

## **PLANNING BOARD MEETING**

**April 2, 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**

### **Members Absent**

**EDWARD ZELMANOW**

### **Staff Present**

**THOMAS 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 Edward Zelmanow was absent.

### **APPROVAL OF MARCH 5, 2018 MINUTES**

**George Fox MOVED and Lee Pratt SECONDED a motion to approve the minutes of the March 5, 2018 meeting as written and distributed. Motion CARRIED, 4 ayes (Scott Firmin and Scott Herrick abstaining as not having been present at the meeting; Edward Zelmanow absent).**

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**COMMITTEE REPORTS** – There have been no Ordinance Subcommittee or Comprehensive Plan Implementation Committee meetings since the last Board meeting.

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**CHAIRMAN’S REPORT** – Mr. Herrick said that there was no Chairman’s Report for this evening.

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**ADMINISTRATIVE REVIEW REPORT** – Mr. Poirier reported that one Administrative Review application has been submitted and is currently under review for 12 additional parking spaces at the Kings Pine condominiums development.

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**ITEM 1 Site Plan Amendment/Subdivision Review – Kara Estey and Zeb Ellis** – request for approval to convert an existing structure into 5 apartment units with proposed patios, deck areas and new unit entrances, on property located at 19 Flaggy Meadow Road in the former Biodiversity building on Map 105, Lot 32, Urban Residential zoning district.

Mr. Poirier told the Board that the item was last before it on February 5, 2018, and a site walk was held on February 13, 2018. Staff has reviewed the applicants’ revised submission and has provided a set of draft Findings of Fact and Conditions of Approval for the Board’s review and discussion this evening.

Dan Riley, Sebago Technics, introduced the applicants, Kara Estey and Zeb Ellis. Subsequent to the site walk, the plans have been revised, with the only changes including the addition of a split rail fence along the west property line, between the project site and abutting properties to the west. Additional landscaping will be added to screen those properties. Directional arrows have been added on the pavement to address the one-way circulation through the site as per the original approved plan. A high intensity soil survey of the property has been provided to confirm the net residential area calculations.

Mr. Richman and Mr. Riley discussed the location of the proposed split rail fence, as well as the proposed landscaping. Mr. Riley replied to Mr. Richman that a “do not enter” sign is not proposed at Route 25, that there is only one-way signage inside the property, and there is nothing to prevent someone from entering the

site improperly from Route 25. Mr. Riley said that the original approval did not call for that signage, but they would be happy to address that if the Board wants it done. Mr. Richman asked if lighting in the parking lot is adequate. Mr. Ellis came to the podium and described the proposed parking lighting, which they feel is adequate for the residents. Mr. Fox expressed concern that the lighting would not be sufficient; after discussion, Mr. Herrick, Ms. Butler-Bailey and Mr. Pratt expressed themselves satisfied with the proposed lighting, as ultimately Mr. Fox did as well if some cutoff lighting is installed.

Mr. Herrick asked if the site distance is grandfathered. Mr. Poirier said the Board should consider if the use is getting more or less intense or staying the same; if the Board feels it is staying the same, the site distance can be considered grandfathered non-conforming. If the Board thinks the intensity is increasing, the Board can ask the applicant to address the site distance issue, such as blocking the exit off with all the traffic directed to Flaggy Meadow Road, or perhaps shifting the exit down, which could have an impact on the parking lot layout. Mr. Herrick said he does not believe this use is more intense than the previous use.

Mr. Poirier asked if a “do not enter” sign should be added; Mr. Richman said he is comfortable with the traffic flow as just discussed, as long as there is proper signage to keep vehicles from entering the site off Route 25. The Board concurred that a “do not enter” sign should be installed at the intersection of the exit and Route 25.

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

**George Fox MOVED and Michael Richman SECONDED a motion to grant Kara Estey and Zeb Ellis’s request for approval to convert an existing structure into 5 apartment units at 19 Flaggy Meadow Road, Map 105, Lot 32, Urban Residential zoning district, with Findings of Fact and Conditions of Approval as written by the Town Planner and amended this evening by the Town Planner. Motion CARRIED, 5 ayes (Scott Firmin and Scott Herrick absent). [7:30]**

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**ITEM 2   Public Hearing – Site Plan Amendment Review – Town of Gorham – request for site plan review for the addition of two portable classrooms and a new 67-space parking lot at Gorham High School, on property located at 41 Morrill Avenue, Map 106, Lots 30 and 47, Urban Residential zoning district.**

Mr. Poirier reminded the Board that the applicant was last before it as a pre-application on March 5, 2018. An extensive discussion was held with the applicant on traffic, buffering, and movement through the site. He said that one item the Board should note is that the Land Use Code requires that a traffic impact analysis must be provided for parking lots with more than 50 spaces.

Frank Crabtree, Harriman, introduced Norm Justice of the School Department. Mr. Crabtree described the project as the addition of two modular classrooms and a 67-space parking lot which is proposed to organize parking from vehicles already on site, scattered in various places such as lawns. Mr. Crabtree said that since the student population at the High School has been declining in the last ten years and is not planned to increase rapidly, they are requesting a waiver from the requirement for a traffic impact assessment. Because no plumbing facilities are proposed in the modulars, two other waivers are being requested from the standard water supply and sewage disposal letters that would be needed from the Portland Water District. Mr. Crabtree referred to comments in the staff notes, saying that only .39 of an acre will be disturbed for pavement and modulars; the map and lot numbers will be combined; conditions of approval will be added to the plans; sizes of the shrubs have been added to the plans; evergreen plantings will be scattered in front of the proposed timber guard rail; the silt fence has been added to the plan; underground wiring will be shown; and sight distance along Morrill Avenue will be added. Details for the underground electric and erosion control mulch berm will be shown.

Mr. Firmin responded to the waiver request for Portland Water District requirements by noting that he does work for the Water District and asked if he should recuse himself. Mr. Poirier said he does not believe that is necessary as the discussion will only involve the use of the modulars and not capacity.

Mr. Herrick asked if the Board can waive the requirement for the traffic impact analysis. Mr. Poirier said he had spoken to the Town Attorney, who said that the Board could waive that traffic impact analysis but the Board still needs to make sure that the proposal does not have an impact on the capacity level and safety of adjacent streets. Mr. Herrick asked the applicant to address the change in the capacity of the street to handle traffic with the addition of a new entrance. Mr. Crabtree said that the additional entrance is primarily a convenience for people leaving the lot and would not adversely impact traffic circulation. Mr. Crabtree said there may be a few more vehicles on Morrill Avenue. Ms. Butler-Bailey confirmed that the new lot would be for faculty who would be leaving at a different time than the students. Mr. Crabtree said the lot will be signed at each entry saying "new staff and visitor parking." Mr. Fox said he is not comfortable with the standard the Board is being asked to meet because he does not believe he is qualified to assess whether the safety of the street would be impacted.

Mr. Poirier said that according to the Town Attorney, 5 votes are needed to grant the waiver from the traffic analysis. He said that he had discussed with Mr. Crabtree an option of reducing the number of spaces in the new lot to below the 50 space threshold which triggers the analysis. Mr. Fox confirmed with Mr. Poirier that if the waiver vote fails, the applicant would have the option to reduce the parking space count. Mr. Firmin noted that he has sat in traffic on Morrill Avenue and would be uncomfortable not having additional information to support granting the waiver. Mr. Pratt said that if the new spaces are truly designed to free up illegal parking, and it is the same way in and out of the school, it won't draw 50 more people into the school and won't change traffic in or out.. Mr. Herrick said he doesn't believe cutting off the exit lane accomplishes anything good, and doesn't see that it is increasing the number of cars and may be decreasing the number of cars parked illegally. Ms. Butler-Bailey said she believes that the intent of the traffic assessment when 50 new parking spaces are added is to assess additional traffic, which is not under consideration here. Mr. Richman said he believes any traffic being created is by faculty and not students. Ultimately, the Board concurred that a traffic impact analysis would not be necessary.

Mr. Fox confirmed with Mr. Crabtree that the modulars will be served by natural gas.

Mr. Herrick confirmed with Mr. Poirier that as the other waivers being requested relate to water and sewer, and if there is no water service, there is no need for the waivers.

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

**Lee Pratt MOVED and George Fox SECONDED a motion to grant the applicant's request for a waiver of the requirement for a traffic impact analysis for parking lots with greater than 50 spaces, and request for waivers for ability-to-serve water and sewer letters from the Portland Water District. Motion CARRIED, 5 ayes (1 nay – Scott Firmin; Edward Zelmanow absent).**

**George Fox MOVED and Lee Pratt SECONDED a motion to grant the Town of Gorham's request for site plan amendment and special exception review for two portable classrooms and a parking lot at the Gorham High School, Map 106, Lots 30 and 47, Urban Residential zoning district with Findings of Fact and Conditions of Approval as written by the Town Planner. Motion CARRIED, 6 ayes (Edward Zelmanow absent). [7:45]**

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**ITEM 3 Public Hearing – Site Plan Amendment Review – Maine Optometry** – request for site plan review for a subdivision and site plan amendment to Fairview Acres Subdivision, on property located at the corner of Route 237 and Route 25, Map 32, Lot 24.001, Commercial Office zoning district.

Mr. Poirier advised the Board that the item had been before it as a public hearing on March 5, 2018, and staff has placed the item on tonight's agenda for general discussion and for the Board to discuss if a site walk is warranted.

Thomas Perkins, Dirigo, came to the podium and told the Board that the proposed color for the building will be gray earth tones with stone around the main entrance, and changed the dormers from frame dormers to shed dormers, all still in conformance with the Village architectural standards. Further information as to the exact color will be provided.

Andrew Morrell, BH2M Engineers, told the Board that the site design layout has not changed since it was first presented, it is still a 40-space parking lot with 2 handicapped spaces, the impervious area from the original plans is being reduced by some 900 square feet with a slight reduction as well in the wetland impacts associated with this project. Some small changes have been made to the stormwater design, everything in the parking lot will be sheet flowed to the center of the parking lot to a catch basin collecting the stormwater and directing it to a vegetated soil filter in the front of the site. A minor revision has been submitted to DEP for a stormwater permit. Public sewer will remain as originally designed off Route 237, along Vista Drive; public water will come off Main Street, as will gas service and underground electric. The landscaping will be according to the original design done in 2009.

Mr. Morrell said that it appears that 41 parking spaces will be needed and they have 40; one space could be added behind the island off Vista Drive, and he would like the Board's opinion on the suitability of that spot. If the Board was not in favor of that location for a parking space, Mr. Morrell said they would like the Board's opinion about approving a waiver for that one parking space. The proposal for adding landscaping in the raised parking islands will be discussed with the applicant. Mr. Morrell referred to the Fire Chief's comment about a fire hydrant, saying that the original approval called for a hydrant along Vista Drive; they will discuss this with the Chief. In response to the Town Engineer's comments about the drive aisle width, Mr. Morrell said they are proposing one-way circulation around the site, with only a few areas about 16 feet in width. Technical and financial capacity information will be submitted.

The Board concurred that a site walk should be schedule, with the parameters of the parking delineated, as well as the shortest aisle width, edge of the lot toward additional units, building corners.

Mr. Herrick said he believes that the proposed new space site is not a good one. Mr. Fox asked how the number of parking spaces is rounded up, and said that he also believes that the proposed location for another parking space is not ideal and it does not appear that there is enough room in the parking lot to create another space.

Mr. Herrick asked if the dumpster location and one parking space are on another lot. Mr. Morrell replied that they are technically on Lot 1B, so that needs to be discussed with the land owner to see if additional land will be transferred or if there is going to be an easement. Mr. Morrell said this will be clarified as part of the subdivision amendment. Mr. Poirier confirmed with Mr. Pratt that the Board can waive the one parking space as long as it meets the criteria for the waiver. Mr. Richman asked if there is a way to make the building that much smaller, tighten up the building just a little bit. Mr. Perkins said they could look at that, but they would prefer not to and would rather pursue a waiver. Mr. Herrick said it would be his preference not to add the required one space where it has been proposed. Mr. Pratt said that if nothing can be moved because of wetland impacts or other reasons, to put a parking space in the middle of a lot seems more hazardous. In reply to Mr. Herrick, Mr. Poirier read from the Code as follows:

“The Planning Board may reduce the off-street requirements of 2) in the following situations:

- a) Where legal on-street parking is located within two hundred (200) feet of a non-residential use and the Board determines that this parking will be available to meet some or all of the parking demand.
- b) Where publicly supplied off-street parking is located within two hundred (200) feet of a non-residential use and the Board determines that this parking will be safe, convenient, and available to meet some or all of the parking demand.
- c) Where it is clearly demonstrated that the parking demand will be lower than that established by this section and that the reduction will not detract from neighborhood property values, inconvenience the public, or increase congestion on adjacent streets.”

Mr. Herrick said therefore that the only reason to grant a waiver for the one space would be for the applicant to demonstrate that there is a lower need than the Ordinance requires, and putting a space in a less than ideal space is not a sufficient reason to grant a waiver. Mr. Poirier recommended that Mr. Morrell meet with staff to discuss options that may be available.

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

Mr. Morrell asked about Board guidance concerning the two sections of one-way 16’ drive aisle width, asking if there were Ordinance requirements for an aisle width. Mr. Poirier replied that the Code only requires safe and convenient widths, and staff has included some basic engineering requirements standards in the site plan application for parking. Mr. Morrell said that this is a 16-foot drive aisle with 9 by 18 parking spaces on one side only. Mr. Herrick commented that the use of the property could involve people perhaps with eyesight problems. Ms. Butler-Bailey asked that the shortest drive aisle width be staked out for the site walk.

**George Fox MOVED and Scott Firmin SECONDED a motion to postpone further review of Maine Optometry’s request for subdivision and site plan amendment approval pending responses to remaining issues and finalizing revisions to the plans. Motion CARRIED, 6 ayes (Edward Zelmanow absent). [8:10 p.m.]**

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**ITEM 4   Private Way Review – Plowman Development Group** – request for approval of Mason Lane, a 584 foot private way to support two residential lots on property located at 29 McLellan Road, Map 5, Lot 11, Suburban Residential zoning district.

Mr. Poirier advised the Board that the applicant is only proposing a private way, not a subdivision, so the Board is only reviewing that the private way meets the Code standards. He said that this application will require a DEP permit Tier 1 NRPA for wetland alterations; as of today, the applicant has not received DEP approval.

Andrew Morrell, BH2M Engineers, appeared on behalf of the applicant and described the project, saying that this is an application for a 584 foot private way, Mason Lane, to support two lots, lot 1 has an existing house and lot 2 will be a new lot. The lots are to be served by drilled wells, individual septic systems and overhead utilities. The private way is proposed to be run along the existing driveway that serves the existing house. The applicant has filed for the DEP permit today.

Mr. Herrick confirmed with Mr. Morrell that the private way will be subject to a road maintenance agreement. In reply to Mr. Herrick, Mr. Poirier said that the lot split will be approved by the Code Office, and all the Board needs to consider is if the private way meets the Code's engineering standards. Mr. Poirier replied to a question from Mr. Richman that the hammerhead position is not of concern to the Public Works department because it is a private way.

Mr. Poirier told the Board that the item could be placed on a consent agenda provided the DEP permit has been secured.

**PUBLIC COMMENT PERIOD OPENED:** John Richard, 31 McLellan Road, said his only concern involves drainage and that while the existing culvert is adequate, at times he has had water near his house/daylight basement. He asked if it is proposed to move the culvert. Mr. Morrell replied that a vegetated ditch is proposed on either side of the private way, bringing the runoff back to the wetland. He said there is an existing 12 inch pipe there now under the drive, they will upsize that to 15 inches, and will raise the grade of the road at the low spot somewhere between 2 and 4 feet along the drive location. Mr. Morrell replied to Mr. Poirier that the existing culvert is 15 feet south along the drive from the proposed culvert so it will be located some 15 feet closer to McLellan Road and the invert will be lowered by approximately 1-1/2 feet and 2 feet. Mr. Morrell said that the road maintenance agreement will also require maintenance of the culvert.

**PUBLIC COMMENT PERIOD ENDED.**

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**George Fox MOVED and Lee Pratt SECONDED a motion to move further review of the Plowman Development Group, LLC's request for private way approval to a future Consent Agenda pending submission of revised information addressing outstanding staff and Planning Board comments. Motion CARRIED, 6 ayes (Edward Zelmanow absent).**

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**ITEM 5 Subdivision Amendment Review – Eric Gunn and Gary Jordan** – request for approval for a lot line change at 27 and 33 Quincy Drive, on property located in the Heartwood Subdivision, Map 117, Lots 1 and 2, Suburban Residential zoning district.

Mr. Poirier advised the Board that the applicants are proposing a subdivision amendment equal land swap to better clarify the property boundaries of Lots 1 and 2 in the Heartwood Subdivision. The street frontage for each lot meets the standards for a clustered subdivision.

Gary Jordan, owner of 33 Quincy Drive, said that the intent is to clarify the property line for three reasons: one, the property line is set at an angle toward 33 Quincy Drive, preventing him from building backwards; two, there is a natural placement for the property line; and third, the change corrects the setback requirement for the property at 27 Quincy Drive.

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

**PUBLIC COMMENT PERIOD ENDED.**

**Scott Firmin MOVED and Michael Richman SECONDED a motion to grant Eric Gunn's and Gary Jordan's request for Heartwood Subdivision amendment approval to revise the lot ++++Lots 1 and 2, based on Findings of Fact and Conditions of Approval as written by the Town Planner. Motion CARRIED, 6 ayes (Edward Zelmanow absent). [8:24 p.m.]**

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**OTHER BUSINESS**

**NONE**

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ANNOUNCEMENTS                NONE

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**ADJOURNMENT**

**Lee Pratt MOVED and Molly Butler-Bailey SECONDED a motion to adjourn. Motion CARRIED, 6 ayes (Edward Zelmanow absent). [8:26 p.m.]**

Respectfully submitted,



Barbara C. Skinner, Clerk of the Board

April 2, 2018

**ITEM 1        KARA ESTEY AND ZEB ELLIS – 19 FLAGGY MEADOW SITE PLAN  
                 AMENDMENT**

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

The Planning Board, following review of the Subdivision Application, makes these Findings based on the Subdivision Review criteria found in Chapter 3, Subdivision, Section 3 – C. Preliminary Plan Review, and Section 4 – D. Final Plan Review.

**C. PRELIMINARY PLAN REVIEW**

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

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

The proposal for the multi-family dwelling at 19 Flaggy Meadow Road as a 5 unit multi-family housing unit meets the requirements under Chapter 2, Section 4 – Residential, B. Performance Standards for Multi-family Housing. The net acreage plan identifies that the lot has enough area for 5 dwelling units.

*Finding: 19 Flaggy Meadow Road Multi-family housing will 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.

The dwelling unit is served by a one-way driveway, with an entrance located on Flaggy Meadow Road and an exit on to Ossipee Trail, State Route 25. No changes to the existing driveway are proposed.

Flaggy Meadow Road is classified as a collector by the Town of Gorham. Ossipee Trail, State Route 25, is classified as a minor arterial by the Maine Department of Transportation.

The conversion of the building to 5 dwelling units is anticipated to generate 20 daily trips with the busiest a.m. and p.m. peak hours generating 10 trips.

*Finding: 19 Flaggy Meadow Road Multi-family housing 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 site is served by overhead power, telephone, and cable. Any additional power, telephone, or cable lines run to the site are proposed to be underground. Waste disposal will be handled through a private hauler, with a dumpster located on the western side of the northern parking area.

Snow plowing and maintenance of the driveway will be through a private contractor hired by the applicants.



Finding: *19 Flaggy Meadow Road Multi-family housing 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 building will be served by 2 new proposed waterlines: a new 1.5 service line for residential use and a new 4" service line for fire protection.

Finding: *19 Flaggy Meadow Road Multi-family housing 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 existing building is served by a 4" gravity sewer line that connects into the 8" Portland Water District sewer line in Ossipee Trail, State Route 25.

Finding: *19 Flaggy Meadow Road Multi-family housing 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.

The site will be served by a public sewer system. No other improvements are proposed on the site that will impact groundwater on or off the site.

Finding: *19 Flaggy Meadow Road Multi-family housing 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 applicants are only proposing a minor increase in impervious area for the new walkways into the building. No changes to the direction of stormwater flow are proposed.

Finding: *19 Flaggy Meadow Road Multi-family housing will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result.*

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

The lot is not located in the Town's Shoreland Overlay District.

Finding: *19 Flaggy Meadow Road Multi-family Housing 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 lot does not have any known historic sites or rare or irreplaceable natural or manmade assets located on it. The lot has been previously developed.

*Finding: 19 Flaggy Meadow Road Multi-family Housing will respect the scenic and 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 applicants have provided information from Norway Savings Bank that identifies the applicants' ability to complete the required improvements.

*Finding: The applicants have 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 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 applicants will be required to pay the required Recreational Facilities and Open Space Impact Fee as part of the building permit process.

*Finding: 19 Flaggy Meadow Road Multi-family Housing will meet the requirement for this provision by payment of a Recreational Facilities and Open Space Impact Fee in accordance with Chapter 8.*

- 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 applicants are not proposing to create any additional open space and/or recreational land and facilities at 19 Flaggy Meadow Road.

*Finding: Not applicable.*

#### **CHAPTER 4, SITE PLAN REVIEW, SECTION 9 – Approval Criteria and Standards**

The Planning Board, following review of the Site Plan Application, makes these Findings based on the Site Plan Review criteria found in Chapter 4, Section 9 – Approval Criteria and Standards of the Town of Gorham Land Use and Development Code.

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

The applicants have submitted a floor and elevation plan for the renovation of the existing building into a 5 unit multi-family housing building. The building will allow each unit to have access to the required outdoor space. The color of the building's siding will be remain white.

Site improvements to the lot are located on areas that are best suited for development and that have been previously disturbed. No wetlands, steep slopes, flood plains, or other unique natural features will be impacted by the proposed redevelopment of the site.

*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.

The lot has access to Flaggy Meadow Road and Ossipee Trail, State Route 25. The applicants are estimating that there will be 20 vehicle round trips to the site, the busiest a.m. time being between 7-8:00 a.m. with 10 round trips, and the busiest p.m. time being between 5-6:00 p.m. with 10 round trips.

The proposed number of trips entering and leaving the site on a daily basis is 20 trips.

*Finding: Flaggy Meadow Road and Ossipee Trail, State Route 25 have adequate capacity to accommodate the traffic generated by the development.*

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

Vehicles will enter from a one-way driveway located off Flaggy Meadow Road and exit on to Ossipee Trail, State Route 25.

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

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 parking area for the dwelling units is located to the east and south side of the multi-family housing building and is designed to have fifteen parking spaces. The parking area can be accessed from Flaggy Meadow Road.

The site plan shows the proposed parking lot will have the required minimum 9' by 18' parking spaces and a one-way 12' access aisle to allow vehicles to back out of the parking stalls without needing to back out on to any abutting public road.

*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.

The applicants are proposing to install pedestrian walkways along the east, south, and western side of the building. The walkways are proposed to be 5' wide and will direct pedestrians from the building to the parking lots.

No pedestrian circulation is proposed off-site.

Finding: *The plans provide a system of pedestrian circulation within 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.

Storm water from the impervious area will continue to flow in the same direction and no changes to the direction of storm water flow are proposed.

The applicants are only proposing a minor increase in impervious area for the new walkways into the building.

Finding: *The storm water run-off will not have adverse impacts on abutting or downstream properties and the biological and chemical properties of the receiving waters downstream will not be degraded.*

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.

The locations of the walkway and driveway to the east side of the building are on previously disturbed areas. The location of the proposed improvements is a relatively flat area and will not require an extensive amount of earthwork construction to fit in with the natural surroundings.

Finding: *The plan utilizes 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 building will be served by 2 new proposed waterlines: a new 1" service line for residential use and a new 4" service line for fire protection.

Finding: *The development provides a system of water supply that provides for 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 existing building is served by a 4" gravity sewer line that connects into the 8" Portland Water District sewer line in Ossipee Trail, State Route 25.

Finding: *The development provides for sewage disposal for the anticipated use of the site.*

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

The lot is served by overhead power, cable and phone from Ossipee Trail, State Route 25. Any additional utilities run on the site are proposed to be underground.

Finding: *The development will provide for adequate electrical and phone service 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 proposed construction will disturb only portions of the site that have been previously disturbed. The applicants are not proposing to remove or disturb any existing trees and other vegetation located on the site.

*Finding: The development of the site will preserve the existing vegetation to the greatest extent 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 site will be served by public water and the use of the site is not proposed to impact the quality of the groundwater on the site.

*Finding: The proposed development will not adversely impact either the quality or quantity of the 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 applicants are proposing to utilize the existing lighting located on the building. No changes to the existing lighting are proposed.

*Finding: The proposed development provides for adequate exterior lighting to provide for the safe use of the development during nighttime hours.*

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

The applicants are proposing to locate a dumpster on the site. The dumpster is located to the east of the existing building and will be screened. Solid waste from the site will be stored in the dumpster prior to its disposal by a licensed private waste hauler.

*Finding: The proposed development provides 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 proposal is to install a split rail fence along the western property line. The applicants are also proposing to install a mix of evergreen and deciduous shrubs along the western property line and along the parking spaces located to the south of the building. Planter barrels are also proposed to be installed along the parking spaces located adjacent to the barn.

*Finding: The proposed plan will provide landscaping to soften the appearance 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 the Shoreland Overlay District.

Finding: *The development will not adversely affect the water quality or shoreline of any adjacent body of water.*

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

The applicants have provided information from Norway Savings Bank that identifies the applicants' ability to complete the required improvements.

The applicants have retained qualified professional and licensed contractors to prepare the plans for the project and to complete the work. The applicants own other apartment buildings and have undertaken renovation projects personally and with contractors for major system upgrades.

Finding: *The applicants have the financial and technical capacity to complete the project in accordance with Gorham's Land Use and Development 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 install a split rail fence along the western property line. The applicants are also proposing to install a mix of evergreen and deciduous shrubs along the western property line and along the parking spaces located to the south of the building. Planter barrels are also proposed to be installed along the parking spaces located adjacent to the barn.

The landscaped areas shown on the plan shall be properly maintained at all times and in a tidy and sanitary condition.

Finding: *The development provides buffering to screen service and storage areas.*

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

The multi-family residential use at the site is 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 70 dBA daytime (7 a.m.-7 p.m.) and 60 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 any proposed use on the site shall meet the sound level requirements outlined under Chapter 4, Section 9, T. Noise;
4. That all site construction shall be carried out in conformance with the Maine Erosion and Sediment Control Best Management Practices, Maine Department of Environmental Protection, latest edition and in accordance with the erosion and sedimentation control information contained in the application;
5. That 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;
6. That the applicant shall provide a performance guarantee totaling 125% of the costs to complete the site work meeting the approval of Town Staff prior to issuance of a building permit;
7. That prior to the pre-construction meeting the applicant will establish an escrow for field inspection meeting the approvals of Town Staff and the Town's Attorney;
8. That the building shall be completely sprinkled meeting all applicable sections of the Town's Sprinkler ordinance;
9. That the sprinkler plans shall be submitted to the state Fire Marshal's Office and the Gorham Fire Department for review and permitting and the sprinkler plans shall be submitted to the Fire Department at least two weeks prior to the start of installation of the system;
10. That the owners shall meet with the Fire Inspector to determine where the sprinkler control room shall be placed;
11. That the building shall meet all applicable sections of the NFPA 101 Life Safety Code 2009 edition, Chapter 30 New Apartment Buildings;
12. That the applicants shall pay the open space recreation fee for the installation of the dwelling units per Chapter 7- Impact Fees;
13. That the street address shall be properly displayed so that it is visible from the street year around;
14. That the building construction plans shall be submitted to the Fire Department for review and the issuing of a State Building permit;
15. That the installer of the alarm system shall meet with the Fire Inspector to review the plans for the system before the start of the installation;
16. That the Sprinkler test papers shall be provided to the Fire Department at the time a certificate of occupancy is issued;
17. That the Planning Board Chairman is authorized by the Planning Board to sign the Findings of Fact on behalf of the entire Board;
18. 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

19. That once the subdivision/site 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.
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**ITEM 2            TOWN OF GORHAM – GORHAM HIGH SCHOOL SITE PLAN AMENDMENT – TWO PORTABLES AND PARKING LOT**

**CHAPTER 4, SITE PLAN REVIEW, SECTION 4-9 – Approval Criteria and Standards**

The Planning Board, following review of the Site Plan Amendment Application, makes these findings based on the Site Plan Review criteria found in Chapter 4, Section 4-9 – Approval Criteria and Standards, of the Town of Gorham Land Use and Development Code.

**CHAPTER 4, Section 4-9 – 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 applicant has provided a site plan set containing 11 plan sheets, site plan application, and accessory information which outlines the proposed changes to the site.

*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 off Morrill Avenue, which exits on to South Street, State Route 114, Ball Park Road, and Access 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 proposal is to add a new 24' wide access driveway off the western end of the new parking area. The proposal will also widen one of the existing driveways in front of the High School to 24'.

The front High School parking area also has access through a one-way 16' wide driveway located on Access Road. No changes are proposed to this driveway.

*Finding: 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.**

Access to the parking lots will be via two 24' wide paved driveways. The parking lots allow for vehicles to turn around and drive out of the site without needing to back out on to the public road.

*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.

The applicant is proposing to add a crosswalk between the existing driveway that separates the existing parking area and the new parking area.

*Finding: The development plan will provide 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.

Stormwater treatment will be completed through a vegetated underdrained sand filter which captures most of the new parking lot run-off and half of the new modular classroom roof run-off. The treated stormwater will then be directed into the High School's existing stormwater system. The stormwater treatment will meet the Maine DEP 500 requirements.

*Finding: The site has adequate provisions for the disposal of all storm water collected on parking areas or other impervious surfaces through a stormwater 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.

The applicant will comply with the "Maine Erosion and Sediment Control Handbook for Construction: Best Management Practices," Maine Department of Environmental Practices. The location of the erosion control devices are shown on the Site Grading, Erosion Control, Drainage and Utility Plan: Sheet C30.1 with the details shown on Stormwater and Erosion Control Details: Sheet C60.1.

*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 new portable buildings will not be served with public water. Students using the portables will utilize bathroom facilities in the High School.

The High School is served by public water from the Portland Water District. No changes are proposed.

*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 new portable buildings will not be served with public sewer. Students using the portables will utilize bathroom facilities in the High School.

The High School is served by public sewer from the Portland Water District. No changes are proposed

Finding: *The development will be provided with adequate sewage disposal for the use of the site.*

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

The lot is served by overhead power, cable and phone from Morrill Avenue. Underground electrical lines will provide power to the new portable trailers and to the parking lot light poles.

Finding: *The development will have 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 proposed construction will only disturb lawn area that was previously disturbed by past construction activity. No new natural features will be disturbed by the construction activity.

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 modular classrooms and parking lot expansion will not impact the groundwater table on the site. The applicant is proposing to treat the stormwater according to the Maine DEP Chapter 500 standards with discharge into the existing High School stormwater infrastructure.

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 to illuminate the parking area with 4 new light poles. The applicant has identified the lighting impact of the new proposed parking area with a Photometric Plan: Sheet C70.1.

All fixtures are proposed to be full cut-off style lighting.

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.

No changes to the site's existing waste disposal are proposed with the amendment.

Finding: *Not applicable.*

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 is proposing to install a row of shrubs along the southern property boundary to buffer the proposed parking lot from the residential properties located along Morrill Avenue. The applicant is proposing rhododendron and yew as a mixture for the type of shrubs to be utilized.

*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 the Shoreland Overlay District.

*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 he has the financial and technical capacity to carry out the project in accordance with this Code and the approved plan.

The applicant has provided a statement of financial capacity dated March 7, 2018, from Hollis Cobb, Business Manager, Gorham School Department, identifying how the project is proposed to be funded.

The Town of Gorham has had many experiences with the construction, operation, and maintenance of similar projects throughout the Town.

*Finding: The applicant has the financial and technical capacity to complete the project in accordance with Gorham's Land Use and Development 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 applicant is proposing to install a buffer of shrubs along the southern property line to break up the development from the residential properties located along Morrill Avenue. The buffer is required to be maintained in a tidy and sanitary condition.

*Finding: The development provides buffering 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 70 dBA daytime (7 a.m. - 7 p.m.) and 60 dBA nighttime (7 p.m. - 7 a.m.).*

### **Chapter 1, Section 1-4, E. Special Exception Standards**

The Planning Board has the power and duty to approve, deny, or approve with conditions special exceptions only as provided in the applicable zoning districts. The applicant has the burden of proving that the application is in compliance with the following standards.

1. The proposed use will not create or aggravate hazards to vehicular or pedestrian traffic on the roads and sidewalks, both off-site and on-site, serving the proposed use as determined by the size and condition of such roads and sidewalks, lighting, drainage, and the visibility afforded to pedestrians and the operators of motor vehicles on such roads;

The parking lot will be constructed with two entrances/exits from Morrill Avenue which will allow 2-way traffic to occur through the parking lot.

Stormwater once treated in the new underdrained filter basin will be directed into the High School's existing stormwater maintenance infrastructure.

2. The proposed use will not cause water pollution, sedimentation, erosion, contaminate any water supply nor reduce the capacity of the land to hold water so that a dangerous or unhealthy condition results;

Stormwater will be treated to the Maine DEP standards prior to being discharged into the existing High School stormwater infrastructure. During construction of the area, erosion and sedimentation control standards will be maintained.

3. The proposed use will not create unhealthful conditions because of smoke, dust, or other airborne contaminants;

The use of the site for portable classrooms and a parking area is not proposed to create any smoke, dust, or other contaminants.

4. The proposed use will not create nuisances to neighboring properties because of odors, fumes, glare, hours of operation, noise, vibration or fire hazard or unreasonably restrict access of light and air to neighboring properties;

The parking lot is not proposed to be used by students. The hours of operation of the portable classrooms will be the same as the existing High School. The new lights for the parking area will be full cut-off style.

5. The proposed waste disposal systems are adequate for all solid and liquid wastes generated by the use;

No new waste disposal systems are proposed for the portable classrooms. The High School has bathroom facilities that will serve the students and staff working in the portable buildings. The High School is served by public sewer and water.

6. The proposed use will not result in damage to spawning grounds, fish, aquatic life, bird, or other wildlife habitat, and, if located in a shoreland zone, will conserve (a) shoreland vegetation; (b)

visual points of access to waters as viewed from public facilities; (c) actual points of access to waters; and (d) natural beauty.

The proposed improvements are located in areas that have been previously developed. No natural features, wildlife habitat, and shoreland vegetation will be impacted with the proposed development.

### **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 or Site Plan Review Committee, except for minor changes which the Town Planner may approve;
2. That prior to the commencement of construction of the site plan, the applicant is responsible for obtaining all required local, state and federal permits;
3. That all site construction shall be carried out in conformance with the Maine Erosion and Sediment Control Best Management Practices, Maine Department of Environmental Protection, latest edition and in accordance with the erosion and sedimentation control information contained in the application;
4. That these conditions of approval must be added to the site plan;
5. That the Planning Board Chairman is authorized by the Planning Board to sign the Findings of Fact on behalf of the entire Board; and
6. That these conditions of approval must be added to the site plan and the site plan shall be recorded at the Cumberland County Registry of Deeds within thirty (30) days of the date of written notice of approval by the Planning Board, and a dated mylar copy of the recorded site plan shall be returned to the Town Planner.

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## **ITEM 5        ERIC GUNN AND GARY JORDAN – HEARTWOOD SUBDIVISION AMENDMENT –LOT LINE CHANGE**

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

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

#### **C. PRELIMINARY PLAN REVIEW**

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

The revised lots will remain at 16,994 sq. ft. for Lot 1 and 19,908 sq. ft. for Lot 2. The revised street frontage for Lot 1 will be 112.29 feet and 101.87 feet for Lot 2.

The Comprehensive Plan identifies the future land use designation in this area as Village Expansion.

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

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

The subdivision lots have legal road frontage on Quincy Drive.

No increase in traffic is proposed from either lot.

*Finding: Amendment to Heartwood 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.

Both lots are currently served by underground utilities from Quincy Drive right-of-way and the Town's contracted waste disposal contractor. No changes are proposed.

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

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

The single-family dwellings located on the lots have existing connection to the public water main located in the Quincy Drive right-of-way. No changes are proposed.

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

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

The single-family dwellings located on the lots are connected to public sewer mains in the Quincy Drive right-of-way. No changes are proposed.

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

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

No wetlands or natural features are located on the lot. The lots have been previously developed and no changes are proposed as part of the subdivision amendment.

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

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

The lots have been previously developed and no changes are proposed as part of the subdivision amendment.

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

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

No improvements are proposed to any wetland or waterbody.

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

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

The lots have been previously developed and no changes are proposed as part of the subdivision amendment.

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

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

No physical improvements are required to either lot.

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

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

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

*Finding: Not applicable.*

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

- a) **Land Improvements:** The applicant shall improve the land according to the proposed use of the land and the requirements of the Planning Board.
- b) **Owners Association:** A homeowners' association shall be formed to provide for the perpetual care of commonly owned recreation land.

The lots are located within the Heartwood Subdivision and are part of the Heartwood Subdivision homeowners' association. No changes are proposed.

*Finding: Not applicable.*

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

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

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

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

*Finding: Not applicable.*

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

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

*Finding: Not applicable.*

#### **Conditions of Approval**

1. That this approval is dependent upon, and limited to, the proposals and plans contained in this application and supporting documents submitted and affirmed by the applicants and that any variation from the plans, proposals and supporting documents is subject to review and approval by the Planning Board, except for minor changes which the Town Planner may approve;
2. That all relevant conditions of approval from previous subdivision approvals shall remain in effect;
3. That the subdivision plan shall be recorded within 90 days of the subdivision approval; and
4. That the Planning Board Chairman is authorized by the Planning Board to sign the Findings of Fact on behalf of the entire Board; and
5. 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.