

PLANNING BOARD MEETING

September 12, 2016

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

Members Present

EDWARD ZELMANOW, Chairman

SCOTT HERRICK, Vice Chairman

LEE PRATT

RACHEL SUNNELL

Members Absent

JAMES ANDERSON

GEORGE FIRMIN

SCOTT FOX

Staff Present

THOMAS M. POIRIER, Town Planner

BARBARA C. SKINNER, Clerk of the Board

Edward Zelmanow, Chairman, called the meeting to order at 7:00 p.m. The Clerk called the roll, noting that James Anderson, Scott Firmin and George Fox were absent.

APPROVAL OF THE AUGUST 1, 2016 MINUTES

Scott Herrick MOVED and Rachel Sunnell SECONDED a motion to approve the minutes of August 1, 2016 as written and distributed. Motion CARRIED, 4 ayes (James Anderson, George Fox and Scott Firmin absent).

COMMITTEE REPORTS

A. Ordinance Review Committee – Mr. Herrick reported that the Ordinance Committee has not met since last month, at which time the proposed contract zone for 17 Railroad Avenue was discussed, which will be coming back before the Board.

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

CHAIRMAN'S REPORT – Mr. Zelmanow announced that this evening will be Ms. Sunnell's last night on the Planning Board. He thanked her for her guidance and assistance on the Board, and said she will be greatly missed. Ms. Sunnell said how much she respects all the Board members and that it was a privilege to serve on the Board with them.

Mr. Zelmanow noted that as a result of Ms. Sunnell's departure, there will a vacancy on the Planning Board, and suggested that anyone interested in serving should contact the Clerk's office for more information.

ADMINISTRATIVE REVIEW REPORT – Mr. Poirier reported that there is one new Administrative Review project, that of Roger Gagnon, 198 Main Street, for a garage on his multi-use site for residential use, which will now be a mixed-use site.

ITEM 1 PUBLIC HEARING – Land Use and Development Code Amendment – Amendment to allow the rezoning of 5 properties on the right side of Shaws Mill Road from Suburban Residential to Roadside Commercial, located on Map 77, Lots 14 through 14.004.

Mr. Poirier explained that this item was forwarded to the Planning Board from the Town Council, who asked the Board to inquire of the four proposed lot owners about whether they would support their lot being rezoned from Suburban Residential to Roadside Commercial. Staff has attempted contact with the lot owners on a number of occasions, and has received affirmative responses from three of the lot owners and one who didn't really care. In addition, as part of staff's review, a 5th property owner advised staff that he, too, would like to have his property rezoned in the same manner. Mr. Poirier said that staff has revised the Gorham zoning map, included in the Board's packets, which shows the 5 lots being rezoned to Roadside Commercial. The Board's recommendation would be for the Council to adopt the new zoning map.

PUBLIC COMMENT PERIOD OPENED: Mark McShane, 33 Shaws Mill Road, asked why this rezoning is taking place in a residential area. Mr. Zelmanow said that the process began with the Town Council, who asked the Board to check with the owners of the properties in question about rezoning their properties. Mr. Poirier said that one of the lot owners asked the Council for the rezoning; that lot owner is located directly across from the existing Casco Credit Union, so the lots in question are those at the beginning of Shaws Mill Road along Route 25.
PUBLIC COMMENT PERIOD ENDED.

Rachel Sunnell MOVED and Lee Pratt SECONDED a motion to recommend adoption by the Town Council of the proposed zoning map amendment to rezone 5 lots at the intersection of Shaws Mill Road and Ossipee Trail at Map 77, Lots 14, 14-1, 14-2 14-3, and 14.4, from Suburban Residential to Roadside Commercial. Motion CARRIED, 4 ayes (James Anderson, Scott Firmin and George Fox absent).

ITEM 2 PUBLIC HEARING – Land Use and Development Code Amendment – Amendment to Chapter I, Zoning Regulations, Section V, Definitions, regarding home occupations.

Mr. Poirier explained that this item came to the Board from the Town Council. The Board discussed the item at its June meeting, at which time it was forwarded to the Board's Ordinance Subcommittee for review and recommendation at its August 1, 2016 meeting. The language before the Board this evening contains both Ordinance Committee and staff recommended changes.

Mr. Zelmanow proposed a number of changes to the proposed ordinance language, among them the re-numbering of items after #7 so that they become a new #8, #9, #10, #11 a. and b., and #12. In #8, Mr. Zelmanow said that the language should be "A home occupation shall be limited to the following," with the items listed as a, b, c, d, and so forth. In the newly numbered item 10, Mr. Zelmanow recommended that the language read "A permit must be obtained from the Code Enforcement Department prior to the **commencement** of the Home Occupation" instead of "... prior to the **installation** of the Home Occupation." In the newly numbered item 11, "A Home Occupation shall not be interpreted to including the following" "facilities for the repair of motor vehicles" should be listed as a) and "day care center" should be listed as b). In the newly numbered item 12, the language "... the home occupation use for office or **small builders**, plumbers and electricians **shall** also meet..." should be changed to "... the home occupation use for office or **constructions services**, plumbers and electricians **must** also meet..." In addition, Mr. Zelmanow suggested that in c) of item 12, the phrase "outdoor storage" should be stricken from the sentence "Material storage building/space limited to 20%..."

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

Rachel Sunnell MOVED and Scott Herrick SECONDED a motion to recommend adoption of the proposed zoning amendment to Chapter I, Definitions, Home Occupations, as amended by the

Planning Board. Motion CARRIED, 4 ayes (James Anderson, Scott Firmin and George Fox absent).

ITEM 3 PUBLIC HEARING – Final Approval, Subdivision and Site Plan – STJ, Inc. – request for approval of Brackett Brook Condominiums, consisting of six duplex buildings, plus an existing duplex, for a total of 14 units in 7 buildings, on property located on 3.45 acres off 210 Huston Road, Map 111, Lot 46, Urban Residential and Manufactured Housing zoning districts.

Mr. Poirier advised the Board that it had reviewed this application at its June 20, 2016, and had granted the applicant preliminary approval. A site walk was held on July 13, 2016 to visit the site. Mr. Poirier noted that the applicant is requesting a waiver from the subdivision requirement to submit a high intensity soil survey. He said that the applicant met with staff today about the requirement to extend sidewalks from the development to the existing Little Falls sidewalk network. However, due to the condition of Huston Road, it was determined that it was not feasible to require the applicant to build a sidewalk at this time. Instead of requiring the sidewalk to be built, the applicant is going to put funds toward construction of that sidewalk in the future; Condition of Approval #10 deals with the escrows the applicant will place for the sidewalk construction and road repairs in the vicinity of Huston Road. This Condition also deals with the comments from the Public Works Director.

Mr. Poirier noted that after discussion, the applicant can get the density it requires, but the road is now going to be private and part of the condominium association.

Mr. Poirier commented that abutter comments have been received from Stephanie Berry and from Don Wilson, whose parents' property abuts the project; these comments have been provided to the Board.

Shawn Frank, Sebago Technics, appeared on behalf of the applicant and introduced Tom Shaw of STJ. He said that the roadway was originally proposed as a public roadway with a hammerhead and a right-of-way extending to the property on the east in case there is any future access involving that. However, now the public roadway will be a private drive owned and maintained by the homeowners' association. What had been shown as a 50 right-of-way will now be shown as a 50 foot easement to the Portland Water District.

Mr. Frank said they have met with an abutting property owner and there is a note on the grading plan that the applicant will coordinate some grading of their back yard to accommodate drainage along that property line, and the applicant will install a stockade fence along that property line. The abutter on the other side asked for a chain link fence, so the plan shows that 170 feet of chain link fence will be installed.

Mr. Frank said that caliper sizes of trees will be shown on the landscaping plan.

Mr. Frank said that the applicant is comfortable with the conditions of approval. The final plans including the easement detail have been provided to the Portland Water District for their final review. In reply to Mr. Zelmanow, Mr. Frank said there is no specific Maine DEP approval, it will just be a Maine general construction permit. Mr. Frank also told Mr. Zelmanow that they have the Water District's ability to serve letter and their acceptance of an easement of the first 200 feet of roadway, but he will be happy to secure an official letter of acceptance for staff. Mr. Poirier said that this is something that the Ordinance requires. Mark Curtis, STJ, came to the podium and said they will be happy to get a letter from their financial institution.

Ms. Sunnell asked that a listing of street trees be provided. Mr. Frank said that the fencing for the abutter will be shown on the plan and the drainage swale will be reworked to get that off their property. The work

will be done in coordination with the abutter. Mr. Curtis said it will be done as a proposal in writing at no cost to the abutter but will describe exactly what will be done and when it will be done.

Mr. Herrick asked if the creation of a fund in lieu of installing the sidewalk at a future date meets the requirements of the ordinance. Mr. Poirier replied that the Board is not waiving the requirement for sidewalks, instead of the applicant doing it, the Town will do it.

Mr. Poirier told Mr. Zelmanow that there is no requirement for a high intensity soil survey for site plan, it is a subdivision requirement.

Rachel Sunnell MOVED and Lee Pratt SECONDED a motion to grant STJ, Inc.'s request to waive the submission requirement under Chapter III, Section III, B. 11) for a Class A High Intensity Soil Survey. Motion CARRIED, 4 ayes (James Anderson, Scott Firmin and George Fox absent).

Based on the missing items of a letter from the Water District and the applicant's financial institution and other minor items, the Board concurred that a conditional approval would be satisfactory. Mr. Poirier noted that Condition of Approval #7, "That the applicant shall make all the required changes to the plan meeting Town Staff approval prior to the Planning Board's endorsement of the plan" should take care of the remaining items that have been discussed.

PUBLIC COMMENT PERIOD OPENED: Alice and David Wilson, 9 Sebago Lake Road, expressed concern about the extra traffic coming out of the development and the applicants' new road impacting the length of their property and asked for a buffer or fence. Mr. Frank said that they are not currently proposing any buffer along that property line, there will be a two-foot drainage ditch. He said it will be a dead end road only be 800 feet in length and serve only 14 residential units. Mr. Zelmanow said the plan appears to be the best use for the property and it is a very small private way. In reply to Mrs. Wilson asking for traffic lights, Mr. Zelmanow said that the Board has no control over traffic lights.

PUBLIC COMMENT PERIOD ENDED.

Rachel Sunnell MOVED and Scott Herrick SECONDED a motion to grant STJ, Inc.'s request for final subdivision approval for a 14-unit residential condominium project located on 3.45 acres off Huston Road on Map 111 Lot 46 in the Urban Residential and Manufactured Housing zoning districts based on the Findings of Fact and Conditions of Approval as written by the Town Planner. Motion CARRIED, 4 ayes (James Anderson, Scott Firmin and George Fox absent). [8:10 p.m.]

Stretch Break to 8:25 p.m.

ITEM 4 SUBDIVISION REVIEW – Normand Berube Builders – request for approval of a 7-lot subdivision on approximately 17.67 acres, located off Shiers Mill Drive, Map 4, Lot 4.001, Rural zoning district.

Mr. Poirier advised the Board that different developers have looked at this parcel in the past and currently Normand Berube Builders is looking to develop a conventional subdivision on the site. Mr. Poirier asked if the Board would like to hold a sitewalk. Mr. Poirier called the Board's attention to the proposed road design, which is contemplated to be two dead-end hammerhead roads built to Town standards, and noted that the Public Works Director has concerns about taking over that amount of road with such a limited number of dwelling units proposed to be served by the two dead end roads. Staff has met with the applicant's engineer to look at some other designs which the applicant's engineer is going to discuss with the developer. Mr. Poirier said that a lot may also be lost due to the density calculations because it appears that the steep slopes

have not been considered as part of the net acreage calculations and there may be some lot line revisions as well.

Mr. Poirier replied to a question from Mr. Zelmanow that the applicant is proposing to upgrade Shiers Meadow Road to public road standards.

Andrew Morrell, BH2M Engineers, appeared on behalf on the applicant and explained that the original approval for the project involved Shiers Meadow Drive, an approved private way and three lots, all of which have currently been built on the front of the parcel. The applicant intends to upgrade the existing road to public road standards, extending the public road, and then creating an additional public road. Proposed is just under 1000 total feet of new road and 7 new lots.

Mr. Morrell said that a nitrate plume analysis has been completed, FEMA flood study has been completed and will be submitted moving forward, the net residential density calculations will be reviewed, and the test pits for the septic systems on each lot have been completed and will be provided. Mr. Morrell said the lots will be served by private water and sewer.

Mr. Zelmanow and Mr. Morrell discussed the current proposed roadway design and a proposed right-of-way to the abutting property. Mr. Morrell confirmed that the lots may be changing based on what they decided to do with the road, whether it will be a looped road system, or make both roads private, or reconfigure the extension of Shiers Meadow Drive. Mr. Poirier commented that realistically a looped road system is not feasible, but a cul-de-sac could work with just one road. In reply to Mr. Pratt, upgrading Shiers Meadow Drive to the end would involve 4 total feet added to the gravel width and regrading the ditches.

PUBLIC COMMENT PERIOD: Kurt Albert, 103 County Road, said his concern is access to his back lot and he would prefer to have a public road with a 50-foot right-of-way for that access. Mr. Albert said he does not have road frontage to the back part of his lot.

Dick Shiers, owner of the property, said he has been told that the Town of Gorham has no interest in accepting any more public roads. He would like to know if the Town will accept a public road. Mr. Poirier said that the Town is still accepting subdivision roads, but if the Town is going to accept a public road in a subdivision, the Council wants to make sure that it will meet Town design standards and will not become a maintenance concern. Continuing, Mr. Poirier said that Public Works' input is considered in the Board's review of the project, and if it Public Works is concerned, then a re-design of the road might have to be considered.

PUBLIC COMMENT PERIOD ENDED.

The Board concurred that a site walk should be scheduled. Mr. Poirier suggested that two road alternatives be staked with the private way being one and the cul-de-sac as two and bring the sketch plans of both.

Rachel Sunnell MOVED and Lee Pratt SECONDED a motion to postpone further review of Norman Berube Builders' request for preliminary approval pending responses to remaining issues, revisions to the plans, and scheduling of a site walk. Motion CARRIED, 4 ayes (James Anderson, Scott Firmin and George Fox absent). [8:40 p.m.]

ITEM 5 SUBDIVISION REVIEW – W.W. Wood Properties, LLC – request for approval of Norlek Heights Subdivision, an 11-lot subdivision and a single lot private way, on property located off Dingley Spring Road, Map 75, Lot 9, Suburban Residential Manufactured Housing zoning districts.

Mr. Poirier said that this item was before the Board as pre-application discussion on July 11, 2016. He said that the applicant is requesting a partial waiver of the high intensity soil survey for the eastern half of the site is wetland area and the applicant is not proposing any development in that area. He said that the applicant has submitted a high intensity soil survey for that portion of the lot which they intend to develop.

Mark Carpenter, Nadeau Land Surveying, introduced Ronnie Gray. Representative of W.W. Wood Properties. Mr. Carpenter said that the proposal is for 11 lots, all with single family lots, and with one lot having access via a private way. No wetland disturbance is proposed, all the lots will have underground power. The private way will service a single family dwelling. The lots all meet the minimum 200 feet of road frontage.

Mr. Zelmanow confirmed that it is the intent to keep lot 11 serving a single family home. Mr. Poirier commented that in that case, it can only be for a single family home and cannot have an in-law apartment. Mr. Poirier said that net residential density calculations are not required in the Suburban Residential zoning district so long as each lot meets 60,000 square feet.

Mr. Zelmanow polled the Board and it was agreed that no site walk need be scheduled. It was also agreed that preliminary approval could be granted this evening, with final approval moved to the next available consent agenda once all remaining issues have been addressed.

Rachel Sunnell MOVED and Scott Herrick SECONDED a motion to grant W.W. Wood Properties, LLC's request to waive the submission requirement under Chapter III, Section III, B.11) for a Class A High Intensity Soil Survey for the eastern half of the site. Motion CARRIED, 4 ayes (James Anderson, George Fox and Scott Firmin absent).

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

Rachel Sunnell MOVED and Lee Pratt SECONDED a motion to grant W.W. Wood Properties, LLC's request for preliminary subdivision and private way approval for Norlek Heights Subdivision and private way on Dingley Spring Road located on Map 75, Lot 9, in the Suburban Residential zoning district, based on Findings of Fact and Conditions of Approval to be written by the Town Planner. Motion CARRIED, 4 ayes (James Anderson, George Fox and Scott Firmin absent. [9:00 a.m.]

ITEM 6 PRE-APPLICATION DISCUSSION – Subdivision Review – STJ, Inc. - request for Planning Board comments on Jane's Woods, a 9-lot subdivision with a public road and a private way on 14.94 acres on property located between Files Road and Line Road, Map 74, Lot 4, Suburban Residential zoning district.

Mr. Poirier explained that as this is a pre-application discussion, the plans have not been circulated for review and this is just a discussion among the Board and the applicant.

Andrew Morrell, BH2M Engineers, appeared on behalf of the applicant STJ, Inc., and described the project as approximately a 15 acre parcel zoned Suburban Residential in between Line Road and Files Road, just south of Elliott Road. The applicant is proposing a 9-lot single family subdivision served by two road systems, one a 750 foot public road off Files Road serving 6 of the lots, and a 300 foot private way serving up to 3 lots. The lots would all be served by underground electric, drilled wells and subsurface septic.

Mr. Zelmanow asked why the public road portion isn't extended out and connected into Line Road. Mr. Morrell said the topography of the site goes from Files Road up to Line Road, and the applicant would like to

bring material out of the site; the intent would be to have the grade of the roads lower, allowing the lots to be a bit higher. A connection to Line Road will force the road up and the houses up, which limits the material the applicant will be able to pull off the site.

Tom. Shaw, STJ, Inc., said that if a road is put there, there would be 3 in a row and this way it will be more of a neighborhood. He said he is more concerned keeping the lots above the road. Mr. Morrell said that the final layout is yet to be determined based on topography. Mr. Zelmanow confirmed that the private way is just to serve lot 5, and that lots 3 and 6 will take their frontage from the public road. Mr. Poirier said that if the road is a private way it wouldn't have to connect; however, if it is public, the Public Works Director will want to see it connected.

Mr. Zelmanow referred to an email from abutters Vicki Bove and Eugene Heitz at 133 Files Road, who are asking for as many trees as possible between the lots. Ms. Sunnell remarked that some of the properties have changed hands, so when the plans are updated all the property owners need to be updated as well. Mr. Zelmanow said that a final configuration will depend on the net residential density calculations, and once an application has been submitted, the Board can consider a site walk. Mr. Pratt suggested giving the entrance/exit on Files Road as much visibility as possible. Ms. Sunnell suggested that the road placement should ensure that headlights do not shine on abutters and houses across the street and said that a cul-de-sac could be a benefit for the safety of children in the area.

PUBLIC COMMENT PERIOD OPENED: Mark Duffy, 124 Files Road, asked where the outlet on to Files Road will be and he does not want cars coming down the road with their headlights shining into his windows.

PUBLIC COMMENT PERIOD ENDED..

ITEM 7 PRE-APPLICATION DISCUSSION – Subdivision Review – Gregory McCormack – request for Planning Board comments on Maplewood Drive Subdivision, a 6-lot subdivision with a previously approved private way (Deerfield Drive) on 5.08 acres, located at the end of Maplewood Drive, Map 104 Lots 10.003, 3 and 30, Urban Residential zoning district. E

Mr. Poirier said this item is on for a pre-application discussion, and the plans have not yet been submitted to staff for review. He reminded the Board that the applicant recently received approval for Deerfield Drive, a 2-6 lot private way, and is now looking to follow that up with a subdivision approval. He said the lot is located in the Urban Residential zoning district; subdivisions in this district are required to have a sidewalk to connect to an existing sidewalk network. Maplewood Drive does not have a sidewalk, and the closest sidewalk is located on South Street, approximately 950' from the edge of the subdivision parcel. The sidewalk connected is required to be made and is not waivable by the Planning Board. In addition, the applicant will need to make a connection to a public sanitary sewer unless he can prove that it is an undue hardship to do so; public sewer is located about 780' away from the parcel.

Andrew Morrell, BH2M Engineers, introduced the applicant, Greg McCormack. Mr. Morrell said that Deerfield Drive was approved in 2015 as a 2-6 lot private way. Mr. Morrell said it would seem to be a financial hardship to both extend a sidewalk and install a public sewer extension.

Mr. Zelmanow confirmed with Mr. Poirier that the applicant would need to install sidewalks down both Deerfield Drive and Maplewood Drive, approximately 950 feet. Greg McCormack came to the podium and questioned the sidewalk requirement in the Land Use Code, saying he believes that private ways do not require sidewalks and in this development there wouldn't be that much foot traffic to warrant sidewalks. Mr. McCormack said he would prefer donating funds to the Town for a common open space rather than installing sidewalks. Mr. Zelmanow noted that the Town Attorney has opined that the Board cannot waive the sidewalk requirement in the Urban Residential zone.

A lengthy discussion followed among Mr. McCormack, Mr. Morrell and Board members about the sidewalk requirement and some of the physical problems that could arise with sidewalk installation due to going from open to close drainage ditching. Ultimately it was decided that the applicant's engineer should meet with staff and the Public Works Director for guidance on a possible at-grade sidewalk and other options.

Mr. McCormack asked if there is an appeals process on the issue. Mr. Poirier replied that there is a zoning amendment process to the Land Use Code in order to give the Board the flexibility to determine whether a waiver of the requirement for sidewalk installations could be granted. However, Mr. Poirier cautioned that this is a process that must start with the Town Council and could be time consuming.

A brief discussion ensued about connecting to public sewer. Mr. Poirier said that he does not believe this subdivision would need a pump station built to the Public Works standard; if anything, he would see it as being low pressure sewer being pumped up the road, similar to the systems on Bramblewood. Mr. Poirier said this would be the cost figure vs. connecting to public sewer that the applicant would submit to determine undue hardship. Mr. Poirier advised Mr. Morrell that the Portland Water District would take ownership in the Town right-of-way and everything else would be private. In reply to Mr. Zelmanow, Mr. Poirier said he will get the exact ordinance undue hardship language about sewer for the Board's next meeting. Mr. Morrell advised Mr. Zelmanow that utilities will be underground.

The Board concurred that no site walk would be required.

ADJOURNMENT

Rachel Sunnell MOVED and Lee Pratt SECONDED a motion to adjourn. Motion CARRIED, 4 ayes (James Anderson, Scott Firmin and George Fox absent). [9:45 p.m.]

Respectfully submitted,

Barbara C. Skinner, Clerk of the Board
_____, 2016

ITEM 3 STJ, INC. – BRACKETT BROOK CONDOMINIUMS

CHAPTER III - SUBDIVISION, SECTION III - PRELIMINARY PLAN

The Planning Board, following review of the Subdivision Application, makes these findings based on the Subdivision Review criteria found in Chapter III, Subdivision, Section III – C. Preliminary Plan Review, and Section IV – 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 needed for the proposed development.

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

Finding: Brackett Brook Condominiums conform with the Comprehensive Plan of the Town, and with all pertinent State and local codes and ordinances.

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

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

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

Finding: Brackett Brook Condominiums will not cause congestion or unsafe conditions with respect to use of the highways or public roads, existing or proposed on or off the site.

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

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

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

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

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

The applicant has submitted an ability-to-serve letter from the Portland Water District dated June 6, 2013.

The applicant will provide an approval letter from the Portland Water District.

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

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

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

The applicant has submitted an ability-to-serve letter from the Portland Water District dated June 6, 2013.

The applicant will provide an approval letter from the Portland Water District.

Maintenance of the sewer mains and pumps located outside on the lot shall be the responsibility of the Brackett Brook Condominium Association.

Finding: Brackett Brook Condominiums provide for adequate solid and sewage waste disposal for present and future needs as reasonably foreseeable.

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

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

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

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

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

Finding: Brackett Brook Condominiums will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result.

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

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

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

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

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

The layout of the buildings and road will not impact any wetlands or other natural features on the site.

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

Finding: Brackett Brook Condominiums will respect fully the scenic or natural beauty of the area, trees, vistas, topography, historic sites and rare or irreplaceable natural or manmade assets.

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

The applicant will submit a letter of intent to fund the development from a financial institution.

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

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

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

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

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

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

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

CHAPTER III - SUBDIVISION, SECTION IV –FINAL PLAN REVIEW

D. FINAL PLAN REVIEW

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

The Planning Board granted preliminary subdivision approval on June 20, 2016.

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

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

The Planning Board granted preliminary subdivision approval on June 20, 2016.

Finding: *The plan is approved by the Planning Board within 12 months of Preliminary subdivision approval.*

CHAPTER IV, SITE PLAN REVIEW, SECTION IX – Approval Criteria and Standards

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

CHAPTER IV, Section IX – Approval Criteria and Standards

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

The proposal is to construct six two-unit condominium buildings located on the western half of the lot. The very northern portion of the lot will remain undisturbed.

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

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

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

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

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

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

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

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

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

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

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

A sidewalk will be located on the western side of Tucker Drive. The sidewalk will connect to the existing sidewalk located along Gray Road via a sidewalk proposed to be located along Huston Road. The applicant shall pay the Town a fee for the construction of the sidewalk on Huston Road.

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

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

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

Finding: *The site has adequate provisions for the disposal of all storm water collected on streets, parking areas, roofs or other impervious surfaces through a storm water drainage system and maintenance plan which will not have adverse impacts on abutting or downstream properties.*

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

During construction a filter berm or silt fence will be installed along the edge of the disturbed area, as shown on the Plan and Profile: Sheet 4 of 7. The applicant will also comply with the "Maine Erosion and Sediment Control Handbook for Construction: Best Management Practices," Maine Department of Environmental Practices.

Finding: *The project, building, and site designs and roadway layouts will fit and utilize existing topography and desirable natural surroundings to the fullest extent possible.*

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

The condominium units will be served by public water from the Portland Water District. A 4" water main will be extended into the site from the existing 8" water main located in the Huston Road right-of-way. The water main design and installation are required to meet the requirements of the Portland Water District.

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

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

The condominium units will be served by public sewer from the Portland Water District. A gravity sewer system will collect sewerage from 10 units with 2 units having low pressure sewer mains. The maintenance and operation costs of the sewer system located on the lot are the responsibility of the Brackett Brook Condominium Association.

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

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

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

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

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

The proposal requires no clearing of trees to construct the condominium units, the proposed road, or storm water infrastructure. No wetland impacts are proposed.

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

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

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

The applicant is proposing to treat storm water in a pond located at the end of the road and along the eastern property boundary which provide storm water an opportunity to infiltrate into the ground. The condominium dwelling units will not utilize groundwater for use by the occupants of the units.

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

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

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

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

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

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

Finding: The development will provide for adequate disposal of solid wastes and hazardous wastes.

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

The applicant has submitted a Landscaping Plan: Sheet 5 of 7 showing the location of 14 street trees along the western side of the proposed road. The applicant is proposing not to disturb the trees located along the northern edge of the lot. The applicant has been working with the abutter to add landscaping along the western property line; the information will be added to the landscaping plan.

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

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

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

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

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

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

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

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

The proposal is to retain the existing trees located along the northern property line. The applicant has been working with the abutter to add landscaping along the western property line; the information will be added to the plan.

Finding: The development will provide for buffering of adjacent uses where there is a transition from one type of use to another use and to screen service and storage areas.

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

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

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

CONDITIONS OF APPROVAL

1. That this approval is dependent upon, and limited to, the proposals and plans contained in this application and supporting documents submitted and affirmed by the applicants and that any variation from the plans, proposals and supporting documents is subject to review and approval by the Planning Board, except for minor changes which the Town Planner may approve;
2. That the applicant shall provide property line information and site information in auto-cad format to the Town Planner;
3. That the houses shall be properly numbered with the numbers being visible from the street year round;
4. That the street name shall be approved by the Police and Fire Chiefs;
5. That the underground electric lines shall be inspected by the Code Enforcement Officer prior to backfill;
6. That the streets shall be properly named and signed with Town approved street signs and street signs shall be in place as soon as the driveway is constructed;
7. That the applicant shall make all the required changes to the plan meeting Town Staff approval prior to the Planning Board's endorsement of the final plan;
8. The prior to the commencement of construction, the applicant, applicant's engineer and earthwork contractor shall have a pre-construction meeting with the Town's Engineer, Town Planner, Code Enforcement Officer, Public Works Director and Fire Chief;
9. That the private driveway shall be properly maintained for access of emergency vehicles year round;
10. That the applicant shall put a cash escrow of \$12,000.00 for sidewalk construction and \$12,000 for road repairs in the vicinity of Huston Road;

11. That the applicant is responsible for recording the approved Condominium Association documents within 90 days of the date of approval of the subdivision by the Planning Board and a recorded copy of the Condominium Association documents shall be returned to the Planning Department prior to a preconstruction meeting being held;
12. That the two buildings located north of the proposed road must have its lower floor, including basement, a minimum of one foot above the 100 year floor elevation and must have this elevation certified by a professional engineer, surveyor or architect prior to start of construction;
13. That the Planning Board Chairman is authorized by the Planning Board to sign the Findings of Fact on behalf of the entire Board;
14. That the subdivision/site plan shall not be released for recording at the Cumberland County Registry of Deeds until the required performance guarantee has been posted meeting the approval of Town Staff; and the subdivision plan is required to be recorded within one year of original approval or the approval becomes null and void; and
15. That once the subdivision plan has been recorded at the Cumberland County Registry of Deeds, a dated mylar copy of the recorded subdivision plan shall be returned to the Town Planner prior to a pre-construction meeting being held.