

**PLANNING BOARD MEETING
December 3, 2018**

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

Members Present

**GEORGE FOX, VICE CHAIRMAN
MOLLY BUTLER-BAILEY
SCOTT FIRMIN
BRIAN PLOWMAN
MICHAEL RICHMAN**

Members Absent

EDWARD L. ZELMANOW, CHAIRMAN

Staff Present

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

George Fox, Vice Chairman, called the meeting to order at 7:00 p.m. The Clerk called the roll, noting that Chairman Edward Zelmanow was absent and that George Fox, Vice Chairman, would be conducting the proceedings this evening.

APPROVAL OF THE NOVEMBER 5, 2018 MEETING MINUTES.

Scott Firmin MOVED and Brian Plowman SECONDED a motion to approve the December 3, 2018 meeting minutes as written and distributed. Motion CARRIED, 5 ayes (Edward Zelmanow absent).

COMMITTEE REPORTS – Mr. Fox reported that the Ordinance Subcommittee has not met since the last Planning Board meeting.

Mr. Fox reported that the Comprehensive Plan Implementation Committee has not met since the last Board meeting.

CHAIRMAN'S REPORT – No report.

ADMINISTRATIVE REVIEW REPORT – Mr. Poirier said there are no new Administrative Review applications to report.

ITEM 1 Public Hearing – East Coast Communications, LLC – Site Plan Amendment – a request for approval of a new materials laydown area, installation of replacement septic system and updated stormwater features. Zoned Industrial, Map 29, Lot 2.008.

Mr. Poirier advised the Board that in 2013, East Coast received approval for a 3,200 square foot building addition and parking, and now are before the Board for approval to expand the existing outdoor storage area. Item 2 on the Board's agenda also involves this applicant.

In response to Mr. Fox, Mr. Poirier recommended that the Board review both items and provide comments for each. Mr. Poirier said that item 2 is on the agenda because of the involvement of the DEP permit and the amount of allowed impervious area for lot 2.008 and the buffer.

Robert McSorley, P.E., Sebago Technics, appeared on behalf of the applicant and explained that the applicant currently needs additional laydown and staging area for its site. An expansion of 6,900 to 7,000 square feet of gravel laydown area is being proposed in the back of the property. As part of the project, the septic system will be relocated from its current area. Mr. McSorley said they have submitted to the DEP for a minor site law amendment permit, and there is an underdrained soil filter which will be increased in size to handle the additional impervious area. Final approval and sign off from DEP is expected within the next 30 days.

Mr. Fox asked about the buffering of the new laydown area and proposed storage pad and the property to the north. Mr. McSorley said that when the applicant expanded its site 2013, it was agreed that at the time of development, if there was an issue either additional buffering plantings or screening along that property line would be done. Mr. Fox asked if that would be shown on the plan as a note; Mr. McSorley replied that it would be a condition of approval.

Mr. Poirier replied to a question from Mr. Fox that the DEP permit is applicable to both the subdivision and the site plan. Basically, before the applicant can increase the size of the impervious area, they must have the DEP permit in hand. Perhaps this item and item 2 can be placed on a consent agenda once they have received their DEP permit approval.

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

Scott Firmin MOVED and Michael Richman SECONDED a motion to put the item on a future Consent Agenda. Motion CARRIED, 5 ayes (Edward Zelmanow absent).

ITEM 2 Public Hearing – East Coast Communications, LLC – Subdivision Amendment – a request for approval of a subdivision amendment to the New Portland Parkway Subdivision located off New Portland Road and Libby Avenue, with an increased amount of impervious area allowed on Lot 2.008. Zoned Industrial, Map 29, Lot 2.008.

Mr. Poirier said this application involves amending some notes and adjusting some buffers on the plan.

Mr. McSorley said this is fairly straightforward and simply involves some numbers which were done previously.

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

Scott Firmin MOVED and Michael Richman SECONDED a motion to put the item on a future Consent Agenda. Motion CARRIED, 5 ayes (Edward Zelmanow absent).

Mr. Plowman asked to be recused from participating in Items 3 this evening; Item 1 because it has already received substantive review by the Board .

Scott Firmin MOVED and Michael Richman SECONDED a motion to recuse Mr. Plowman from participating in the review of Item 3. Motion CARRIED, 4 ayes (Brian Plowman abstaining, Edward Zelmanow absent).

ITEM 3 Public Hearing – Design Dwellings – Subdivision/Site Plan – a request for approval of Douglas Woods Subdivision, a 15-unit multi-family residential design in four different buildings, with associated parking, subsurface wastewater disposal systems and drilled wells. Zoned Suburban Residential, Map 22, Lot 17.

Mr. Poirier told the Board that the applicant was last before it at a workshop on September 20, 2018, to discuss the project for consistency with the Town's Comprehensive Plan regarding its South Gorham Crossroads Area. At that workshop there was discussion regarding single family and multi-family developments, with the applicant saying she would consider moving forward with a multi-family development application, which has been submitted. The Board also at that workshop agreed that the applicant would not need to submit building designs until final approval. Therefore the applicant's project has gone from a subdivision review to a subdivision and site plan review.

Mr. Fox commented that a good portion of staff's comments has to do with the extension of public water service. Mr. Firmin pointed out that he works for the Portland Water District but generally is not involved with water main extensions and sees no need to recuse himself.

Andrew Morrell, BH2M Engineers, came to the podium and introduced the applicant, Susan Duchaine. Mr. Morrell referred to the Board's workshop meeting on September 20 and the discussion on whether the applicant's proposal for single family development met with the Town's Comprehensive Plan. Since then, the applicant has decided to move forward with a 15-unit multi-family condominium project on a 300-foot section along the southern end of the parcel on South Street. Other items discussed at the workshop included that the applicant does intend to work with the Transit Authority on this parcel for a potential turnpike connection at some time in the future. Mr. Morrell said that the applicant is looking for Planning Board approval to start those negotiations. Other items discussed at the workshop involved the applicant's intentions for the remaining portion of the site such as a commercial development.

Mr. Morrell said that a road design for an industrial subdivision has been provided; however, some minor changes have been made to that layout.

The applicant has met with Planning staff and the Town Manager to review this project and any future projects which could happen on the parcel. Mr. Morrell said that some items discussed with staff include some items which they hope do not need to be included as part of the preliminary submission, such as septic and well designs. A letter has been provided from Mark Hampton Associates saying that there are suitable soils for septic and wells, which he feels could be designed at a later point as part of the final subdivision process. Mr. Morrell noted that the applicant does not intend to proceed to that point, the intent is to secure preliminary approval and then start negotiations with the Turnpike Authority.

Mr. Morrell said that insofar as stormwater design is concerned, pre and post treatment analysis of the site has not been done. They have provided a closed drainage system design for the entire condominium parking lot and building roofs, collecting all of the runoff in a closed drainage system and directing it to a vegetated soil filter where the runoff is treated and discharged to abutting wetlands. The design does not require any DEP permitting, but it has been designed to meet DEP Chapter 500 standards.

Mr. Morrell said that landscaping design has been pushed to a final stage, as well as the building designs. He said that 15 units are proposed in 4 separate buildings and a private drive known as Karter Drive,

designed to the current Urban Access standard, will serve the development. Wetland impacts have been minimized as much as possible, and no NRPA permitting from the DEP would be required. Units would be served by subsurface wastewater, drilled wells, and underground electric. Water calculations have been provided to the Board that show that extension of public water to the project would be a financial burden for the applicant. Mr. Morrell said that the project is just about under 4500 linear feet away from the existing water main on South Street.

Two parking lots have been designed for the project. Each unit is designed to have at least 2 parking spots and some extra visitor parking has been provided. Mr. Morrell said that DOT does not anticipate any improvement needed on South Street as part of the development and will want to see one final set of plans to make one more review to make sure no improvements are needed.

Mr. Fox asked if the calculations for the extension of public water follow the accepted process of comparing the private water costs and public water costs. Mr. Morrell said that the estimate provided was from McGoldrick, who blasted ledge in a portion up South Street. Susan Duchaine said that as was mentioned at the workshop, the intention here is probably 12 to 14 commercial/industrial lots. She said if something isn't worked out with the Turnpike Authority, she and Dana Lampron are intending to combine their land to continue the same route. She said this will give the Turnpike Authority the option they are looking for, rather than having to deal with houses on McLellan Road or taking the golf course or any of the other routes they were considering when she met with them. Ms. Duchaine said she does not believe commercial property necessarily needs public water and sewer extensions and this particular project doesn't support it as it is never going to get built.

Mr. Fox agreed that this is an unusual situation, where the Board is looking at an application for one use, understanding that it is not the applicant's preference to use it for that. He said he believes the Board's position has to assume it needs to move forward with the application as it is in front of it, making sure that all of the requirements of that application are met. Mr. Fox asked if the Board would be comfortable using the numbers provided by the applicant. Mr. Fox confirmed with Mr. Poirier that the number of units in the application in front of the Board is the number of units over which the cost of extending public water would be based, and asked if that follows the prescribed process for determining the per unit public water cost. Mr. Poirier read from the Code as follows: "the analysis shall be based upon the proposed development scenario as though the entire lot or parcel will be developed/subdivided and there is no potential for additional development. The Planning Board may require that the analysis be based upon a full build-out scenario of the parcel that assumes that the entire parcel will be developed based upon the allowed zoning density with public water and clustered development, if appropriate, taking into consideration site constraints and Town regulations."

In reply to Mr. Fox, Mr. Poirier said that under the Ordinance, the Planning Board needs to look at the entire parcel owned by the applicant. Ms. Duchaine indicated that while she spoke for Dana Lampron at the last meeting, he withdrew his application and his parcel is no longer under discussion. Mr. Poirier said that maximum buildout of both sections of the applicant's parcel should be considered. Mr. Fox confirmed with Ms. Duchaine that she has no ownership rights in the abutting property and no agreement to purchase it, it is truly a separate ownership with no connection to it. Ms. Duchaine said she has agreed to transfer the rest of her property to Lampron if she can make a deal with Maine DOT, and then that will be combined into a partnership.

A lengthy discussion ensued about the density and number of units that can be supported by the parcel. Mr. Morrell said that the applicant owns 32 total acres with 24 acres being this subdivision, and a net density plan was provided for the 24 acres. In reply to Mr. Poirier, Mr. Morrell said their net residential calculations show 15 units on the 24 acres. Mr. Fox confirmed that the net residential density calculations

need to be based on the maximum potential buildout, to include the remaining 8 acres. Mr. Poirier said the net residential has to be done on the total 32 acres, as well as calculating the density bonus.

Mr. Fox said that the Board needs to be comfortable with the applicant's \$400,000 estimate to run public water, based on contractor experience in the area and without doing any further assessment, and comfortable taking order of magnitude calculations on density to determine how many more units could be placed on the parcel. Ms. Duchaine asked if it would really matter if she never builds this. Mr. Fox said that the Board needs to prepare for the project getting built.

Ms. Butler-Bailey asked what the impact would be if the project is approved with private water and sewer and the applicant decides to proceed. Ms. Duchaine suggested making preliminary approval subject to her coming back with enough units to support water and sewer. Mr. Morrell said that preliminary approval could be granted subject to the applicant coming back at final with the net residential calculations supporting the full buildout of the lots. Mr. Fox said typically for the Board to grant preliminary approval means that the application is 90 to 95% complete, and there are only a few things to clean up. He believes the issue of public water is more significant, and there are other issues as well to be resolved. Mr. Firmin said that even discussing the project conceptually, he would want to see the complete density calculations before granting preliminary approval. Ms. Butler-Bailey said that for final approval she would want more information on the ledge estimate, but she doesn't know that she wants to require that for a project that probably will never happen. She asked what would be the Board's ability to change granting preliminary approval with private water and sewer down the line. Mr. Morrell asked if the Board could grant preliminary approval with a condition that the decision on whether to extend public water has not been decided and will be resolved as part of the final subdivision process. Mr. Richman asked if there are precedents for a project like this.

Mr. Poirier commented in regard to Ms. Butler-Bailey's question that the soils borings and ledge information is costly for a project that is not going to go forward. He said that perhaps there is middle ground in that it is possible the DOT has some sort of soils borings on South Street they could share with the applicant. Mr. Poirier referred to Mr. Fox's question if this application meets Planning Board approval, taking aside that the applicant is seeking an agreement with the Turnpike Authority. He said that the Board needs to treat this like any other project whether or not the applicant intends to build it. Mr. Poirier said it is the Board's comfort level moving forward with preliminary when the extension of public water is just one issue, the pre and post stormwater analyses have not been done, there is no HHE200 design of the septic systems, nitrate plume analysis needs to be done if there isn't public water. In reply to Mr. Fox, Mr. Poirier said that the only item the Board agreed to defer during the September 20 workshop was the building schematics, and he does not believe he agreed that a letter from Mark Hampton would be sufficient. Mr. Fox noted that it is the Board's decision and not staff's whether to accept Mr. Hampton's letter as sufficient.

Mr. Fox asked if the Board feels there needs to be more substantial completion before moving forward. Mr. Firmin said he is still concerned about the full calculation for determining public versus private water and is uncomfortable with granting preliminary. Mr. Richman said he hears what the applicant's true intentions are, but he would be more concerned about casting a vote for something that doesn't properly follow the protocol that the Board is asked to follow and what he sees here does not follow that. Ms. Butler-Bailey said she shares the same concerns, and if it were only one thing at issue, she might be alright with moving forward but there are enough open items to be of concern.

PUBLIC COMMENT PERIOD OPENED: Paul Smith, 46 Phinney Street, asked if there is some way to calculate the total cost per unit in any type of development.

PUBLIC COMMENT PERIOD ENDED

Mr. Richman said he would like clarification on the standard to which the Board is held for maximum buildout, what is the true potential to which the Board needs to adhere. Mr. Poirier said that there could be a workshop on for the next meeting regarding watermain calculations and noted that the analysis for public water is determined by the Planning Board and the constraints that the Board puts on such things as reducing road length to reduce road infrastructure costs.

Mr. Fox asked if the Board is comfortable with granting preliminary approval, and if so, what are the conditions put on it, or is the Board not comfortable with moving forward.

Scott Firmin MOVED and Michael Richman 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 agreed upon based on decisions at the September 20, 2018 workshop. Motion CARRIED, 4 ayes (Brian Plowman recused, Edward Zelmanow absent).

Mr. Fox suggested that Ms. Duchaine discuss with staff what items still remain to be completed in the application for preliminary approval.

Mr. Plowman returned to the dais.

ITEM 4 S.B. Enterprises – Tannery Brook Subdivision – Preliminary Subdivision – a request for approval of Phase 2 of the Subdivision by extending Tannery Brook road to access 14 single new family lots, served by municipal water and individual subsurface sewage disposal systems. Zoned SR, Map 47, Lot 6.

Mr. Poirier said that the applicant was before the Board on October 1, 2018 for a pre-application discussion, and a site walk was held on October 16, 2018. He said this is the second phase of the Tannery Brook Subdivision, and discussed by the Board at the pre-application review was the road design, road connection to Queen Street, traffic, buffering, relocating of the multi-use snowmobile trail and abutting undeveloped land.

Mr. Plowman said he has reviewed the minutes and staff notes for Item 4 and feels confident he can participate in the review of the item.

Scott Firmin MOVED and Michael Richman SECONDED a motion to allow Mr. Plowman to participate in the discussion on the item. Motion CARRIED, 4 ayes (Brian Plowman abstaining, Edward Zelmanow absent).

Shawn Frank, Sebago Technics, Inc., appeared on behalf of the applicant and introduced Tom Biegel and Parker Brown of SB Enterprises. Mr. Frank described the original subdivision approval, which included a 900 foot road ending in a cul-de-sac servicing 12 lots, with a 50-foot right-of-way extending off the cul-de-sac to allow extending the roadway another 1200 feet to a cul-de-sac to access 13 more lots, with a total of 25 lots. Initially the application was for 14 lots, it is now down to 13. Mr. Frank said that the existing trail has now been put on the plan, and the applicant has met with the snowmobile trail association and has worked out where the trail could be relocated. Mr. Frank said that proposed roadway will be constructed to the rural access road standard, consistent with the existing road section of Tannery Brook Road, 20 feet of pavement with 4-foot gravel shoulders on either side and roadside ditches. Mr. Frank said that there is public water but there will be subsurface sewage disposal systems, and therefore he believes that the size of the house lots will be limited and the roadway will also be limited to the rural access standard.

Mr. Frank said the two main issues they wish to discuss with the Board are the proposed roadway section, their preference being to go with the same rural standard that the existing Tannery Brook is, as well as a discussion regarding Queen Street. Mr. Frank said that the steep slopes and grading down to Queen Street would make a connection problematic in that area.

Mr. Frank said they will also request a waiver for a nitrate plume analysis as there is public water on the property and grading will be away from the existing properties. He said he believes there will have to be a new name required for the roadway, and their intent is to retain the existing cul-de-sac as a traffic calming device. He said he does not believe there will be water pressure issues as the new development will be lower than the existing houses from a topographic standpoint and there should not be any impact on existing pressure. The houses will be sprinkled.

Mr. Fox confirmed that the applicant is looking for preliminary approval this evening. Mr. Frank told Mr. Fox that they will be requesting a nitrate plume analysis waiver, and they do have a high intensity soil survey.

Mr. Fox summarized that open issues consist of the roadway design, access to Queen Street and the snowmobile trail. Mr. Frank said he understands that agreement has been reached about the relocation of the snowmobile trail.

Mr. Fox asked if the Board would like to see the current Tannery Brook design continued on the proposed new access road. Mr. Plowman said he believes that continuing the current design would best fit the area and does not believe there is a high volume of traffic. Mr. Richman said he agrees, that continuing a level of consistency would best suit the area. Mr. Fox asked how the Comprehensive Plan views the future for this area and whether the roadway would be consistent with what the Plan envisions. Ms. Butler-Bailey said that in light of the abutters' concerns with safety already being at issue in the neighborhood, this could be an opportunity to avoid continuing those concerns in the new section of road. Mr. Frank said that Tannery Brook is 20 feet wide with 4 foot shoulders. Mr. Firmin said he would be comfortable with the road continuing at the same rural standard as the existing portion of Tannery Brook.

Mr. Frank replied to Mr. Fox's question that he has not done a full design or any cost estimates for a connection to Queen Street because he does believe it is feasible to try to make that connection because of the very steep slopes of the site at that point. Mr. Poirier confirmed that the Town's portion of Queen Street is gravel. Ms. Butler-Bailey said it makes sense if it is practicable to connect, but the abutters' concerns about safety should be kept in mind. Mr. Fox said that perhaps keeping it as an emergency egress could be possible. Mr. Poirier read from the Code that "The Planning Board shall provide for road continuation, to limit unnecessary curb cuts and/or to provide for street access to adjoining properties by dedication on a subdivision plan, of a fifty-foot wide right-of-way to the boundary of adjacent properties, unless the Planning Board determines it is not in the public interest to require access to adjoining land, the topography is not suitable for access to adjoining land, or the project is surrounded by wetlands..." In addition, the Code indicates that Road connections to adjacent developed land are to be fully constructed at the time of development in subdivisions that are located wholly or partly in the Development Transfer Overlay District, the Urban Residential District or the Village Centers Districts unless the Planning Board determines that fully constructing the road connection is not in the public interest because (1) the road connection will create an unsafe situation for residents of the subdivision or existing neighborhoods due to a substantial increase in traffic volume or speed, or (2) the road connection will result in motor vehicles using the connection as a cut-through to avoid either waits at nearby signalized intersections or the use of neighboring arterial or connector streets." In this instance, Mr. Poirier said that the section dealing with the road connection would be applicable for the Board to determine if the topography is unsuitable to require the right-of-way to Queen Street. Mr. Fox said that putting in place a right-of-way could be a middle ground if there is more development in the future; Mr. Frank said he does not think the applicant

would be adverse to doing that. Mr. Richman concurred, but to echo the safety concerns expressed by Ms. Butler-Bailey, he asked if there is a way to provide a sidewalk to make it safer. Mr. Richman said that without the connection to Queen Street, all the residents of the new section will have to travel through the existing section, thereby increasing the current residents' safety concerns.

Mr. Frank asked if paving the shoulders could be a solution for pedestrian access, that the applicant would probably prefer paving one shoulder. Mr. Fox asked if the road could be widened from 20 to 22 feet with gravel shoulders. Mr. Poirier said that if the Board wants to go outside the design standards under the Ordinance, the Board needs to get the input of the Public Works Director, and that if the road is going to be accepted by the Town, the maintenance of the extra width will be the responsibility of the Town. Mr. Poirier said that widening the pavement is not going to improve the safety of pedestrians walking along the road. Mr. Poirier said that perhaps creating a sidewalk on the backside of the ditch could be an option that can be discussed between the applicant and the Public Works Director. Mr. Plowman commented about striping of a roadway in the Scarborough/Black Point area; Mr. Poirier said he could do some research on it for the Board.

Mr. Fox asked the Board if they believe further work is necessary for the road design and style. Ms. Butler-Bailey said she believes it is appropriate; Mr. Plowman agreed. Mr. Richman said he is fine with the rural concept but he is still worried about safety. Mr. Fox asked if the Board members are comfortable with the 20 foot wide, 4 foot gravel shoulder design, or would the Board like to see if something could be done to make the road safer. Mr. Firmin asked if only the new road is under discussion. Mr. Frank asked to clarify if all of the roadway is involved; Mr. Fox said his thinking is the new portion. Mr. Fox said he doesn't believe the Board is asking for a road built to the urban standard with a full sidewalk buildout, but believes the Board is looking for something that meets with the Public Works Director's acceptance where the safety concerns of the abutters have been addressed. Mr. Frank said they would be happy to work with staff and the Public Works Director, if it is a matter of specific painting on the road perhaps but they would like to maintain the same feel of the existing neighborhood. Mr. Fox said he believes the improvements would be limited to the new development.

Mr. Firmin asked about the existing cul-de-sac and asked how traffic would be controlled on that, asking if both a left or a right turn is permitted. Mr. Frank said his understanding is that traffic would go to the right, a one-way cul-de-sac. Mr. Fox said that if traffic currently goes both ways, there will be some need for signage to control traffic. Mr. Poirier said he will ask Public Works whether they consider the cul-de-sac as both ways or not.

Mr. Frank confirmed that insofar as Queen Street is concerned, it is just a 50-foot right-of-way along the lot line down to Queen Street is sufficient. Mr. Fox said the Board is comfortable with a right-of-way only and no buildout at this point.

PUBLIC COMMENT PERIOD OPENED: John Dean, 46 Tannery Brook Road, commented on safety issues having a community mail box currently on the cul-de-sac and he drives both ways on the cul-de-sac. He said he would be glad if each resident has his own mailbox. He spoke about the danger of the sharp turn at the intersection of Libby and Gray Road.

Ryan Watson, 39 Tannery Brook Road, said his view shed and privacy would be impacted negatively and said he would never have bought his house if he had known that there would more house built. Mr. Watson expressed safety and traffic concerns. Mr. Watson asked about the location of the property line between Phases 1 and 2. Mr. Frank said that SB Enterprises purchased the original property, which consists of the 47 acres being discussed now, from two separate property owners. Basically, it has been combined into one property consisting of the first phase of Tannery Brook Road and the current homes, with a right-of-way to the remaining land, which is owned by SB Enterprises. Mr. Watson asked that

everyone be allowed a seat at the table. Mr. Fox reassured Mr. Watson that the Board does listen to the public's input about its concerns.

Jason Hurder, 33 Tannery Brook Road, spoke about traffic issues and safety around the circle, particularly with adding more houses, when they thought that only two more houses would be built at the end of the cul-de-sac. He said he believes there should be sidewalks on the new portion of Tannery Brook.

Ben Weinberg, 42 Tannery Brook Road, expressed concern about the traffic impact of the proposed development on the existing road.

PUBLIC COMMENT PERIOD ENDED.

In reply to Mr. Fox, Tom Biegel showed where the relocated snowmobile trail has been agreed upon with the Gorham Conservation Commission and the Sno-Goers association. Mr. Fox confirmed that the relocated trail will be located on other properties owned by Shaw Brothers, not on any of the current or proposed lots. Ms. Butler-Bailey asked about cluster mailboxes; Mr. Biegel replied that that is a decision of the Post Office. Mr. Frank said they will look into that but he doesn't believe they have much control of that. Mr. Poirier said that typically it is a requirement of Public Works because in the urban areas they want cluster mailboxes because they don't want mailboxes to get in the way of snowplowing. In the rural district, where there is more road frontage, mailboxes are less of an issue because they are spaced out more. Mr. Poirier said staff can check with Public Works to see what the preference is for both this project and the previous development to see if a change can be made from the clustered mailbox.

Mr. Poirier confirmed with Mr. Frank that the density calculations are based on the entire parcel, the entire 47-1/2 acres. Mr. Poirier said that the two foot contours need to be added to the plans all the way to the property boundary in the back so the Board can make a determination on the whole parcel.

Mr. Fox said that it appears that the application is not ready for preliminary approval at this time, based on the need to do some work regarding road design, potential sidewalks, mailboxes, and additional contour work required.

In reply to Mr. Richman, Mr. Poirier replied that the "Village Character" of the Ordinance development standards refers more to the lot configuration, utilities and placement of houses and not the building aspect of the houses.

Ms. Butler-Bailey asked what is the Board's ability in looking at the project to make improvements to Tannery Brook as it already exists. Mr. Poirier replied that it involves the performance standards regarding not causing congestion or unsafe conditions with respect to the use of the highways or public roads existing or proposed on or off the site. The traffic counts meet the road standards, or what the road is designed to handle now. Mr. Poirier said the Board needs to look at whether there is a safety concern. Ms. Butler-Bailey said she disagrees with considering only having to consider the new part of Tannery Brook, she wants to go on record saying that the Board should consider the entire subdivision.

Mr. Fox asked if the Board thinks that pedestrian safety needs to be extended out through the current Tannery Brook subdivision. Mr. Richman said he agrees, that if there are additional controls that can be put in place they should not be limited to the new development. Mr. Firmin said he believes that the existing Tannery Brook Road will carry all of the trips going into and out of the proposed development, which is the biggest area of impact from the increased traffic. Mr. Firmin said he is concerned with the existing cul-de-sac and how traffic will flow through that, and he looks forward to the comments from the Public Works Director. Mr. Fox said that the Board would like to see the applicant return with suggestions as to what can be done about the Board's concerns about safety, perhaps signage or some

plan to control traffic around the cul-de-sac, and to consider both the existing and the new to see what the options are.

In reply to Mr. Frank, Mr. Fox said he believes that granting the nitrate analysis waiver will probably not be a problem.

Scott Firmin MOVED and Molly Butler-Bailey SECONDED a motion to postpone further review of S.B. Enterprises' request for preliminary subdivision approval pending responses to remaining issues and finalizing revisions to the plan. Motion CARRIED, 4 ayes, 1 nay (Brian Plowman), (Edward Zelmanow absent).

ITEM 5 Christensen, Kurt – Preliminary Subdivision – a request for approval of Fort Hill Road Subdivision, a 4-lot residential subdivision located off 765 Fort Hill Road, zoned R-MH, Map 85, lot 14.

Mr. Poirier held a preapplication discussion on this proposal on October 2, 2017. Because of the location of the pond in a common open space parcel in the proposed subdivision, this would be considered a clustered subdivision, and the Board will need to rule that the clustered subdivision is a better form of development for the property. If the Board decides that clustered is not the best form of development, the open space would be added to another numbered lot in the subdivision, and access to the pond would be provided through the use of an easement. Mr. Poirier noted that parcel A identified on the plan is to be deeded to an abutter; those deed transactions need to happen before subdivision approval.

Andrew Morrell, BH2M Engineers, came to the podium and gave an overview of the project, saying that the applicant is looking to develop a 10-1/2 acre which has two existing houses on site, one of which was an outsale. There will be public water for the two new lots, 1 and 2, and a waiver for the nitrate study will be requested. Lots 3 and 4 have drilled wells. There is an existing pond in the center of the parcel and the applicant would like all the lots to have access to that pond, which is why it is part of the site's open space and the project is proposed as a cluster subdivision. If the Board prefers a conventional design, the pond will added to one of the other lots and grant easements to the other lots to use the pond.

Mr. Morrell said they will provide a Class A high intensity soils survey. They are working with the Water District on an ability-to-serve letter. Financial and technical capacity information will be provided.

Mr. Fox said he feels that this development is a good fit for a clustered subdivision because of the pond and how that can be productive open space. The rest of the Board agreed with Mr. Fox that the clustered subdivision is the best form of development for the parcel.

Mr. Fox confirmed with Mr. Morrell that lots 1 and 2 will have public water. Mr. Morrell agreed, saying that lots 3 and 4 both have houses on them with drilled wells. Mr. Fox asked if the well on lot 3 impacts With septic for either lot 1 or 2. Mr. Morrell replied that it does not, it is far enough away for lot 2, and should not impact lot 2, but he will show that on the plan. Mr. Poirier suggested showing an easement on the plan for lot 2's access over lot 1 to the pond.

Mr. Fox confirmed with Mr. Morrell that they are dealing with staff's request for an ability-to-serve letter from the Water District. Mr. Poirier replied to a query from Mr. Fox that it is safe to assume that there will be ample public water available, and the Board can condition granting a waiver for the nitrate plume analysis on public water being available. The Board agreed that a waiver can be granted.

PUBLIC COMMENT PERIOD OPENED: None offered.

PUBLIC COMMENT PERIOD ENDED.

Scott Firmin MOVED and Brian Plowman SECONDED a motion to grant Kurt Christensen's request for a waiver of the nitrate plume analysis requirement under Chapter 3, Section 3-3, B, 16) Nitrate Plume Analysis, provided that public water is available. Motion CARRIED, 5 ayes (Edward Zelmanow absent).

Mr. Poirier suggested that the applicant decides what to do with parcel A before the Board grants preliminary approval. Mr. Morrell asked the Board to consider granting preliminary and final approval at the same future meeting. Mr. Fox said that may be possible.

Scott Firmin MOVED and Molly Butler-Bailey SECONDED a motion to postpone further review of Kurt Christensen's request for preliminary subdivision approval pending responses to remaining issues and finalizing revisions to the plan. Motion CARRIED, 5 ayes (Edward Zelmanow absent).

ITEM 6 Kasprzak Landholdings, Inc. – Subdivision/Site Plan Review – Pheasant Knoll Condominiums, Subdivision Phases 4-6 – Stonefield, Windswept and Winding Ridge Condominiums at Pheasant Knoll – a request for approval for 61 duplex condominium units, zoned Contract Zone, Urban Residential and Shoreland Overlay, Map 46, Lot 11.004.

Mr. Poirier told the Board that this project has been before it on numerous occasions. The applicant has submitted a full application for review through staff first, due to the size of the plans, and it is suggested that perhaps a site walk should be scheduled.

Bob Georgitis, vice president of Kasprzak Homes, came to the podium and introduced Owens McCullough of Sebago Technics. Mr. Georgitis went through the different plans that have been before the Board, noting that in May of 2018 it was decided to revise the submission in order to show the Board the whole thing and do the engineering for the whole thing. Some 60 pages of plans and drawings have been submitted to the Portland Water District, their feedback has been received with some changes requested. A number of meetings have been held with DEP staff. Mr. Georgitis pointed out phase 1, which is Stonefield Condominiums; phase 2 is Windswept Condominiums; and phase 3 would be the rest. Proposed are three ponds to handle stormwater, the biggest and first being built as part of phase 1. Water is treated by flowing into the first pond, gets treated, goes into ponds 2 and 3, so water is actually treated 3 times before it leaves the site and trickles down at Tannery Brook and goes into the pond that is on the Town's land. The development will have public sewer and water, natural gas, underground utilities, curbed streets, and sidewalks. Mr. Georgitis said the process was started in 2003 and approved in 2005, and it has taken 13 years to build out and sell 82 units. This current buildout is 122 units, so Mr. Georgitis said his best guess is 8 to 10 years at the fastest.

Mr. Plowman said the current proposal seems pretty consistent with the rest of the development. Mr. Poirier noted that the applicant will be going forward to amend the Contract Zone on the parcel with regard to the performance guarantee, and he foresees that the Contract Zone amendment will be fairly straightforward. Mr. Georgitis said a request has already been submitted to the Town Manager to get the Contract Zone amendment before the Town Council, and it is basically a one-sentence addition to the original language of the Contract Zone agreement.

Mr. Poirier and Mr. Georgitis discussed the snowmobile trail above the northern boundary, which Mr. Georgitis said is beyond their property. Mr. Georgitis said they are working with the Gorham Conservation Commission about the location of trails and access to those trails.

PUBLIC COMMENT PERIOD OPENED: Dick Caldwell, 8 Ridgefield Drive, representing both Ridgefield Drive and Woods Edge condominium associations, indicated their main concern would be a part of the site walk, looking at the closest to new buildings on Falcon Crest. He said there is much concern with the people in the last two buildings in Ridgefield as to the closeness of the property line, although he believes it is the closeness of the buildings in phase 4 that would be the primary concern. He asked that those building corners be staked out and where the road comes in. Mr. Caldwell said he believes the applicant has taken care of their concerns about traffic coming through, and maybe there could be some consideration given to extra parking at the end of Ridgefield or the new association that Ridgefield can use.

PUBLIC COMMENT PERIOD ENDED.

In reply to Mr. Richman, Mr. McCullough said that stormwater would be collected in catch basins and underground piping to convey it to the three ponds.

It was agreed that the centerline of the road should be staked out, as well as placing stakes of the building envelopes closest to existing condominium abutters.

Scott Firmin MOVED and Brian Plowman SECONDED a motion to postpone further review of Kasprzak Landholdings & Homes, Inc.'s request for subdivision and site plan approval pending a site walk being conducted and the submission of revised plans. Motion CARRIED, 5 ayes, Edward Zelmanow absent).

OTHER BUSINESS	NONE
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ANNOUNCEMENTS	NONE
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ADJOURNMENT

Molly Butler-Bailey MOVED and Michael Richman SECONDED a motion to adjourn. Motion CARRIED, 5 ayes (Edward Zelmanow absent). [9:58 p.m.]

Respectfully submitted,



Barbara C. Skinner, Clerk of the Board
December 3, 2018