

**PLANNING BOARD MEETING  
February 5, 2018**

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

**Members Present**

**SCOTT HERRICK, VICE CHAIRMAN**  
**MOLLY BUTLER-BAILEY**  
**SCOTT FIRMIN**  
**GEORGE FOX**  
**LEE PRATT**  
**MICHAEL RICHMAN**

**Staff Present**

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

**Members Absent**

**EDWARD ZELMANOW, CHAIRMAN**

Scott Herrick, Vice Chairman, assumed the chair and called the meeting to order at 7:00 p.m. The Clerk called the roll, noting that Edward Zelmanow was absent.

**APPROVAL OF THE JANUARY 8, 2018 MINUTES**

**George Fox MOVED and Lee Pratt SECONDED a motion to approve the minutes of the January 8, 2018 meeting as written and distributed. Motion CARRIED, 4 ayes (Edward Zelmanow absent, Scott Herrick and Scott Firmin abstaining as not having been present at the meeting).**

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**COMMITTEE REPORTS** – Mr. Herrick reported that the Ordinance Subcommittee had previously been considering language proposed by the Town Council regarding marijuana in the Town of Gorham. The Subcommittee has sent that back to the Council pending adoption by the State of Maine of rules and regulations on marijuana. The Subcommittee determined that it makes little sense to adopt some course of action until we know what the State is going to do.

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

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**CHAIRMAN'S REPORT** – Mr. Herrick noted that there is no Chairman's Report this evening.

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**ADMINISTRATIVE REVIEW REPORT** – Mr. Poirier reported that there is no Administrative Review report this evening.

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**ITEM 1 Public Hearing – Land Use and Development Code – Amendment** to allow mobile vending units in the Roadside Commercial, Industrial, Narragansett Development, Agricultural/Industrial, Urban Commercial and Gorham Village Center zoning districts subject to specific Performance Standards.

Mr. Poirier explained that this item is a zoning amendment, reviewed by the Planning Board and discussed with a public hearing. The Board then forwards the proposed language with the Board's recommendation back to the Town Council for the Council's action. This item has been reviewed at a number of Board meetings, as well as by the Board's Ordinance Subcommittee. Mr. Poirier advised the Board that the

proposed language in its packets has language in red which represents changes made by the Ordinance Subcommittee and the language in blue is that of the Town's Attorney.

Ms. Butler-Bailey confirmed that the language is unchanged from that seen by the Board last month. Mr. Herrick requested a clarification of the language in "6. Exemptions: (3) Each property is limited to *one exemption* per calendar year," recommending the insertion of the word "day" after the word "one" so that it will read "... a *one day exemption* per calendar year."

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

**Scott Firmin MOVED and George Fox SECONDED a motion to recommend adoption by the Town Council of the proposed zoning amendment to the Land Use and Development Code allowing mobile vending units as a permitted use as amended by the Planning Board Motion CARRIED, 6 ayes (Edward Zelmanow absent). [7:10 p.m.]**

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**ITEM 2 Public Hearing – Site Plan Amendment/Subdivision Review – Kara Estey and Zeb Ellis –**  
Request for approval to convert an existing structure into 5 apartments with proposed patios, deck areas, and new unit entrances on property located at 19 Flaggy Meadow Road in the former Biodiversity building, Map 105, Lot 32, Urban Residential zoning district.

Mr. Poirier told the Board this is the first time this item has come before the Board. It is on for both subdivision and site plan review and therefore is on for a public hearing this evening. In addition to being reviewed for subdivision and site plan, the item will also be reviewed under the multi-family housing standards of the Land Use Code. He said that since this is an existing site, staff has not sent out the project for engineering peer review; however, should the Board want to have it peer reviewed, it can be done. Mr. Poirier also noted that comments have been received from two abutters; their comments are included in these minutes, as follows:

1. Received February 2, 2018 from Sheila Phinney-Levine, 33 Flaggy Meadow Road:

"Dear Tom:

I am writing in reference to the notice I received from the planning board concerning the proposal to renovate the building at 19 Flaggy Meadow Road into 5 apartments.

This property abutts my home at 33 Flaggy Meadow Road and I have some concerns. Flaggy Meadow is a quiet neighborhood area with a mix of young and older residents. I am concerned that the apartments will be rented to college kids or become a fraternity with lots of parties, drinking of alcohol and cars parked all over the lawns.

I would like to see a buffer of trees or a fence erected between my property at 33 Flaggy Meadow Road and 19 Flaggy Meadow Road. Plus a buffer around any parking lots. I had a problem with the previous owner, Bio Diversity, using my lawn and property as if it was theirs as well.

I would hope the renters will be families or singles who will appreciate and respect a quiet neighborhood and the property new door.

Sincerely, Sheila Phinney-Levine"

2. Received February 3, 2018 by email from Conrad Ustaris, 152 State Street:

"Mr. Thomas M. Poirier

My property is located next to the subject property of item #2 on the Gorham Planning Board Meeting scheduled for February 2, 2018. I wanted to voice my concerns since my property's proximity is rather close. During the previous tenants stay there, one of their pets got loose and was entering our yard. At one point, their dog charged me aggressively; while I am not against the conversion of the structure into a 5 unit apartment building, I would like some sort of fence or barrier considered as part of their building plan to serve as a buffer between our properties.

Thank you for your time."

Mr. Poirier recommended that the Board should decide if a site walk is warranted for the project.

Dan Riley, Sebago Technics, came to the podium and introduced the applicants/property owners, Kara Estey and Zeb Ellis, who will also occupy the building. Mr. Riley said the property is an acre and a half located at the intersection of Flaggy Meadow Road and Route 25. Mr. Riley gave the Board an overview of the history of the parcel, explaining that the BioDiversity Research Institute acquired the existing structure and received approval in 2004 to convert it from a two-unit residential building into a mixed use commercial and residential occupancy. At that time the approval included expansion of the parking, adding 7 spaces in 2004. In 2008 a minor site plan was approved which expanded the parking to what currently exists today, a total of 20 parking spaces. An amended site plan was approved in 2011 which would have expanded the parking by an additional 13 spaces, but that parking was not constructed. The applicants purchased the property in 2017 and have received a certificate from the Town approving the conversion of the use back to a two-unit residential property.

Mr. Riley said that no significant site improvements are proposed as part of the project. There is no expansion to the building and the buildings will be renovated on the interior to create the additional units. The only changes that will be apparent on the site are some changes to the entrances and windows, removal of pavement and some reorienting of the sidewalk entrances from the existing parking to the unit entrances. There will be some new entrances consolidated along the side of the building facing Flaggy Meadow Road. The domestic water service from the water main on Route 25 will be replaced and a fire protection service will be added from the same location. Construction of a trash enclosure will be at one end of the parking and patio pavers or a deck in the alcove on the Route 25 side will be constructed to serve one of the units.

Mr. Riley explained that unit 1 of the building will occupy the original house structure, a two-story building built some time in the late 1800s. Unit 2 will be on the ground floor of the later connection between the original house and the barn to the rear, and unit 4 will occupy the footprint of the existing barn. Unit 3 will be on the second floor of the connection and unit 5 will be on the second floor of the barn.

Mr. Riley said that the applicants will provide more landscaping, particularly along the parking which faces Route 25, and also proposed is the enhancement of the existing vegetation along the abutter's property on the west. No additional screening is proposed on the east side. Mr. Riley discussed the multi-family requirement for 1000 cubic feet of lockable storage for each unit, noting that 2 of the units will have that storage inside the building in one of two basements; unit 5 will have that space within its unit; and units 2 and 3 will each have sheds for their storage. The private open space for each unit has been expanded.

Mr. Riley said that updated financial and technical capacity information will be provided to the Board.

Mr. Herrick asked whether the location of the trash enclosure will eliminate some of the parking. Mr. Riley replied that access to the site is a one-way driveway in from Flaggy Meadow Road, with an exit on to Route 25. Mr. Riley said that the applicants are looking to determine if hand loaded bins would be more appropriate instead of a front loading dumpster, but the trash enclosure has been reoriented so that a front

loading dumpster truck can access the trash enclosure and then continue out to Route 25. That would eliminate two parking spaces, but there would still be 16 or 17 spaces available, more than the Code requires. Mr. Pratt asked about the abutters' concerns about having fencing, and asked if there is anything proposed to buffer those abutters. Mr. Riley said that additional landscaping is proposed. Ms. Estey and Mr. Ellis came to the podium and discussed the buffers being proposed, and indicated that a fence could be installed. Ms. Estey discussed at length the proposed private areas for each of the units. In response to Mr. Herrick, Mr. Poirier said that the common area should be a note on the plan.

In reply to a question from Mr. Richman, Mr. Ellis showed the Board the existing and proposed entrance lights on the plans. Mr. Fox suggested that consideration be given to additional lights on the walkways from the parking areas for safety. Mr. Firmin asked about the sight distance on to Ossipee Trail; Mr. Riley replied that the sight information on the plans was taken from the 2008 approved plan when the driveway was approved.

PUBLIC COMMENT PERIOD OPENED:       None  
PUBLIC COMMENT PERIOD ENDED

The Board concurred that staff should schedule a site walk for the project.

**George Fox MOVED and Lee Pratt SECONDED a motion to table further review of Kara Estey and Zeb Ellis's request for site plan amendment and preliminary subdivision review pending responses to remaining issues and finalizing revisions to the plan. Motion CARRIED, 6 ayes (Edward Zelmanow absent). [7:45 p.m.]**

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**ITEM 3 Preliminary Subdivision Review – BNO, LLC – request for approval for a 6-lot subdivision, “New Colony Settlement,” on 18.16 acres between Route 25 and Brown Road, Map 57, Lot 1, Suburban Residential zoning district.**

Mr. Poirier explained that this application has had two pre-application discussions, at which time the Board discussed the difference between the clustered and conventional plans. The Board felt that a traditional subdivision was more appropriate for the location, so this is the first time the application has come before the Board for preliminary subdivision review as a traditional subdivision plan. Mr. Poirier suggested that the Board consider whether a site walk is warranted for the project.

Bill Thompson, BH2M Engineers, introduced the project and said that the net residential density calculations yield a little over 6.4 lots. The lots are from a little over 40,000 square feet for lot 1, and lot 6 has a little over 7 acres. The proposed road, Musket Drive, is 685 feet long and the alignment with Daniel Street will be looked at to see if some tweaking is necessary. Stormwater will be collected in roadside ditches, and a detention pond has been designed down to a grade that will accept discharge. All the lots will have a minimum of 200 feet of frontage, no driveways will access directly out to Route 25, and each lot will be supported by a septic system and well. There are no streams on the parcel. No NRPA permit will be required, it will be a stormwater permit by rule. No open space is proposed and there will be a road maintenance agreement for the owners until such time as the road is accepted as a Town road. Sight distance is 500 feet along Route 25. There will be underground power. A high intensity soil survey class B that has been done will be upgraded to a class A. Financial and technical capacity information will be provided.

Ms. Butler-Bailey referred to the comment by the Town's review engineer about the driveway entrance for lot 6. Mr. Thompson commented that it cannot come off the end of any turnaround, so it might come off one corner or off a property line. Mr. Thompson said they will also take a look at the grading at that point so as not to create a low spot. In reply to Mr. Richman, Mr. Thompson said the proposed road is designed to be a public road, built to 20 feet wide, 4 foot shoulders, with grass ditches. Mr. Thompson told Mr. Pratt that the

road would be 20 foot wide pavement and the radii would come out 24 feet wide. Mr. Poirier referred the Board to the comments of the Public Works Director that Route 25 at this section is a Maine Department of Transportation 50 MPH road with no ability for cars to pull to the right to enter the road as this section of Route 25 does not have 8 foot wide shoulders. The Public Works Director said that potential widening and improvement to the shoulder of Route 25 at the intersection is probably going to be necessary. Mr. Herrick commented that the 50 foot easement to abutting property appears to run through wetlands, and asked if that easement could be shifted over. Mr. Thompson said he will take a look at re-aligning that.

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

**George Fox MOVED and Lee Pratt SECONDED a motion to postpone further review of BNO, LLC's request for preliminary subdivision approval pending responses to remaining issues and finalizing revisions to the plan. Motion CARRIED, 6 ayes (Edward Zelmanow absent). [8:00 p.m.]**

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**ITEM 4 Subdivision Amendment Review – Simon Willcox** – request for approval to revise the location for placement of a single-family house, driveway, septic system, and re-delineated wetland boundaries on property located in Norlek Heights Subdivision at 7 Sugar Way, Map 75, Lot 9.111, Suburban Residential-Manufactured Housing zoning districts.

Mr. Poirier explained that this is the first time the Board has seen this item. The applicant is requesting an amendment to Norlek Heights Subdivision, which was approved on October 17, 2016. The proposal before the Board is to revise the wetland boundary, buildable area, and possible septic system location for lot 11, the largest lot of the Subdivision, The lot is served by the one-lot private way, Sugar Way.

Simon Willcox, applicant and owner of 7 Sugar Way, said that when he purchased the lot, Mark Hampton, who had identified the upland area on the lot initially, indicated that possibly there were other upland areas on the lot. Mr. Hampton was contracted to do a full delineation of the full 20+ acres; four additional upland areas were found, including the one to which Mr. Willcox now would like to move the house location, as well as the septic system.

Mr. Herrick confirmed that while the new plan has nitrate plume analysis information for the area near the barn as well and the area near the proposed house, there will not be two separate systems, that there will be no bathroom facilities or septic near the barn. Mr. Willcox said that the barn will be put near the house's new location and there will be no buildings in the area as originally shown. Mr. Willcox confirmed that it will be a single family residence with an accessory building. Mr. Herrick advised Mr. Willcox to remove the barn from its present location.

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

Mr. Herrick asked Mr. Poirier if there is any permitting requirement with the wetlands impact of the new location. Mr. Poirier replied that there is an exemption for 4,300 square feet.

**George Fox MOVED and Molly Butler-Bailey SECONDED a motion to grant Simon Willcox's request for subdivision amendment approval for lot 11 in the Norlek Heights Subdivision located on Map 75, Lot 9.111, Suburban Residential-Manufactured Housing zoning districts, based on Findings of Fact and Conditions of Approval as written by the Planning Board. Motion CARRIED, 6 ayes (Edward Zelmanow absent). [8:05 p.m.]**

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**ITEM 5 Pre-Application Discussion – Mega Industries** – request sketch plan review of a 6,230 square foot building expansion in the Gorham Industrial Park, on property located at 28 Sanford Drive, Map 12, Lot 33.014, Industrial zoning district.

Mr. Poirier explained that Mega Industries was last before the Board in 2013 for a 7,300 square foot expansion of the existing west side of a 29,789 square foot building. The applicant is now proposing another 6,230 square foot addition on the last expansion. Mr. Poirier said that the Code requires one parking space for every 1,000 square feet of industrial space. The plans show the old setbacks in the Industrial District, which were 30 foot side setbacks and a front 50 foot setback for industrial properties abutting other industrial properties. Mr. Poirier noted that the new industrial setbacks are 20' side setbacks and a 30' front setback, which would allow the applicant some flexibility to expand the building to the west should it need the extra space and to pull the parking spaces forward to allow wider maneuvering for trucks to back up to the loading dock, which appears to be the biggest concern moving forward.

Mr. Pratt stated that his family's business is an abutter to this property, but he feels that he can be fair and unbiased in his participation in the discussions on this application.

Brandan Burgess, Anania & Associates, came to the podium and explained that the applicant is looking to expand a 6,230 square foot addition on the northwest face of the building. He said that Mr. Poirier has identified the problem of truck backing. There are currently 52 parking spaces, included 3 handicapped locations.

Mr. Herrick asked if the existing parking spaces in front of the building are to be moved because it appears that the drive lane would be fairly cramped. Mr. Burgess said they are looking forward to proceeding without the additional parking plan because the expansion will be of processing floor space, not necessarily adding head counts to the facility itself. Mr. Burgess said that the drive access is narrow, but still has a dimension wide enough for vehicle access and backing in and out of the spots. In reply to Mr. Herrick, Mr. Burgess stated that there are 52 parking spaces with 3 handicapped spaces, and even with the expansion, Mr. Burgess believes that number of parking spaces meets Code. Mr. Herrick confirmed with Mr. Burgess that the existing overhead doors and delivery area would be moved to the front of the expansion area, still requiring trucks to maneuver in there next to the handicapped spaces. Mr. Burgess said that there is approximately 68 feet which would be enough for a 75 foot full length truck and tractor to turn around 180 degrees to back in. Mr. Burgess pointed out, however, that no engineering or survey work has been done as yet on the site.

Mr. Richman asked if the new truck bays would go closer to the property line or closer to the handicapped parking spaces, which could interfere with those parking spaces. Mr. Burgess said there is minimal truck traffic and he does not foresee any problems. Mr. Herrick said the Board would want some assurance that even if the truck traffic is minimal, if someone has to leave, they can get out of the parking space even if there is a delivery going on at that time. Mr. Fox confirmed with Mr. Burgess that the new addition will be a manufacturing space, encompassing a new work cell. Mr. Pratt and Mr. Burgess discussed where the overhead doors will be placed. Mr. Burgess confirmed that he will include the new setback information on the next plans.

Mr. Herrick noted that once an application has been received, the Board may decide whether a site walk is warranted.

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**ITEM 6 Discussion – Land Use and Development Code** – an amendment to Chapters 1 and 3 on subdivision requirements for high intensity soils surveys.

Mr. Poirier reminded the Board that on August 7, 2017, it held a workshop with Jim Logan, licensed soil scientist with Longview Partners, about high intensity soil surveys, the Town's requirements for soil surveys and how they are identified in the Land Use Code with respect to subdivision requirements as well as net acreage calculations. Mr. Logan made some suggestions about replacing some of the Code's outdated language to bring it more in line with current standards of the Maine Association of Professional Soil Scientists. In addition, staff has drafted language to provide more guidance to the Planning Board regarding waiver requests for high intensity soil surveys, and to provide clarity on the Board's ability to request peer review of soils surveys. Mr. Poirier said that since this is a Planning Board initiative, the next step before the Board holds a public hearing is to send it to the Town Council, stating that these ordinance provisions are outdated and the Board recommends the changes provided. If the Town Council concurs with the Board's request, it would then send the item back to the Board for public hearing.

Mr. Fox asked if anything has been done in the past to have other soils scientists provide input on this issue. Mr. Poirier said this could be part of the public hearing process, with staff sending it out to some soils scientists for their input.

**George Fox MOVED and Lee Pratt SECONDED a motion to forward the item to the Town Council for consideration as an amendment to the Land Use and Development Code. Motion CARRIED, 6 ayes (Edward Zelmanow absent). [8:21 p.m.]**

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**OTHER BUSINESS                      NONE**

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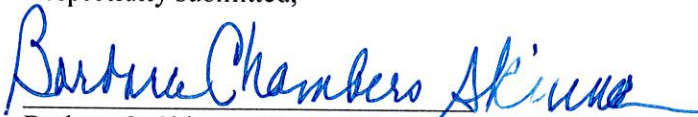
**ANNOUNCEMENTS                  NONE**

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**ADJOURNMENT**

**Molly Butler-Bailey MOVED and Scott Firmin SECONDED a motion to adjourn. Motion CARRIED, 6 ayes (Edward Zelmanow absent). [8:25 p.m.]**

Respectfully submitted,

  
Barbara C. Skinner, Clerk of the Board  
February 5, 2018

**ITEM 4        SIMON WILLCOX – SUBDIVISION AMENDMENT – NORLEK HEIGHTS**

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

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

**C. PRELIMINARY PLAN REVIEW**

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

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

Lot 11 is 22.56 acres in size and has 227' +/- of street frontage on Sugar Way.

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

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

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

Lot 11 has legal road frontage on Sugar Way which has been approved as a 1 lot private way. The private way connects with Dingley Spring Road which is classified as a collector road by the Town of Gorham.

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

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

The single-family home will be served by underground power, cable, and telephone lines from Sugar Way, 1 lot private way. The Town's contracted waste disposal contractor will pick up trash and recyclables. The home is required to have a residential home sprinkler system.

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

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

Lot 11 will be served by an individual water supply well located up gradient of the wastewater disposal systems. Plan Sheet 2 of 2: identifies the location for the well exclusion zone part of the high intensity soil and Groundwater Impact Assessment of the proposed Norlek Heights Subdivision.



*Finding: Norlek Heights Subdivision provides for adequate water supply for present and future needs.*

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

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

The plans depict a second location for a septic system to serve the new upland location for a single-family dwelling. The applicant has provided a revised high intensity soil and nitrate study Plan Sheet 2 of 2, which identifies the locations for septic systems as well as the nitrate plume flows. Lot 11 will have its septic system located as shown on the plan, unless the applicant can provide the Code Enforcement Officer with a report from a licensed hydro-geologist stating that the new location will not impact any drinking supply wells or negatively impact the abutting lots' ability to locate drinking supply wells as shown on Sheet 2.

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

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

Storm water from the house and other impervious areas on lot 11 will be allowed to sheet flow into nearby wood areas. Sewage disposal from the site will be treated in subsurface disposal systems designed by a Maine Licensed Site Evaluator.

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

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

The lot 11 area disturbed as part of construction activity will be loamed and seeded to prevent soil erosion. The majority of the storm water from the subdivision will be directed to the forested wetland area to the rear of the lot.

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

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

A large forested wetland is located on the eastern half of the lot. The back portions of each lot will have wetlands located on them. The applicant is proposing to impact 3,164 sq.ft. of forested wetland in order to provide driveway access to the upland area.

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

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

The proposed improvements to the wetlands located on lot 11 for the driveway are limited to the greatest extent practical in order to construct the driveway. No scenic vistas, historic sites or irreplaceable natural or manmade assets have been identified on the site.

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

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

The applicant is not proposing any drastic infrastructure changes to the plans and is proposing to fund the improvements through personal funds.

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

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

The applicant will be required to pay the Recreational Facilities and Open Space Impact Fee prior to the issuance of a building permit for lot 11 within the subdivision that will have a new single-family home constructed on it.

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

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

The applicant is not proposing any open space as part of the subdivision approval.

*Finding: Not applicable.*

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

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

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

The proposal is an amendment and preliminary approval is not required.

Finding: Not applicable.

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

The proposal is an amendment and preliminary approval is not required.

Finding: Not applicable.

#### **Conditions of Approval**

1. That this approval is dependent upon, and limited to, the proposals and plans contained in this application and supporting documents submitted and affirmed by the applicants and that any variation from the plans, proposals and supporting documents is subject to review and approval by the Planning Board, except for minor changes which the Town Planner may approve;
2. That the subsurface wastewater disposal systems for the lots will be located as shown on Plan Depicting the Results of a High Intensity Soil and Nitrate Study, Sheet 2 of 2 unless the applicant can provide the Code Enforcement Officer with a report from a certified Hydro-geologist stating that the new location will not impact any drinking supply wells or negatively impact any abutting lots' ability to locate drinking supply wells in the approved acceptable well zone;
3. That the individual wells for lots will be located in the acceptable well zone as shown on Plan Depicting the Results of a High Intensity Soil and Nitrate Study, Sheet 2 of 2 and the wells shall be individual drilled bedrock wells unless the applicant can provide the Code Enforcement Officer with a report from a certified Hydro-Geologist stating that the new location and well installation is suitable for drinking water supply;
4. That the Planning Board Chairman is authorized by the Planning Board to sign the Findings of Fact on behalf of the entire Board;
5. That all relevant conditions of approval placed on the subdivision approval shall remain in effect;
6. That the subdivision amendment must be recorded at the Cumberland County Registry of Deeds within one year of the original approval or the approval becomes null and void; and
7. 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 issuance of a building permit.