision Amendment – STJ, Inc. request for approval of an amendment to the 1996 Village Crossing Subdivision for a 6-lot subdivision on Lot 1 of the Village Crossing Subdivision, located on 2.17 acres at 12 Cumberland Lane, Map 27, Lot 5.001, Office Residential zoning district.

Mr. Poirier told the Board that this item was discussed by the Board on October 5, 2015 and a site walk was held on October 19. Mr. Poirier said that the applicant has provided trip generation

information for Cumberland Lane. Mr. Poirier noted that the Board at both the site walk and the October 5 meeting had requested landscaping on lots 1 and 2 to shield the residential properties from the abutting non-residential use. The applicant has identified where trees are to be planted toward the rear of the property within the 25' utility easement, but the Board may want to consider giving the owners of lots 1 and 2 the option of installing trees or a decorative fence at least 6' in height. Mr. Poirier also noted concerns from the Village Crossing Villas Condominium Association that the existing pump station does not have the capacity to handle increased sewerage from these lots.

Andrew Morrell, BH2M Engineers, came to the podium and gave the Board a quick overview of the project, a 2.178 parcel of land zoned Office Residential on Main Street. Cumberland Lane is the existing road serving the subdivision, which was a 3-lot subdivision approved in 1996. Lots 2 and 3 were developed with Lot 2 having 12 condominium units and Lot 3 having 13 condominiums. Lot 1 was approved for 12 condominiums and the applicant is proposing 6 single-family houses. The total number of approved units in the subdivision was 45; with the 6 units of this project the total will be 31. Sites will be served by public sewer, water, gas, and underground electric.

Mr. Morrell said that the applicant's attorney is working with the Town's attorney to ensure that the easement language meets Town requirements. They are still waiting on Portland Water District's final sign-off and will work with staff on cost estimates.

Mr. Anderson asked about the abutters' concerns dealing with sewer pump station and asked what the maximum is for the pump. Mr. Morrell replied that the pump station was originally designed for 45 total units; as of today there are 25 units being served, and this project will add 6 more, or a total of 31 units. Mr. Morrell said that the calculations are based on the current pumps, which are the same size as the originals.

Mark Curtis, STJ, applicant, came to the podium and said they had called Stevens Electric about the capacity of the pumps, who did not express any concerns. Mr. Poirier said that the Town's review engineer did not look at the pump station as it was a private matter. Mr. Poirier said he had conversations with Ruth Covell, Treasurer for the Village Crossing Condominium Association Villas, who advised him that it is no longer of concern. Mr. Zelmanow said he is comfortable that there is existing capacity at the pump station, based on the November 17, 2015 pump station evaluation.

Mr. Fox asked whether the Public Works Director had comments about the pavement amounts; Mr. Poirier replied that the Public Works Director had no concerns. Ms. Sunnell recommended that the engineer use O'Donal's catalog or the city of Portland's on-line approved plants and street trees and how they are referenced as a reference source. She suggested that the plan keep with deciduous street trees and reminded Mr. Morrell that planting details should show that tree root balls are at grade instead of below grade.

In a discussion about giving the owners of lots 1 and 2 the option of landscaping or a fence along the property line with the abutter, Mark Curtis, STJ, came to the podium and explained that it would be better to plant trees when installing the sewer rather than coming back to do that work after the sewer is already in and that having the trees will not prevent a homeowner from installing a fence. Ms. Shain and Mr. Zelmanow said they would prefer trees being installed.

Ms. Shain commended Ms. Sunnell's expertise.

PUBLIC COMMENT PERIOD OPENED: None offered.

PUBLIC COMMENT PERIOD ENDED.

Mr. Morrell told Mr. Zelmanow that the ability-to-serve letter is in from the Portland Water District, but they still need a final sign-off on certain details. Mr. Morrell said that the applicant's attorney is working with the Town's attorney on the easement language. Ms. Shain confirmed that the landscaping adjustments will be made on the plans before the Board signs them.

Mr. Poirier proposed a new condition of approval #8 as follows: "That the applicant shall make the final plan changes and provide the necessary legal documents meeting the approval of Town staff prior to the Planning Board's endorsement of the final plan."

Melinda Shain MOVED and George Fox SECONDED a motion to grant STJ's request for subdivision amendment approval for Lot 1 in the Village Crossing Subdivision on Cumberland Lane located on Map 27, Lot 5.001, in the Office Residential zoning district based on Findings of Fact and Conditions of Approval as written by the Town Planner and amended by the Planning Board. Motion CARRIED, 7 ayes. [7:29 p.m.]

ITEM 2 Pre-Application Discussion – Subdivision Review – Jim and Sharon Gregoire request for approval of a 6-lot subdivision with access from Snowberry Lane and Brackett Road, located off Brackett Road on Map 28, Lots 7.001 and 7.002, in the Rural and Manufactured Housing zoning districts.

Mr. Poirier explained that a pre-application discussion is a discussion between the Planning Board and the applicant to provide the Board with a quick overview of the potential development of a parcel. The plans have not been distributed to staff for review.

Mr. Poirier said that Peterson Fields subdivision and Snowberry Drive were approved by the Board on April 11, 2010. The Gregoires' property runs along Snowberry Drive. The applicants have provided a traditional subdivision plan. Peterson Fields was approved as a clustered subdivision. Public water is 1,055' is located at the intersection of Brackett and Black Brook Roads. Peterson Fields calculations showed that public water was not required.

Andrew Morrell, BH2M, appeared on behalf of the applicants and described the project. The project will have a total of 6 lots, one of which is existing. It is proposed that two lots will be off Snowberry Lane, one being an existing house and the second a proposed lot. Also proposed is an extension of the road, to be called Winterberry Way, a public way to serve two lots and a private way off Brackett Road to serve two more lots. The lots would be served by on-site subsurface waste water disposal systems and drilled wells, and underground electric and utilities. Mr. Morrell said that as part of this application the water calculations will be resubmitted, but as it is further away than Peterson Fields is, it is unlikely that public water will be required.

Ms. Shain asked why a traditional subdivision is being proposed, instead of a clustered subdivision. Mr. Morrell said they will look at clustered but the applicants prefer a traditional subdivision with larger lots. Mr. Anderson said he believes the lot lends itself better to a traditional subdivision.

In reply to Mr. Zelmanow, Mr. Morrell replied that factoring in from Brackett Road to the end of Winterberry Road, the length would be approximately 1,390 feet and will be a public road. Mr. Morrell said the houses will be sprinkled.

Mr. Fox asked about possible recreation possibilities, perhaps involving the brook, noting that clustered subdivisions work well in providing common open space. Mr. Morrell said that a walking path was installed around the perimeter of Peterson Fields. Ms. Shain asked if there are any trails that connect to trails in the area.

Jim Gregoire, applicant, 29 Snowberry, said the brook covers a small corner of lot 1 and is very overgrown, rocky and shallow.. In reply to Ms. Shain's question, Mr. Gregoire said that the only trail is a snowmobile trail maintained by the SnoGoers.

Ms. Sunnell commented on the street layout, suggesting a trail to connect the two roads. Mr. Morrell said that the Peterson Fields hammerhead is the connection to abutting property and the common open space shown on the plan belongs to Peterson Fields.

In reply to Mr. Zelmanow, Mr. Morrell said it would not be the intent to clear-cut the entire lot, and that on a traditional subdivision plan, there would probably be some wooded and meadow buffers on the back of the lots to handle stormwater. Mr. Zelmanow suggested a reconfiguration that could lose the private way.

Mr. Zelmanow noted that the applicants will provide calculations for the extension of public water and said that once an application has been received, a decision will be made about having a site walk.

ITEM 3 Pre-Application Discussion – Subdivision and Site Plan Review – Paul Gore
request for approval of a 9-unit condominium project meeting the requirements of the Development Transfer Overlay District with access from Main Street and Garden Avenue, located on Map 109, Lot 11, Urban Residential and Office-Residential zoning districts.

Mr. Poirier told the Board that the applicant is proposing a development under the Town's Transfer Overlay District standards; while the Board has seen Development Transfer subdivision projects, this is the first condominium project to come forward under those standards. Two aerial photographs have been provided to the Board, one of which shows the barn in place and the other showing the barn having been removed.

Mr. Poirier advised that three abutters have provided written comments, which have been provided to Board members. A number of Board members had notified staff that they had received those comments directly. Mr. Poirier asked that any abutter or interested party wishing to submit comments should do so to Planning staff, who will make copies for distribution to all Board members to make sure everyone reviews the same information. Direct communication with any Board member is considered "ex parte" communication and is not allowed.

Andrew Morrell, BH2M Engineers, described the site, noting that the applicant intends to tear the building currently on site and move forward with the project, which will have frontage on both

Main and Garden Avenue. The site is approximately 1.33 acres in size and is zoned Urban Residential/Office Residential districts, as well as the Transfer Overlay district. Mr. Morrell said that the layout of the parcel and the footprint of the buildings have not yet been established. Mr. Morrell said he has received comments from abutters; he will be happy to speak to abutters following the meeting about their concerns.

Mr. Zelmanow confirmed that the plans meet all of the DTO standards such as minimum setbacks and frontage. Mr. Morrell said that under a traditional plan, 5 units would be allowed; under the DTO standards the 9 units shown are permitted. In reply to Mr. Zelmanow, Mr. Poirier said that as the plan is under the 10-lot minimum, no open space needs to be provided under the DTO requirements. However, Mr. Poirier said there is a setback on Main Street that will have to be met and there is a build-to line along Garden Avenue that will require Units 1 and 9 having to be moved closer to Garden Avenue. Mr. Morrell confirmed that it will be a private driveway going through the parcel and the front setbacks along Main Street are showing as matching the properties on either side of the entrance off Main Street.

Ms. Sunnell asked what the proposed square footage is of the buildings being shown. Mr. Morrell replied they are around 2,000 to 2,200 square feet, including a garage. Ms. Sunnell suggested duplexes or town houses, and that the proposal seems to be too dense to fit into the traditional neighborhood along Garden Avenue. She recommended reconfiguring the plan, noting that she does not believe that she can support the current plan. Mr. Morrell said that this is a very preliminary plan and they will be taking another look at it.

Mr. Morrell told Mr. Zelmanow that the proposed access driveway will be 22 feet and no on-street parking would be permitted, with “no parking” signs to be posted. Mr. Morrell said there are 2 spaces in each garage and 2 spaces for each house in the access driveway. Mr. Morrell said that the applicant would prefer that the access driveway feel more like a driveway, which is why a center island is proposed for either end of the driveway.

Mr. Morrell said that the distance from the Main Street entrance to Lawn Avenue is approximately 300 feet and the Main Street site distance along Main Street is 250 feet, with a speed limit of 25 mph. Mr. Zelmanow asked if there is a requirement that the access driveway connect into Garden Avenue. Mr. Morrell said it is not required. Mr. Zelmanow said that from a safety point of view, the Fire Chief would probably like to see a through-connection from both directions, and asked if there could be a fire gate at Garden Avenue. Mr. Morrell said he would talk to the applicant about that suggestion. Mr. Zelmanow noted that public snow plows cannot use the private access driveway and asked where snow storage areas will be on the driveway.

Ms. Shain said, noting the abutter comments, that she does not believe that the access driveway is going to become a cut-through but suggested that more can be done to make it less appealing if the plan is reconfigured to mitigate traffic, perhaps by adding a curve to avoid seeing a straight shot.

Mr. Zelmanow asked whether there will be a cluster mail box location, which is preferred by the Board. Ms. Shain suggested showing some landscaping. Mr. Morrell confirmed that the sidewalks shown would connect to existing sidewalks on Main Street and Garden Avenue. Mr. Fox said that the density is a concern to him as well.

PUBLIC COMMENT PERIOD OPENED:

Mr. Zelmanow noted that the comments from Sarah Rimkunas, 61 Garden Avenue, Corinne Altham, 31 Garden Avenue, and Mary Holland-Buckelew, 55 Garden Avenue, have been reviewed by the Board and will be made a part of the record.

Sarah Rimkunas, 61 Garden Avenue, said her major concern involves cut-through traffic, which already uses Lawn Avenue to avoid the intersection of Libby Avenue and Route 25. She believes that this project will also increase cut-through traffic and impact the safety of the neighborhood's children, who play in the streets.

Mary Holland-Buckelew, 55 Garden Avenue, also said that Lawn Avenue carries cut-through traffic; she herself uses Lawn Avenue to get to Main Street in the morning. She believes that the private access driveway will become the second Lawn Avenue. She is concerned that the development will lose their sense of community, but neither does she want to stand in the way of progress.

Jason Burks, 65 Garden Avenue, noted that the speed limit on Main Street is 35 miles per hour, not 25 miles per hour. Mr. Burks expressed concerns about drainage, should the development increase the amount of runoff on to his property. He also indicated concern about how snow plowing will be done and the possible impact on visibility for exiting his driveway.

Corinne Altham, 31 Garden Avenue, read the letter already provided to the Board.

Ed Dufour, 54 Garden Avenue Road, expressed concerns about parking, asked if Garden Avenue will be used for parking by residents of the new development, and if Garden Avenue would also be posted as no parking. Mr. Zelmanow replied that the "no parking" posting has nothing to do with parking along Garden Avenue, it is only along the access driveway if it is to be 22 feet wide. Mr. Zelmanow said that if the access driveway is to be 24 feet wide, then parking would be permitted on one side. Mr. Dufour said that everyone uses Lawn Avenue as a cut-through, including residents of Wagner Farms, and suggested that a traffic light at the Libby/Main Street intersection could improve the existing cut-through traffic. Mr. Dufour spoke about the additional traffic to be generated by the real estate office at the corner of Libby and Main Street, along with the restaurant traffic, all of which will impact his taxes as well as the value of his home. Mr. Dufour spoke in favor of a fire gate.

For the record both Mr. Zelmanow and Ms. Shain said that the Board has nothing to do with property taxes. Mr. Zelmanow also said that nowhere in the Land Use Code does it state that the Board can consider a depreciation of someone's property as part of its review of a project.

Corinne Altham, 31 Garden Avenue, returned to the podium to bring the Board's attention to the following items: will there be a zoning change requirement and if so, would there be a public hearing; has an environmental and traffic assessment been completed for the site as the addition of nine units and the real estate office will add increased traffic; will the development foster community spirit according to the Town code; has a traffic impact study be done for Main Street and Garden Avenue; how will a 9 unit condo development assimilate with the current style and character of the single family homes; has the historical significance of the farm house been researched and evaluated as it is one of the last farm houses in downtown Gorham; what is the time line of the approval process after the abutters have been notified; and how this will impact light

pollution in the existing neighboring homes. Ms. Altham also asked about abutter notification for 66 Garden Avenue, which address is in fact included in the abutter notification listing.

Mr. Morrell responded as follows: this process is just starting, the project will require both preliminary and final subdivision approval from the Board, as well as site plan approval, and there will be at least 2 or 3 more meetings moving forward. Drainage: one of the requirements of the Town and the state is that the current drainage on site today will not be exceeded by the project moving forward. Site distances will meet all Town and state requirements. The current project layout meets the zoning requirements in both the UR and OR zones and there will be no zone change needed. A study of the lighting will have to be done to make sure it meets the Town standards for the amount of foot candles allowed on abutting properties. The Town handles notifications, so moving forward with any other meetings, abutters will all be notified. Mr. Morrell said they will look into the research that has been done for the Libby Avenue/Main Street intersection and see if this development triggers any need for a traffic study.

Ms. Shain commented that the Town is constrained by the Maine DOT as to what can be done at the Libby Avenue/Main Street intersection. Mr. Zelmanow said that anything regarding that intersection needs to be brought before the Town Council as they are the ones who would contact the DOT.

PUBLIC COMMENT PERIOD ENDED.

Mr. Morrell asked the Board's opinion about an internal sidewalk; the consensus is that sidewalks are desirable but it is too soon to determine on what side of the access driveway the sidewalks should be. Mr. Zelmanow said the clustered mailbox should be on the same side as the sidewalks.

Mr. Zelmanow noted that once an official application has been received, the project can move forward for review by the Board, staff, outside reviewers, and a site walk can be scheduled.

ITEM 4 Pre-Application Discussion – Subdivision Amendment and Private Way Rescission – Philip and Julie Marshall request for approval to rescind Marshall Way private way and to reduce the number of lots within Parsons Subdivision, located at 169 Ossipee Trail, Map 60, Lots 14 and 14.002, Rural zoning district.

Mr. Poirier explained that this is a discussion between the Board and the applicants. The original Parsons subdivision was approved as a 3-lot subdivision in 1984. In 2004 the applicants requested an amendment to that approval to increase the number of lots to 4 lots with a private way, Marshall Way. The applicants now are proposing to rescind the private way approval and reduce the number of lots back to 3, with the overall lot configuration being somewhat different. One of the items on which the applicants would like to have Board input is the nitrate plume analysis waiver request for the new lot being proposed.

Julie Marshall, 169 Ossipee Trail, came to the podium and explained to the Board that she lives on lot 1 of the subdivision, her sister lives on lot 3, and lots 2 and 4 are not occupied and are accessible by a private way. Ms. Marshall said she and her husband would like to build a new house on a larger lot accessible from Route 25. They would therefore like to combine lots 2 and 4, rescind the private way, and make lot 1 smaller, 60,000 square feet.

Ms. Marshall gave the following reasons to ask for a waiver of the nitrate plume analysis requirement: a well is to be drilled shortly on lot 1 to replace the dug well indicated on the site plan; the new well will be tested, which will indicate the water quality of a well drilled on the proposed lot. The topographical contour lines indicate that the ground water plume runs downhill, and the well will be located on a higher elevation than from the septic system. The well and septic system for the new proposed lot would be 200 feet apart, twice the minimum requirement. The final reason for a waiver request is the expense for just building a house for themselves on a lot which is simply a larger lot.

Mr. Zelmanow said he cannot give a waiver on the nitrate plume analysis as this is still a pre-application discussion. Mr. Anderson asked Mr. Poirier if there are nitrate plume analysis requirements based on lot size. Mr. Poirier said that in the past the Board has given the waiver for subdivisions with larger lots, so if it looks as though the lots in subdivisions can easily meet setback requirements without having an issue with nitrate plumes, the Board has granted that waiver. Mr. Poirier said that should the Board make their decision to grant a waiver based on the location and the 200 foot distance on the plan, the approval can be conditioned on the location of the septic system and the location of the well.

Mr. Herrick confirmed with Ms. Marshall that their current house location is on lot 1. Ms. Marshall told Mr. Anderson that the distance between the proposed well and the current septic system for their current home is 150 feet. Mr. Fox confirmed that the distance from the proposed septic system to the well on lot 3 is 200 feet. Mr. Anderson said he believes that the rule-of-thumb minimum distance is 100 feet and it appears that the numbers mentioned will work. Ms. Shain said that the nitrate plume analysis would affect lot 2, which is the applicant's own lot, and under those circumstances she would be more comfortable approving the nitrate plume analysis waiver request.

Mr. Zelmanow advised Ms. Marshall to complete the official waiver request form to be submitted with their formal application. Mr. Anderson suggested showing the distance from the septic system to all the surrounding wells. Mr. Poirier said it would be helpful to have a letter from whoever designs the septic system stating that all the distances required by state law will be met. Mr. Fox said the system designer should also confirm that the septic locations are good.

Mr. Zelmanow said that staff will speak to the Town's attorney about removing the By-pass information from the plans.

Mr. Fox asked about the sprinkler requirement in Note 18. Mr. Poirier replied that the house will be required to be sprinkled because it is served by private water.

OTHER BUSINESS

NONE

ANNOUNCEMENTS

The next Board meeting will be on February 1, 2016.

ADJOURNMENT

Melinda Shain MOVED and James Anderson seconded a motion to adjourn. Motion CARRIED, 7 ayes. [8:37 p.m.]

Respectfully submitted,

Barbara C. Skinner, Clerk of the Board

_____ , 2016

**ITEM 1 STJ - SUBDIVISION AMENDMENT – VILLAGE CROSSING
SUBDIVISION**

FINDINGS OF FACT

Applicant/ Property Owner: The applicant is STJ, Inc., 939 Parker Farm Road, Buxton, Maine 04093.

Property: The lot is identified as Tax Map 27, Lot 5.001, and is located off Cumberland Lane.

Consultant: Andrew Morrell, P.E. #13285, and Robert C. Libby, Jr. PLS #2190, with BH2M, Michael D. Traister, Lawyer, with Murray, Plumb, & Murray.

Project Description: The applicants are proposing to amend lot 1 of the approved Village Crossing Subdivision. The applicant is proposing to split the lot into six lots for single-family houses. The lots will have street frontage off Cumberland Lane. Public water, natural gas, and underground utilities located in Cumberland Lane will serve the single-family houses. A private sewer main will be located to the back of the lots which will flow sewage to a private pump station maintained by the original three lots of the Village Crossing Subdivision.

Site Description: The parcel is 2.17 acres in size and fronts on Cumberland Lane and Main Street. The parcel is currently undeveloped. Vegetation on the lot is fields with some small trees located on the lot. No wetlands or other water bodies are located on the site. The parcel slopes from the northeast corner to the southwest corner.

Applicability: Subdivision regulations identify the Planning Board as having review and approval authority.

Zoning: Office Residential (OR) District where a single-family home is a permitted use per Chapter I, Section XIV, Subsection D. of the Code.

Variances: None required.

Waivers: No waivers requested.

Pursuant to the Application:

A Pre-application Discussion was held on July 20, 2015.

A Site Walk was held on October 19, 2015.

Subdivision Amendment Reviews were held on October 5, 2015 and January 4, 2016.

The projects and plans and other documents considered to be a part of the approval by the Planning Board in this ruling consist of the following:

BH2M plans:

Subdivision Plans

- Sheet 1 – Amended Subdivision Plan – 11/17/15
- Sheet 2 – Utility Plan – 11/17/15
- Sheet 3 – Details – 11/17/15

Other documents submitted consist of the following:

- Concept Plan – 06/04/15
- Plans – 09/01/15
- Amended Subdivision Application – 09/01/15
- Draft Easement Description – 11/17/15
- Draft Homeowners’ Association Documents – 11/17/15
- Pump Station Evaluation – 11/17/15
- Portland Water District Ability to Serve Letter – 10/23/15
- Construction Estimate – 11/17/15
- Correspondence with Portland Water District – 08/26/15
- Letter of Financial Capacity – Gorham Savings Bank, Karl Suchecki, Sr. Vice President – 09/01/15
- Letter of Technical Capacity – STJ, Inc. – 09/01/15
- Photographs of Church – 09/01/15
- Village Crossing Subdivision Plan – 03/1996

CHAPTER III - SUBDIVISION, SECTION III - PRELIMINARY PLAN

The Planning Board, following review of the Preliminary Subdivision Application, makes these findings based on the Subdivision Review criteria found in Chapter III, Subdivision, Section III – 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 single-family lots range in size from 15,014 square feet to 17,515 square feet with street frontage for the lots ranging in size from 83.22 ft. to 231.58 ft.

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

Finding: Amendment to Lot 1 of the Village Crossing 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 Cumberland Lane, which has been designed to the Town's urban access street standard.

The lot also fronts onto Main Street, State Route 25; however, the lots will not have direct access off Main Street.

Finding: Amendment to Lot 1 of the Village Crossing 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.

A clustered mailbox will be located along Cumberland Lane for use by all 6 lots in the subdivision.

Finding: Amendment to Lot 1 of the Village Crossing 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.

Each of the lots will be served by an individual watermain stub located in Cumberland Lane right-of-way. The watermain stubs are required to meet the requirements of the Portland Water District.

The applicant has provided an ability to serve letter from Glissen Havu, E.I. Design Engineer, with the Portland Water District dated October 23, 2015.

Finding: Amendment to Lot 1 of the Village Crossing Subdivision 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.

Village Crossing Subdivision and developments located in Lots 1, 2, and 3 are served by a private sewerage system that pumps into the Portland Water District's sewer system at Main Street. Each development in the lots is required to share in the maintenance of the private sewerage system. The private sewer system includes the following:

- Gravity sewer mains located on lots 1, 2, and 3 that flow into the pump stations.
- The pump station and force main located in Cumberland Lane.

The applicant has provided an ability to serve letter from Glissen Havu, E.I. Design Engineer, with the Portland Water District dated October 23, 2015. The letter identifies that the District does not maintain the private sewer system and that the District has capacity in Main Street to handle the proposed development.

Finding: Amendment to Lot 1 of the Village Crossing Subdivision 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.

Approval of the Village Crossing Subdivision in 1996 calculated a certain amount of impervious area for each of the three lots to be developed. The subdivision approval also sized the stormwater infrastructure to meet the anticipated amount of impervious area. Lot 1 was anticipated to have 1.5 acres of impervious area.

The proposed amount of impervious area proposed with the development is under 1.5 acres. Since the current proposal is for less impervious area, no additional stormwater improvements are proposed.

Finding: Amendment to Lot 1 of the Village Crossing 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.

Finding: Amendment to Lot 1 of the Village Crossing 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.

The amount of impervious area proposed with the development is under 1.5 acres. Since the current proposal is for less impervious area, no additional stormwater improvements are proposed.

No water bodies are located on lot 1.

Finding: Amendment to Lot 1 of the Village Crossing 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 units are located in an urban area which has been developed. No scenic vistas, historic sites or irreplaceable natural or manmade assets have been identified on the site.

Finding: Amendment to Lot 1 of the Village Crossing Subdivision will respect fully the scenic or natural beauty of the area, trees, vistas, topography, historic sites and rare or irreplaceable natural or manmade assets.

- j) Financial Capacity to meet Subdivision Regulations. The applicant must have adequate financial resources to construct the proposed improvements and meet the criteria standards of these regulations. The Board will not approve any plan if the applicant has not proven its financial capacity to undertake it.

The applicant has provided a letter dated September 1, 2015, from Karl Suchecki, Sr. Vice President, Gorham Savings Bank, regarding its financial capacity to complete the project.

The applicant has provided a letter dated September 1, 2015, from Mark Curtis, Gorham Sand and Gravel, identifying that it has 30 years of land development experience in southern Maine.

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 VIII.

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: Lot 1 of the Village Crossing 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 Village Crossing Subdivision was approved with 5.51 acres of common open space located on the western side of Cumberland Lane's cul-de-sac portion of the road. The three developed lots in the Village Crossing Subdivision are required to maintain the common open space.

The six lots located on lot 1 will each be required to share in the costs of maintaining the common open space identified as part of the Village Crossing Subdivision approval. No changes to the existing common open space are proposed.

Finding: Amendment to Lot 1 of the Village Crossing Subdivision is proposing to create open space and recreational land and facilities within the subdivision in accordance with the Planning Board requirements and the homeowners' association shall be required to provide for the perpetual care of commonly owned recreation land.

CHAPTER III - SUBDIVISION, SECTION IV –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

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 the applicant is responsible for recording the approved Homeowners' Association documents within 90 days of the date of approval of the subdivision by the Planning Board and a recorded copy of the Homeowners' Association documents shall be returned to the Planning Department prior to a building permit being issued;
5. That the applicant shall complete the required improvement located in Main Street as identified by the Public Works Director's comments dated September 28, 2015, and the improvements shall be included in the performance guarantee for the proposed subdivision amendment;
6. That the applicant shall make the trench repairs in Cumberland Lane roadway and sidewalk that meet the approval of the Public Works Director or his designee;
7. 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;
8. That the applicant shall make the final plan changes and provide the necessary legal documents meeting the approval of Town staff prior to the Planning Board's endorsement of the final plan;
9. That the Planning Board Chairman is authorized by the Planning Board to sign the Findings of Fact on behalf of the entire Board; and
10. 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.