

**PLANNING BOARD MEETING  
July 16, 2018**

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

**Members Present**

**EDWARD L. ZELMANOW  
SCOTT HERRICK  
MOLLY BUTLER-BAILEY  
SCOTT FIRMIN  
GEORGE FOX  
LEE PRATT  
MICHAEL RICHMAN**

**Staff Present**

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

Edward Zelmanow called the meeting to order at 7:00 p.m. The Clerk called the roll, noting initially that all members were present.

**APPROVAL OF THE JUNE 4, 2018 MINUTES.**

**Scott Herrick MOVED and Lee Pratt SECONDED a motion to approve the June 4, 2018 meeting minutes as distributed. Motion CARRIED, 7 ayes**

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**COMMITTEE REPORTS** – Mr. Herrick reported that the Ordinance Subcommittee has not met since the last meeting.

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**COMPREHENSIVE PLAN IMPLEMENTATION COMMITTEE** – Mr. Fox reported that this Committee met on July 2, 2018 and continues its review on the proposed Narragansett Development District.

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**CHAIRMAN’S REPORT** – No report.

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

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**CONSENT AGENDA - Private Way Review – Plowman Development Group** – request for approval of Mason Lane, a 584 foot private way to support two residential lots on property located at 29 McLellan Road, Map 5, Lot 11, Suburban Residential zoning district.

Mr. Zelmanow explained the consent agenda procedure, noting that items on the consent agenda are applications that have been before the Board which have had minor outstanding issues that staff feels have been satisfactorily addressed, and which are ready for Board approval. Such items are approved without discussion unless someone from the Board or the public wishes to take the item off the Consent Agenda.

There being no one from the Board or the public wishing to take the item off the Consent Agenda, and Mr. Zelmanow confirming that the Conditions of Approval are satisfactory to the applicant,

**Scott Herrick MOVED and George Fox SECONDED a motion to approve the item on the Consent Agenda. Motion CARRIED, 6 ayes (Edward Zelmanow recused as not having been present for the review of the item). [7:09 p.m.]**

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Mr. Zelmanow said that inasmuch as Item 8 had not been discussed at the June 4 meeting, he recommends that the item be taken out of order and heard in advance of the other items on tonight's agenda and will make a motion to that effect.

**Edward Zelmanow MOVED and George Fox SECONDED a motion to take Item 8 out of order and review it as the first item this evening. Motion CARRIED, 7 ayes. [7:10 p.m.]**

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**ITEM 8 (TAKEN OUT OF ORDER) Preliminary Subdivision Review – Design Dwellings –** a request for preliminary approval of Douglas Woods Subdivision, 1 14-lot subdivision located on South Street, Map 22, Lot 17, Suburban Residential zoning district.

Mr. Poirier reminded the Board that at the June 4, 2018, when this application was last before it, the Board asked that staff secure an opinion from the Town Attorney regarding the performance standards that subdivisions must be consistent with the Comprehensive Plan. Staff has received a written determination from the Town Attorney which is included in the Board's packets. Mr. Poirier said that the applicant on Thursday, July 12, 2018, submitted a packet of information, also provided in the Board's packets. The staff notes provided are identical to those provided for the June meeting.

Mr. Zelmanow said the following: "So to touch on just briefly what we had talked about at the last meeting regarding the potential inconsistency with the Comprehensive Plan, I see that we did get a letter from the Town Attorney and we did get a reply back from the applicant's attorney dated July 12 and it's my understanding that the Town Attorney has not had a chance to review that as of yet and provide us with their comments on it. And so we are going to be submitting that because it is 8 pages long from the applicant's attorney so we will be getting that back from ours, but to help with maybe moving this forward a bit we are going to go ahead with the review of it and just put the Comprehensive Plan issues sort of to the side right now with just keeping in mind that that might pop up again and just derail everything and just stop everything in place so we are going to deal with the legal aspects of that at a later time but let's at least start our review at this point as if it is a permitted type of thing so we'll answer that question later on. So let's just go ahead and start reviewing the application."

Susan Duchaine said that the Town Attorney does have her attorney's response to the Town Attorney's review because she sent it to her last Thursday.

Andrew Morrell, BH2M Engineers, described the project and said the applicant owns just under 38 acres and is looking to do a 14-lot subdivision with a public road extended into the project. Lots will be served by underground electric, individual subsurface wastewater disposal and drilled wells. Mr. Morrell said that when the application came before the Board as a pre-application, originally the subdivision plan was on the northern side of the parcel, it is now on the southern side of the parcel.

Mr. Zelmanow confirmed with Mr. Morrell that the road is intended to be a public road; he asked Mr. Morrell if the hammerheads could be flipped to the other side. Mr. Morrell said that the piece to the north will be developed at some time in the future and there will be a looped road connecting the two hammerheads. Mr. Morrell said he has been hired by another developer who is looking to develop the northern piece.

Mr. Zelmanow said that the extension of public water is an issue of concern. He asked Mr. Morrell if the calculations have been done yet; Mr. Morrell said they have been done but have not been submitted to the Town and he does not believe the numbers support the extension of public water. Mr. Zelmanow confirmed that public water would be picked up at Quincy Drive. Mr. Poirier said that it appears that the remaining portion, which according to Mr. Morrell is also proposed to be developed, so should both portions be considered when doing the water extension calculations. Mr. Poirier said that he will have to get a legal opinion on how this should be handled. Mr. Poirier said that the Board can choose if it is a clustered or a conventional development, which gives the Board some parameters for shrinking the road and shrinking the size of the lots to do the calculations to provide a more favorable plan for the running of public water. Ms. Duchaine said she does not want to do a clustered subdivision; Mr. Poirier said the calculations can be based on a clustered subdivision, but the applicant can still proceed down the conventional subdivision path. Mr. Poirier summarized the three provisions for the extension of public water: the required provision of public water supply, the conditional provision of public water, and the provision for the orderly extension of the public water distance, which has no required distance. So under the orderly extension, the Board can require the applicant to do the calculations. Ms. Duchaine said they will do the calculations on both pieces of the overall parcel; Mr. Morrell said the calculations will be done based on a clustered subdivision.

Mr. Herrick asked about sprinklers. Ms. Duchaine said she doesn't agree with sprinkling houses and prefers a fire pond instead, that people shouldn't have to pay more money per house to install a sprinkler system, and she doesn't like the Fire Department having a key to someone's house. Mr. Zelmanow confirmed that the proposed Karter Road will be over 1,500 feet; Mr. Poirier said that if a road is over 1,500 feet, whether public or private, all the houses on the road will have to be sprinkled.

Mr. Morrell said that a nitrate study and a vernal pool study have been completed, which will be submitted to the Board. He said they are not seeking any waivers on the project. In reply to Mr. Zelmanow, Mr. Morrell said that the plans have been submitted to the DOT but as yet they have had no reply. Mr. Richman confirmed with Mr. Morrell that the entrance to the development would line up with the park and ride area on South Street, and that access to the northern portion would be through Karter Drive.

PUBLIC COMMENT PERIOD OPENED: Pamela Milliken-Garza, 26 McLellan Road, commented that with all the talk of extending the bypass, it seems counter-intuitive that property along that bypass is being developed and expressed concern about the impact of the bypass on possible buyers of the lots. Mr. Zelmanow said the bypass is something that will end up being in the plans and buyers will need to know about what the potential is for that area. Mr. Poirier said that part of his review will deal with the possibility of a bypass spur along this area. Ms. Duchaine said she has reached out to the Turnpike Authority.  
PUBLIC COMMENT PERIOD ENDED.

Mr. Herrick asked if the applicant understands that the Board's continuing review is dependent on a legal review of the Comprehensive Plan. Ms. Duchaine said she is not too worried about it.

The Board agreed that a site walk should not be scheduled until the calculation information on the extension of public water has been provided and direction has also been provided about the application complying with the requirements of the Comprehensive Plan. Mr. Zelmanow noted that the Town Attorney should be present when the applicant comes before the Planning Board again.

**George Fox MOVED and Lee Pratt SECONDED a motion to postpone further review of Design Dwellings' request for preliminary subdivision approval for Douglas Woods Subdivision pending responses to remaining issues and finalizing revisions to the plans. Motion CARRIED, 7 ayes.**  
[7:45 p.m.]

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

Mr. Poirier explained that when the applicant was before the Board on May 7, a discussion occurred on whether a site walk would be required, depending on the width of the drive aisle on the east side of the site for the pick-up area and the painting of a walkway stripe for pedestrian use. No site walk was held because the width met the minimum requirement; however, Mr. Poirier asked if the Board would like to include a Condition of Approval identifying that the painted walkway should be painted once a year.

Mr. Poirier said that the applicant is looking for a waiver waive the cap on the building wall size in order to use the entire front of the building for signage.

J.M. Lord, P.E., Maple Rock Consulting, appeared on behalf of the applicant and pointed out the one-way drive aisle for the Hannaford-to-Go, along with a crosswalk all the way down, a 6’ chevron area. Mr. Zelmanow and Mr. Lord discussed the row of trees along that drive aisle, where parked cars can be found but where is no signage prohibiting parking in that area. Mr. Lord said that area can be signed with “no parking” and it will be on the plans. Mr. Zelmanow suggested letting the police department know to enforce the no parking. The Board agreed that the pedestrian chevron should be repainted on a yearly basis, with the following condition added as Condition #10:

“That the applicant shall repaint the 6’ wide chevron striping for pedestrian use along the east side the Hannaford store once a year as shown on the approved plans.”

Mr. Richman confirmed with Mr. Lord that the striping shall be done in white.

Mr. Herrick asked if the waiver request is required because the amount of signage is being changed. Mr. Poirier said he believes the size of signage is being shrunked down. Mr. Lord said that the existing sign will be downsized in square footage, making it less nonconforming, changing the sign from 290 square feet to 193.425 square feet, a reduction in sign area of 96.575 square feet.

**George Fox MOVED and Scott Herrick SECONDED a motion to waive the cap on the building wall size. Motion CARRIED, 7 ayes.**

Mr. Zelmanow and Mr. Lord discussed the positioning of the Clynk building, with Mr. Lord saying that the proposed location is less visible from Main Street and is the least intrusive site. Mr. Lord said that the Clynk pickup truck will block the first aisle but only for a short period of time. In response to Mr. Pratt, Mr. Lord pointed out where the Clynk sign will be located. Mr. Lord told Mr. Zelmanow that there will be a motion-activated down light in the center of the Clynk building overhang.

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

**Scott Herrick MOVED and George Fox SECONDED a motion to grant Hannaford Supermarket and Pharmacy’s request for site plan amendment approval to create a “Hannaford-to-Go” pickup area, relocate the Clynk bottle return service from inside the building to a free-standing redemption unit and to replace the existing signage and colors on the front of the building façade, on property located at 99 Main Street, Map 102, Lot 155, Urban Commercial zoning district, with Findings of Fact and Conditions of Approval as drafted by the Town Planner and amended this evening by the Planning Board. Motion CARRIED, 7 ayes. [8:02]**

*Ten Minute Break*

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**ITEM 2      Public Hearing – Site Plan Amendment – Ben Lamarche and Cory Murray d/b/a Standish MODBL Real Estate LLC** – a request for approval to convert 77 South Street to a dental office with additional parking on property located off South Street, Map 106, Lot 47.001, Urban Residential zoning district.

Mr. Poirier told the Board that this item was before the Board as a pre-application on August 1, 2016, saying that this item was an administrative review project, but because the applicants are requesting a parking waiver, the project needs Planning Board approval. Mr. Poirier said that because this is an administrative review project, staff has not sent the item for engineering peer review. Mr. Poirier said that the Land Use Code requires 1 parking space for each 250 square feet of gross floor area plus 1 space for each examination, treatment or consultation room. Based on the application, 2,500 feet of floor area has been identified, requiring 10 parking spaces, and 4 exam rooms requiring 1 space each, for a total of 14 parking spaces required under the Code. The plans provided identify where onsite parking spaces would be located, as well as parking spaces along the street. Mr. Poirier said that the applicants have provided both a site plan and a small scaled down version of a landscape plan, the Board should discuss the two plans and what is required to meet the Town's site plan landscaping and buffering requirements. Mr. Poirier said the Board should decide if a site walk is warranted for the site.

Mr. Murray said that a section will be added on the site plan to reference the landscape plan and they are still looking for a parking waiver. Mr. Zelmanow confirmed with Mr. Murray that there will be 7 onsite parking spaces and 7 spaces almost immediately across the street for a total of 14 spaces. Mr. Murray said that the upstairs of the building will not be a rental unit as initially discussed, in order to avoid complications with the parking requirements. Mr. Fox said he believes that the available on street parking makes the waiver request reasonable. Mr. Murray described the anticipated trip generation figures as follows: year 1, 9 to 15 per day; year 2, 14 to 20; and year 3+, 19-22, based on 4 to 5 employees and no more than 2 or 3 patients at a time. Mr. Lamarche said this will serve as an adjunct to another location and will allow for more boutique-style procedures.

Mr. Zelmanow described the waiver request as decreasing the onsite parking requirements from 9-14 to 7 spaces because there are 7+ on street parking spaces within 200 feet of the site.

**Scott Herrick MOVED and Lee Pratt SECONDED a waiver to approve the parking waiver request. Motion CARRIED, 7 ayes.**

Mr. Murray said a letter to serve from the Portland Water District should be generated today. Mr. Firmin disclosed that he works for the Portland Water District but has no involvement with its approval of this project and doesn't expect to have any. He asked if there are any special fixtures required for dental offices that discharge to a sewer and will those be accommodated. Mr. Lamarche said there is required infrastructure for mercury disposal and the actual use from a water standard is quite minimal as distilled water is fabricated in the office or purchased separately. Mr. Firmin confirmed that that infrastructure is internal.

Mr. Zelmanow noted that the Board needs copies of the proposed dental office floor layout, renderings of the outside of the building, and asked about waste disposal, inasmuch as commercial uses are not allowed to utilize curb side pickup. Mr. Murray said a separate company will be utilized to pick up regular waste, and there is a company that picks up medical waste either quarterly or semi-annually. Medical waste can be stored inside in a designated closet in the building. Mr. Poirier suggested that a letter be submitted detailing

how waste will be dealt with. Mr. Poirier said that the size of the existing water and sewer lines servicing the building is something that the applicant will need to discuss with the Water District.

Mr. Poirier said that currently there is a certain amount of impervious area on the site, which the applicants are proposing to increase significantly. The applicants will need to show how that increase will be dealt with, such as an infiltration basin or perhaps if it is a small amount, discharged into the Town's stormwater system. That information will need to be provided on the site plan. Mr. Murray confirmed that permeable asphalt or permeable concrete could be options to treat the impervious area.

Mr. Zelmanow confirmed that the site plan should reference the landscape plan. Mr. Herrick commented about the existing plants and shrubs that are being removed on the south side of the property and sked if there will be any buffering between the existing Kenty house to the south. Mr. Murray said there is nothing proposed; Mr. Lamarche said they are trying to maximize the driveway. Mr. Murray said they would be happy to come up with a maintenance agreement for that boundary if need be. Mr. Herrick commented that the fence at the back of the property appears to be right on the property line with the Town and said that there does not appear to be any way to maintain that fence on the other side if it is right on the line. Mr. Lamarche said they would upkeep the Town side of the fence if necessary. Mr. Fox asked if the applicants have thought through what the snow removal process will be. Mr. Lamarche said they have considered adding a gate in the back fence and pushing snow on to the Town property. Mr. Herrick said the Board cannot authorize easements benefiting the Town. Mr. Lamarche said they could remove the snow as they have in their other offices.

Mr. Murray said that exterior lighting could be added on the driveway side and on the rear of the building, as well as above the main entrance, illuminating the stairs and the ADA ramp. Mr. Zelmanow said the lighting will have to be shown on the plan, along with a separate sheet showing the type of lighting which will be used and suggested that the applicants talk to the Planner about what could be used.

Mr. Poirier said that a silt fence and erosion control devices should be shown on the plan; the applicants' engineer will know how to deal with these items. Mr. Fox asked about the fence maintenance question, nothing that it doesn't appear that the fence can be maintained from the applicant's property. Mr. Poirier said he will check the issue with the Town to see if an agreement of some type might be possible to deal with the fence maintenance.

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

**Scott Herrick MOVED and George Fox SECONDED a motion to postpone further review of Ben Lamarche and Cory Murray d/b/a Standish MODBL Real Estate LLC's request for site plan amendment responses to remaining issues and finalizing revisions to the plans. Motion CARRIED, 7 ayes. [8:45 p.m.]**

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**Edward Zelmanow MOVED and Scott Herrick SECONDED a motion to take Item 4 out of order before Item 3. Motion CARRIED, 7 ayes.**

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**ITEM 4       (TAKEN OUT OF ORDER) Subdivision Amendment Review - Bramblewood, LLC – request for approval of a subdivision amendment to Glenwater Subdivision to revise lot lines between lots 20 & 21, on property located off Grove Street, Map 99 Lot 61 and Map 101 Lot 21, Urban Residential (UR) zoning district.**

Mr. Poirier explained that the subdivision amendment is to revise the lot lines between lots 20 and 21, taking a portion of lot 20 and merge it with lot 21.

Dustin Roma, DM Roma Engineers, appeared at the podium on behalf of the applicant, Greg McCormack, also present. Mr. Roma said that when they were first before the Board with this amendment, they had proposed to modify the open space, which had previously been deeded to the Town. However since that time, Mr. Roma said the plan has been revised, and pointed out the portion of lot 20 to be added to lot 21 in order to satisfy the density requirements with increasing the number of units from 10 to 18 on their site plan.

Mr. Herrick asked if the subdivision amendment is approved and the site plan is not, what happens to the amendment, is it “undone”? Mr. Poirier replied that the subdivision amendment will be “undone” if it is not recorded. Mr. Zelmanow confirmed with Mr. Roma that the easement to the open space will be added to the plan.

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

**Scott Herrick MOVED and Lee Pratt SECONDED a motion to approve Bramblewood LLC’s request for subdivision amendment approval for Glenwater Village Subdivision, located off Glenwood Avenue on Map 99, Lot 61 and off Water Street on Map 101, Lot 21, in the Urban Residential zoning district and Development Transfer Overlay district, with Findings of Fact and Conditions of Approval as written by the Town Planner. Motion CARRIED, 7 ayes. [8:58 p.m.]**

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**ITEM 3       Public Hearing – Site Plan Amendment Review – Bramblewood, LLC – request for approval of a site plan amendment to Glenwater Subdivision to increase the number of dwelling units from 10 to 18 in Cottage Court, on property located off Grove Street, Map 99 Lot 61 and Map 101 Lot 2, Urban Residential zoning district.**

Mr. Poirier said that in the application there are some plans that are not amended; these should be taken out of the plan set. Issues which remain involve pedestrian access to the site, how will the walkways serve the buildings, as well as whether that pedestrian sidewalk connect all the way around Cottage Court. The number of parking spaces and vehicular circulation should also be discussed, as well as lighting and landscaping.

Dustin Roma, DM Roma Engineers, said that turning templates have been prepared and discussed with the Fire Chief to make sure that emergency vehicles can access the site and adequately serve the project. Mr. Roma said that the Portland Water District has reviewed and approved the project, and an easement has been provided to the District. Insofar as lighting is concerned, each building will have a porch-mounted light to illuminate the parking spaces and sidewalk in front of the building, and one light will installed in the middle of the loop.

Mr. Roma said that 38 parking spaces have been provided on site, which is 2 more than the Ordinance requirement of 2 per building. Each unit will have a dedicated space in front and the middle spaces will be first come, first served for all the units. Mr. Roma pointed out a 30-foot buffer required between the single family house and the multi-family development and said that additional parking spaces were considered in this area. When the single family lot was sold, an agreement was reached to install a mulched berm with a row of evergreen trees along the side, 75 feet back but they are reluctant to have parking spaces in that area.

Mr. Roma said that the sidewalks that are being constructed are primarily a method to get from those adjacent parking spaces into the front of the buildings. For snow storage, some snow can be pushed into the middle of the looped area and there will be room between buildings to push snow. Mr. Roma said they have

applied for their DEP Permit by Rule for lot 20 and he believes the Permit has been issued. Mr. Zelmanow asked where buildings 9 and 10 will connect to the sidewalks, because it looks as though the sidewalk stops before it reaches those buildings and also stops at 11 and 12. Mr. Roma pointed out on the plan where the sidewalk will extend to buildings 9 and 10 and another extension to 11 and 12, and extend it to the loop as well.

Mr. Fox and Mr. Roma discussed runoff into the pond. Mr. Fox confirmed with Mr. Roma that there will be two transformers located in the island, and asked if there will be anything for protection for the transformers, especially for snow removal. Mr. Roma said that generally landscaping is put around them but some protection could be added. Mr. Fox suggested some stone and landscaping as protection. Mr. Roma agreed that something small such as rock could be added.

Mr. Herrick expressed his concern about the very crowded site, that the parking spaces are not adequate, and no overflow parking has been provided. Ms. Butler Bailey noted that there is no public parking available. The Board, Mr. Roma and Mr. McCormack discussed at length the Board's concerns about the proposed parking for the increased dwelling units. Mr. Poirier asked how tall the berm will be along the single family property line, and asked the Board if it believes that buffer would be adequate enough to allow the applicant to add more parking spaces in that area. Mr. Roma said they could reasonably add another 6 parking spaces there if needed, to be added as a site plan amendment. Mr. Fox said that approach doesn't give the Board much comfort that the parking issue is being addressed, that there is no mechanism for the Board to determine if the applicant needs to come back. Mr. Herrick commented that the original approval was for 10 units with 4 spaces. Mr. Poirier said the Ordinance requires two spaces, but with the characteristics of the site, the Board needs to determine whether the review criteria for vehicular circulation is being met. Mr. Poirier said that it is not a question of meeting the minimum requirements, but that the performance standard is not being met and that adding more parking would make the circulation function adequately. The Board agreed that six additional spaces should be added in the berm area. Ultimately, Mr. McCormack told the Board that they will add another 4 parking spaces at the berm on the southern property line.

Mr. Poirier summarized that the lighting and berm will be added to the plans. Mr. Richman recommended that the buffer be sufficiently robust to provide the necessary buffering and to consider improving the rhythm of street trees in this part of the development by adding trees to match what is existing in the development. Mr. Fox confirmed with Mr. Roma that the number of additional parking spaces to be added to the plan will be 4. Mr. Roma said that the berm and a row of landscaping will be added to landscape plans, but there probably won't be any privacy screening between the buildings. Mr. Poirier noted that the Town's peer review requested clarification on how the impervious areas will be treated.

PUBLIC COMMENT PERIOD OPENED:       None offered  
PUBLIC COMMENT PERIOD ENDED

**Scott Herrick MOVED and Lee Pratt SECONDED a motion to postpone Bramblewood LLC's request for site plan approval to Glenwater Subdivision to increase the number of dwelling units from 10 to 18 in Cottage Court, on property located off Grove Street, Map 99 Lot 61 and Map 101 Lot 2, Urban Residential (UR) to a future Planning Board Consent Agenda pending responses to remaining issues and finalizing revisions on the plan. Motion CARRIED, 7 ayes. [9:30]**

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**ITEM 5       Subdivision Amendment - Todd Bacon, d/b/a Southern Maine General Contracting - request for approval of an amendment of a lot line between lots 28 and 29, on property located at 16 Pastore's Way on Map 81 Lot 27.129, Suburban Residential zoning district. The applicant is self-represented.**



Mr. Poirier described the application, saying that the amendment is to revise a lot line in order to correct a house being constructed in a shared side setback; the owner of the abutting property is a family member of the applicant. Mr. Poirier advised Mr. Zelmanow that there is a letter in the file from that family member confirming that there will be no issue revising the lot line.

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

**Scott Herrick MOVED and George Fox SECONDED a motion to grant Todd Bacon's request for Pyaevna Meadows Subdivision amendment approval to revise the shared lot line between lots 28 and 29, located in the Rural zoning district, Map 81, Lots 27.128 and 27.129, based on Findings of Fact and Conditions of Approval as written by the Town Planner. Motion CARRIED, 7 ayes.**  
[9:35 p.m.]

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Mr. Zelmanow announced that due to time constraints with the observance of the 10:00 o'clock rule, items 7 and 9 on this evening's agenda will be continued to the August 6, 2018 Planning Board meeting agenda.

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

**Edward Zelmanow MOVED and Molly Butler Bailey SECONDED a motion to recuse Mr. Zelmanow from participation in the discussion on this item as he had not been present when the project received preliminary approval. MOTION CARRIED, 6 AYES (Edward Zelmanow abstaining).**

Scott Herrick assumed the chair.

Mr. Poirier advised the Board this is the first time this application is before the Board for final approval; it received preliminary approval on May 7, 2018. Mr. Poirier reminded the Board that the Public Works Director requested that Ossipee Trail be widened by two feet; the applicant will add 2 feet of paved shoulder to the easterly side of Route 25 for a distance of 400 feet southerly from the proposed entrance to Musket Drive. Mr. Poirier said that the Public Works Director would like to see a detail showing the materials to be used for gravel, pavement, loam and seed, a note that will indicate the pavement thickness and overlap detail and that it will be machine placed. Mr. Poirier said that the proposed realigned right-of-way puts the right-of-way toward the single-family house on the abutting property and suggested that the right-of-way be relocated to one of the reconfigurations proposed by staff.

Andrew Morrell, BH2M Engineers, came before the Board and advised that the 2-foot widening on Ossipee Trail has been added, 400 feet in length, and tweaks will be made to the future right-of-way across from lot 5. Snow storage has been relocated and the driveway for lot has been shown on the plans. The homeowners' documents have been reviewed by the Town Attorney and her comments will be addressed.

Mr. Herrick confirmed that changes will be made to the homeowners' documents to address the Town Attorney's comments and that the easement that runs out to the end of the property reserved by the Town will be angled away from the wetlands to keep it clear of the house on the abutting property.

Mr. Herrick asked if a condition of approval is required for the 400 by 4 foot widening of Ossipee Trail. Mr. Poirier said that a condition could read "That the applicant shall make all required improvements to the plans

and legal documents meeting staff's approval prior to the Planning Board's endorsement of the final plan." Mr. Poirier indicated this will be new condition #11.

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

**George Fox MOVED and Lee Pratt SECONDED a motion to grant BNO, LLC's request for final subdivision approval for New Colony Settlement Subdivision off Ossipee Trail, located on Map 57, Lot 1, in the Rural zoning district, with Findings of Fact and Conditions of Approval as written by the Town Planner and amended this evening by the Planning Board. Motion CARRIED, 6 ayes (Edward Zelmanow recused)**

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**ITEM 7       Preliminary Subdivision Review - Robert Hamblen** – request for preliminary approval of Harrison Lane, a 6-lot residential subdivision on 10.10 acres on property located off Libby Avenue, Map 47, Lot 23, Suburban Residential-Manufactured Housing zoning district.

**CONTINUED TO AUGUST 6, 2018 PLANNING BOARD MEETING DUE TO OBSERVANCE OF 10:00 O'CLOCK RULE**

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**ITEM 9       Pre-Application Discussion - Plowman Development Group, LLC** – request for a sketch plan discussion of a 16-unit condominium development on property located at 136 South Street, Map 103, Lot 78, Urban Residential zoning district.

**CONTINUED TO AUGUST 6, 2018 PLANNING BOARD MEETING DUE TO OBSERVANCE OF 10:00 O'CLOCK RULE**

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**Scott Firmin MOVED and Molly Butler Bailey SECONDED a motion to adjourn. Motion CARRIED, 7 AYES. [9:45 p.m.]**

Respectfully submitted,

  
Barbara C. Skinner, Clerk of the Board  
July 16, 2018

**CONSENT AGENDA      PLOWMAN DEVELOPMENT GROUP – MASON LANE**

**CHAPTER 2, SECTION 2-5, H. Standards for Private Ways**

(This section is modified for brevity. See the current Land Use and Development Code for exact wording.)

- 1) Each lot having access from an approved private way may be improved with no more than two dwelling units and related accessory buildings and uses.

The lots served by the private way are required to meet the requirements of the Suburban Residential zoning district. The maximum number of lots/dwelling units allowed to be served by the private way is 6 lots or dwelling units.

The applicant has submitted the name “Mason Lane,” which meets the required E911 standards.

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

- 2) A plan showing the private way shall be prepared by a registered land surveyor. The plan shall be drawn in permanent ink on permanent transparency material and shall be sealed by the registered professional engineer preparing the plan.

The applicant has hired BH2M to prepare the private way plans, which have been prepared by a registered land surveyor, Robert Libby, P.L.S., #2190, and sealed by a registered professional engineer, Steven Blake, P.E., #11695.

The Plan title block reads "Plan of a Private Way."

The Plan has an approval block that reads: “Private Way, Approved by the Town of Gorham Planning Board.”

The approval block also has a line for the signatures of a legal majority of the Planning Board, and includes a line for the date of approval.

The Plan shows information sufficient to establish the exact location on the ground, direction, width and length of the private way right-of-way.

The street plan and profile, and street cross sections are in accordance with Chapter 2, Section 2-5., E., 3.

The Plan has a note that reads, "The Town of Gorham shall not be responsible for the maintenance, repair, plowing, or similar services for the private way shown on this plan, and if the private way has not been built to public way standards, the Town Council will not accept it as a public way."

Finding: *The Plan of Private Way has been prepared by a registered land surveyor and sealed by a registered professional engineer meeting the requirement for private ways.*

- 3) If a private way provides access to 2 or more lots, a maintenance agreement shall be prepared for the lots accessed by any private way.

The proposal is for a 2-lot private way, so a private way maintenance agreement is required as part of the private way review.

Finding: *The private way maintenance agreement identifies the rights and responsibility of each lot owner with respect to the maintenance, repair, and plowing of the private way as outlined in this section.*

- 4) Private ways shall have a minimum right-of-way width of 50 feet and a paved apron 20 feet in length commencing at the existing edge of pavement where it intersects with the private way.

The existing paved apron has been proposed to the following standards:

- a) 9" of MDOT Spec. 703.06 Type E;
- b) 12" of base gravel MDOT Spec. 703.06 Type D;
- c) 3" of 1 ½" crushed gravel, Type A or reclaimed;
- d) a minimum of 4" of paved surface, or greater as specified by the Town Engineer;
- e) a negative 2.0% grade from the existing edge of pavement to an appropriate drainage way, but in no case less than 5 feet from the travel surface of the public way it intersects;
- f) approach radius shall be specified by the Town Engineer.

The private way right-of-way is proposed to be 50' and the applicant is proposing to increase the existing 2" paved apron by 2".

Finding: *The right-of-way width and a paved apron have been designed to conform to the paved apron standards outlined in this section.*

- 5) Private ways shall be designed to conform to the standards presented in Tables 1 and 2 and the typical cross sections depicted in Figures 9 and 10.

The applicant is proposing to construct the 584' private way to the 2-6 lot/dwelling unit private way standard. The private way plan shows the required 2-6 lot/dwelling unit private way standard cross section. The private way will have the required turnaround located at station number 5+23.

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

- 8) Notwithstanding other provisions of the Code to the contrary, no gravel surfaced private way shall provide access to or serve in any way to provide compliance with the requirements of the Code for more than the greater of six lots or six dwelling units; provided; however, nothing in this paragraph 8) shall serve to limit the use of such private way for occasional use by and for agricultural purposes.

The applicant is proposing a 2-6 lot/dwelling unit private way to serve two lots.

Finding: *The private way is proposing to serve 2 lots.*

- 9) The land area of the private way may not be used to satisfy the minimum lot area requirements for any lot (whether the lot(s) to be served or any front lot over which the private way runs).

The total lot area with the private way right-of-way is 4.30 acres. The lots will need to retain enough area to meet the lot sizes in the Suburban Residential zoning district.

The ownership of the right-of-way will remain with lot 2, shown on the private plan.

Finding: *The land area of the private way is not being used to satisfy the minimum lot area requirements for the existing lot or any proposed future lot.*

- 10) The Planning Board shall have the ability to require improvements to both public roads and private ways serving any proposed private way to ensure off-site access is suitable to serve the proposed private way.

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

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

### **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 prior to the commencement of construction of the private way, the applicant is responsible for obtaining all required local, state and federal permits;
3. That the applicant shall provide property line information and site information in auto-cad format to the Town Planner prior to the pre-construction meeting;
4. That any future extension of the private way shall be limited to less than 1,500' unless all the structures located on lots served by the private way have sprinkler systems meeting the requirements of the Town's Sprinkler System Ordinance.
5. That at least one week prior to the date of the pre-construction meeting, four complete sets of the final approved plan set will be delivered to the Planning Office to be distributed to: (1) Code Office, (2) Public Works Director, (3) Inspecting Engineer, and (4) Town Planner;

6. That prior to the pre-construction meeting, the applicant must provide estimated costs for the proposed improvements and must establish the performance guarantee per the Land Use and Development Code,
7. That the applicant shall provide an escrow for field inspection based on costs for improvements shown on the plan and meeting the requirements of Gorham's Land Use and Development Code;
8. That prior to 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 approved private way maintenance agreement shall be recorded in the Cumberland County Registry of Deeds within thirty (30) days of approval by the Planning Board and a recorded copy of the private way maintenance agreement shall be returned to the Planning Office;
10. That the applicant shall repaint the 6' wide chevron striping for pedestrian use along the east side of the Hannaford store once a year as shown on the approved plans;
11. That the Planning Board Chairman is authorized by the Planning Board to sign the Findings of Fact on behalf of the entire Board; and
12. That these conditions of approval must be added to the private way plan and the private way plan shall be recorded in the Cumberland County Registry of Deeds within thirty (30) days of endorsement of the plan by the Planning Board, and that a recorded mylar copy of the private way plan shall be returned to the Town Planner prior to the Pre-construction Meeting.

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**ITEM 4        BRAMBLEWOOD, LLC – GLENWATER SUBDIVISION AMENDMENT**

**CHAPTER 3 - SUBDIVISION, SECTION 13 - 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 II.

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

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

*Finding: Glenwater Village 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.

Access to the subdivision is from Glenwood Avenue, which is classified as an Urban Access Road. Glenwood Avenue is a dead end road that exits onto Water Street.

Dogwood Lane and Grove Street will be constructed to the Town's Urban Access Standard. The applicant is proposing a connection from Dogwood Lane into Water Street through the Town's public access easement over the abandoned portion of Water Street.

No changes are proposed.

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

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

The lots will be served by underground power, telephone, cable lines, and natural gas. A clustered mailbox is proposed to be installed to serve the lots within the subdivision.

No changes are proposed.

*Finding: Glenwater Village 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 an 8" water main extended from the Portland Water District's 8" water main located in the Glenwood Avenue right-of-way. The water main design and installation must meet the requirements of the Portland Water District.

No changes are proposed.

*Finding: Glenwater Village 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.

Subdivision lots 1-3 and lots 6-17 will be served by an 8" gravity sewer main draining to the Portland Water District's pump station located at the end of Glenwood Avenue.

Subdivision lots 4-5 and 18-20 will be served by low pressure sewers systems. The low pressure pumps and lines located on the lots are the responsibility of the lot owners. The low pressure sewer lines located in the proposed road right-of-way will be turned over to the Portland Water District.

No changes are proposed.

*Finding: Glenwater Village Subdivision provides for adequate solid and sewage waste disposal for present and future needs as reasonably foreseeable.*

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

Storm water from the site will be treated in the storm water infrastructure meeting the Maine Department of Environmental Protection's and the Town of Gorham's storm water requirements. Sewage disposal from the lots is through the public sewer system and treated by the Portland Water District.

The applicant has received approvals from the Maine Department of Environmental Protection and the Army Corp of Engineers.

No changes are proposed that would affect ground water.

*Finding: Glenwater Village Subdivision will not result in undue pollution of air, or surficial or ground waters, either on or off the site.*

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

The proposed construction of the subdivision lots will impact 3,885 sq.ft. of wetlands. The wetlands on the northern third of the site will be located in common space and protected from development.

No changes are proposed that would affect soil erosion.

*Finding: Glenwater Village 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.

Two unnamed streams are located on the lot. One stream is located on the western portion of the site and flows northerly, and the other stream is located on the eastern edge of the site and flows northerly.

A large wetland system is located on the northern edge of the site. The wetland is large enough to require protection under the Town's Shoreland Overlay district. Both unnamed streams on the lot flow into the large wetland system. Only minor impacts are proposed to the edges of the streams with no impacts proposed to the large wetland located on the northern end of the site.

No changes are proposed that would affect the shoreline of any waterbodies or wetlands.



*Finding: Glenwater Village Subdivision will not affect the shoreline of any body of water in consideration of pollution, erosion, flooding, destruction of natural features and change of ground water table so that a dangerous or unhealthy condition may result.*

- i) Will respect fully the scenic or natural beauty of the area, trees, vistas, topography, historic sites and rare or irreplaceable natural or manmade assets.

The proposed revised layout of the buildings will impact 7,209 sq. ft. of wetlands.

No changes are proposed that would affect historic site, rare or irreplaceable natural or manmade assets on the site.

*Finding: Glenwater Village 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 paid the required subdivision amendment fee and no changes are proposed that would increase the costs to complete the subdivision improvements.

*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 is proposing 2.0 acres of open space located on the northeastern corner of the lot. The open space is proposed to be utilized for a walking trail and is to remain wooded. The applicant is proposing to deed the open space to the Town of Gorham for use as open space and for trails.

Each lot and condominium unit is also required to pay into the Town's Recreation Facilities and Open Space Impact Fee.

No changes are proposed that would affect open space and recreational facilities.

*Finding: Glenwater Village 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 proposes to deed the open space to the Town of Gorham for use as open space and for recreational uses.

No changes are proposed that would affect open space or recreational land.

*Finding: Glenwater Village Subdivision is proposing to create open space and recreational land and facilities within the subdivision in accordance with the Planning Board requirements and the Glenwater Village 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 is for an amendment to an approved subdivision.

Finding: *No 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 an amendment to an approved subdivision.

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 Glenwater Village Subdivision Homeowners' Association is responsible for maintenance and compliance of the stormwater infrastructure meeting the requirements of the Town of Gorham's Stormwater Ordinance, Chapter 2 Post-Construction Stormwater Management;
4. That all relevant previous conditions of approval identified in previous approvals shall remain in effect;
5. That the Planning Board Chairman is authorized by the Planning Board to sign the Findings of Fact on behalf of the entire Board;
6. That once the subdivision has been recorded at the Cumberland County Registry of Deeds, a dated mylar copy of the recorded subdivision plans shall be returned to the Town Planner prior to a pre-construction meeting being held

**ITEM 5        TODD BACON – PYAEVNA MEADOWS SUBDIVISION**

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

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

**C. PRELIMINARY PLAN REVIEW**

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

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

The revised lots 28 and 29 will remain at greater than the 60,000 sq. ft. minimum in the Rural District. The street frontage will remain the same for each lot.

The Comprehensive Plan identifies the future land use designation in this area as Rural District.

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

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

The subdivision lots have legal road frontage on Fort Hill Road, State Route 114.

No increase in traffic is proposed from either lot.

*Finding: Amendment to Pyaevna Meadows Subdivision will not cause congestion or unsafe conditions with respect to use of the highways or public roads, existing or proposed on or off the site.*

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

The lots are currently served by underground utilities from the Fort Hill Road right-of-way and the Town's contracted waste disposal contractor. No changes are proposed.

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

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

The single-family dwellings located on the lots will have existing locations for septic systems and wells approved as part of the subdivision. No changes are proposed.

*Finding: Pyaevna Meadows Subdivision amendment has sufficient water supply available for present and future needs as reasonably foreseeable.*

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

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

*Finding: Pyaevna Meadows Subdivision amendment will provide for adequate solid and sewage waste disposal for present and future needs as reasonably foreseeable.*

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

No wetlands or natural features are proposed to be impacted with the proposed change. Lot 28 has been previously developed and lot 29 is being developed outside of the stream and wetland buffer. No changes are proposed as part of the subdivision amendment.

*Finding: Amendment to Pyaevna Meadows Subdivision will not result in undue pollution of air, or surficial or ground waters, either on or off the site.*

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

The lots are proposed to be developed with single-family dwelling units meeting the requirements of the 2007 subdivision approval.

*Finding: Amendment to Pyaevna Meadows Subdivision will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result.*

- h) Will not affect the shoreline of any body of water in consideration of pollution, erosion, flooding, destruction of natural features and change of ground water table so that a dangerous or unhealthy condition may result.

No improvements are proposed to any wetland, waterbody, or natural resource buffer areas.

*Finding: Amendment to Pyaevna Meadows Subdivision will not affect the shoreline of any body of water in consideration of pollution, erosion, flooding, destruction of natural features and change of ground water table so that a dangerous or unhealthy condition may result.*

- i) Will respect fully the scenic or natural beauty of the area, trees, vistas, topography, historic sites and rare or irreplaceable natural or manmade assets.

The lots are to be developed with single-family homes with clearing limits meeting the requirements of the 2007 subdivision amendment. No changes are proposed as part of the subdivision amendment.

*Finding: Amendment to Pyaevna Meadows Subdivision will respect fully the scenic or natural beauty of the area, trees, vistas, topography, historic sites and rare or irreplaceable natural or manmade assets.*

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

No physical improvements are required to either lot.

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

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

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

*Finding: Not applicable.*

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

No changes are proposed.

*Finding: Not applicable.*

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

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

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

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

*Finding: Not applicable.*

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

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

Finding: *Not applicable.*

**Conditions of Approval**

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 all relevant conditions of approval from previous subdivision approvals shall remain in effect;
  3. That the applicant shall make the changes to the plan as outlined in staff comments prior to the Planning Board's endorsement of the final plan;
  4. That the subdivision plan shall be recorded within 90 days of the subdivision approval; and
  5. That the Planning Board Chairman is authorized by the Planning Board to sign the Findings of Fact on behalf of the entire Board; and
  6. That 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.
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**ITEM 6        BNO, LLC – NEW COLONY SETTLEMENT SUBDIVISION**

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

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

**C. PRELIMINARY PLAN REVIEW**

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

The single-family lots range in size from 40,808 square feet to 335,755 square feet with street frontage for the lots ranging in size from 200 ft. to 718 ft.

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

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

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

The applicant is proposing to widen by 2 feet a 400 foot section of the shoulder along the eastern side of Ossipee Trail, State Route 25. The subdivision road Musket Drive will be aligned directly across from Daniel Drive.

Musket Drive is proposed to be built to the Town's Rural Access Standard. The road will be private until such time, if ever, it is accepted by the Town of Gorham. Should the road not be accepted by the Town of Gorham as a public street, the homeowners' association shall be responsible for the repair, snow removal, sanding, and maintenance of Musket Drive.

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

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

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

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

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

The subdivision lots will be served by individual water supply wells located up-gradient of the wastewater disposal systems.

The applicant has provided a Groundwater Nitrate Evaluation for the subdivision. The subdivision plan also identifies a zone acceptable for wells.

*Finding: New Colony Settlement Subdivision provides for adequate water supply for present and future needs.*

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

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

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

*Finding: New Colony Settlement Subdivision provides for adequate solid and sewage waste disposal for present and future needs as reasonably foreseeable.*

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

Storm water from a portion of the road will be treated through a wet pond. Sewage disposal from the site will be treated in subsurface disposal systems designed by a Maine Licensed Site Evaluator.

*Finding: New Colony Settlement Subdivision will not result in undue pollution of air, or surficial or ground waters, either on or off the site.*

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

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

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

*Finding: New Colony Settlement Subdivision will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result.*

- h) Will not affect the shoreline of any body of water in consideration of pollution, erosion, flooding, destruction of natural features and change of ground water table so that a dangerous or unhealthy condition may result.

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

*Finding: New Colony Settlement will not affect the shoreline of any body of water in consideration of pollution, erosion, flooding, destruction of natural features and change of ground water table so that a dangerous or unhealthy condition may result.*

- i) Will respect fully the scenic or natural beauty of the area, trees, vistas, topography, historic sites and rare or irreplaceable natural or manmade assets.

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

*Finding: New Colony Settlement Subdivision will respect fully the scenic or natural beauty of the area, trees, vistas, topography, historic sites and rare or irreplaceable natural or manmade assets.*

- l) 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 submitted a letter from Philip Fearon, Director of Business Lending, with Saco & Biddeford Savings Institution, dated May 10, 2018 identifying financial capacity.

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

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



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

The applicant will be required to pay the Recreational Facilities and Open Space Impact Fee prior to the issuance of building permits for the six (6) lots within the subdivision.

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

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

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

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

The applicant is not proposing any formal open space as part of the development of the site.

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

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

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

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

The project received preliminary subdivision approval on May 7, 2018.

Finding:

- 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 project received preliminary subdivision approval on May 7, 2018.

Finding: The final plan has been submitted within 12 months of issuance of the preliminary 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 underground electric lines shall be inspected by the Code Enforcement Office prior to backfill;

4. That the subsurface wastewater disposal systems for the lots will be located as shown on the Groundwater Impact Study Plan unless the applicant can provide the Code Enforcement Officer with a report from a certified Hydro-geologist stating that the new location will not impact any drinking supply wells or negatively impact any abutting lots' ability to locate drinking supply well in the approved acceptable well zone;
5. That the individual wells for lots will be located in the acceptable well zone as shown on Final Subdivision Plan, Sheet 1, unless the applicant can provide the Code Enforcement Officer with a report from a certified Hydro-Geologist stating that the new location and well installation is suitable for drinking water supply and will not impact any abutting lots ability to locate the subsurface wastewater disposal systems in the area shown on the subdivision plan;
6. That all houses shall be sprinkled meeting all applicable sections of the Town's Sprinkler ordinance with the sprinkler plans being submitted at least two weeks prior to the start of installation of the system to the State Fire Marshal's Office and the Gorham Fire Department for review and permitting;
7. That the sprinkler test papers shall be required before a certificate of occupancy is issued;
8. All houses shall be properly numbered with the numbers being visible from the street year around.;
9. That the applicant is responsible for recording the approved Homeowners' Association documents within 90 days of the date of approval of the subdivision by the Planning Board and a recorded copy of the Homeowners' Association documents shall be returned to the Planning Department prior to a preconstruction meeting being held;
10. That the Planning Board Chairman is authorized by the Planning Board to sign the Findings of Fact on behalf of the entire Board;
11. That the applicant shall make all required improvements to the plans and legal documents meeting staff's approval prior to the Planning Board's endorsement of the final plan;
12. That the subdivision plans shall not be released for recording at the Cumberland County Registry of Deeds until the required performance guarantee has been posted meeting the approval of Town Staff; and the subdivision plan is required to be recorded within one year of original approval or the approval becomes null and void; and
13. That once the subdivision plans have been recorded at the Cumberland County Registry of Deeds, a dated mylar copy of the recorded subdivision plans shall be returned to the Town Planner prior to a pre-construction meeting being held.