

PLANNING BOARD MEETING

March 7, 2016

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

Members Present

JAMES ANDERSON
GEORGE FOX
SCOTT HERRICK
RACHEL SUNNELL
LEE PRATT

Staff Present

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

Members Absent

EDWARD ZELMANOW, Chairman
MELINDA SHAIN, Vice Chairman

In the absence of Edward Zelmanow, Scott Herrick assumed the position of Chairman, and in the absence of Melinda Shain, Rachel Sunnell assumed the position of Vice-Chairman. Mr. Herrick opened the meeting at 7:00. The Clerk called the roll, noting that Edward Zelmanow and Melinda Shain were absent.

APPROVAL OF THE FEBRUARY 1, 2016 MINUTES

Rachel Sunnell MOVED and James Anderson SECONDED a motion to approve the minutes of February 1, 2016 as written and distributed. Motion CARRIED, 5 ayes (Edward Zelmanow and Melinda Shain absent). [7:04 p.m.]

COMMITTEE REPORTS – Mr. Herrick noted that the Streets and Ways Committee has not met. Mr. Herrick reported that the Ordinance Review Committee met earlier this evening to discuss proposed changes to the Land Use Code dealing with refunding of impact fees; he said the item will come before the Board for public hearing at a future meeting.

CHAIRMAN'S REPORT – Mr. Herrick noted that Item 6, the subdivision and private way application of Aaron Shields, has been withdrawn by the applicant.

ADMINISTRATIVE REVIEW REPORT – Mr. Poirier reported that there has been one new application, Robert M. Pearson, Inc., at 5 Laurence Drive. The applicant, an electrical contractor, is proposing a 4,000 square foot building behind its existing 4,000 square foot building. Staff has provided review comments to the applicant, who is making final changes to the plans for approval within the next few days.

ITEM 1 PUBLIC HEARING – Land Use and Development Code Amendment – Chapter II, General Standards of Performance, Section III, E. Performance Standards -
Amendment to allow the Code Enforcement Officer to approve projecting signs over public sidewalks or spaces.

Mr. Poirier explained that the item has been forwarded to the Board by the Town Council. Presently an applicant for a projecting sign needs the approval of the Town Council and proof of liability. This change will require that an applicant present his proof of insurance to the Code Enforcement Officer instead of to the Town Council.

Mr. Herrick commented that it appears to be an administrative issue relating to liability

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

Rachel Sunnell MOVED and George Fox SECONDED a motion to recommend adoption by the Town Council of the proposed amendment to Chapter II, General Standards of Performance, Section III, E. Performance Standards for projecting signs. Motion CARRIED, 5 ayes (Edward Zelmanow and Melinda Shain absent). [7:06 p.m.]

ITEM 2 SUBDIVISION/PRIVATE WAY REVIEW – Subdivision Amendment and Private Way Rescission - Philip and Julie Marshall – request for approval to rescind Marshall Way private way and reduce the number of lots within the Parsons Subdivision, Map 60, Lots 14 and 14.002, Rural zoning district.

Julie Marshall came to the podium and explained that they are proposing to combine lots 2 and 4 in the Parsons Subdivision, rescind Marshall Way private way, and rescind an easement to a dug well for lot 1 because there is now a drilled well for lot 1. In addition, lot 1 would be reduced to 60,000 square feet. They are requesting two waivers: one for the requirement for a nitrate plume analysis, and the second one is for the sprinkler systems. So far as the nitrate plume analysis waiver is concerned, wells and septic systems have located on the plans for lots 1, 2 and 3, with the distances located as well, all of which are greater than the minimum 100 feet. Mrs. Marshall quoted from a letter from Albert Frick, Albert Frick Associates, Inc., dated February 15, 2016, stating "... this project offers high potential for environment sanitation..." based on the density of having one dwelling on 8.3 acres of land, the absorption potential of the soil, the soil filtration rate, and the gradient contours are away from the abutting wells.

Concerning their waiver request for a sprinkler system, Mrs. Marshall said that the house has direct access to Route 25 and not by a private way, it will have a relatively short driveway of 110 feet, making the house close to Route 25, a fire pond with a hydrant on Route 25 is located 0.3 mile away, and the West Gorham Fire Station is located 0.7 mile away. In addition, Mrs. Marshall said their dilemma and request for waiver concerning a sprinkler system arises from the fact that the label of "subdivision" is inaccurate. She said that rescinding the private way and combining the two lots reverses the subdivision back to the 1984 original design prior to the subdivision. She indicated that she has been told that the error of labeling the 1984 lot split as a "subdivision" cannot be corrected, but since the Board can approve a subdivision, she is hoping that the Board can also abrogate that approval.

Mr. Herrick commented on a review note from the Fire Chief that if it is no longer a subdivision, sprinkling is not required on a single family home, but this is an application for an amendment to a subdivision plan. Mr. Poirier said that unfortunately there is no waiver from being in subdivision, but that the applicant can provide a legal opinion that the Town's attorney could review. Ms. Sunnell confirmed that the Board cannot grant a waiver of the sprinkler requirements. Mr. Poirier said that in order for the Board to grant a waiver, it must be so stated in the ordinance, which requires either public water or a fire pond or sprinkling, but there is no provision for a waiver.

Mrs. Marshall asked if their only avenue is a legal one. Mr. Poirier said that if the applicants secure a legal opinion, the Town Attorney can review it and the applicant can hold off on approval until that legal opinion has been obtained. Mr. Herrick said that the item can be tabled awaiting the Town Attorney's review. Mr. Fox asked if the Board could grant approval without considering the sprinkler waiver and take that up separately as a subdivision amendment at a later date. Mr. Herrick said that the alternatives would be to move forward with the information currently in front of the Board, table it with additional information to be

provided, or have it approved with the understanding that the Board cannot grant a waiver of the sprinkler requirement but that the applicant could come back at a later date with a further amendment request. Mrs. Marshall said they prefer the third option, understanding that the Board does not have the ability to grant a waiver of the sprinkler requirement. Mr. Poirier noted that a resubmission would be for a subdivision amendment and would require payment of new fees.

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

Mr. Anderson commented that based on the map showing the plume analysis and the well locations, he would have no problem granting the applicants' waiver request for a nitrate plume analysis. Ms. Sunnell echoed Mr. Anderson's comment.

Rachel Sunnell MOVED and James Anderson SECONDED a motion to grant Philip and Julie Marshall's request to waive the submission requirements under Chapter III, Section III, B.1 6) for a nitrate plume analysis. Motion CARRIED, 5 ayes (Edward Zelmanow and Melinda Shain absent).

Rachel Sunnell MOVED and George Fox SECONDED a motion to grant Philip and Julie Marshall's request for Parsons Subdivision amendment approval to reduce the number of lots to 3 and to rescind Marshall Way private way approval, located in the Rural zoning district, Map 60, Lot 14, 14.201 and 14.202, based on Findings of Fact and Conditions of Approval as written by the Town Planner. Motion CARRIED, 5 ayes (Edward Zelmanow and Melinda Shain absent).

ITEM 3 SUBDIVISION AMENDMENT REVIEW – Brian and Stacie Leavitt – request for approval to amend the Files Road Subdivision by reconfiguring Lots C1 and C2, 105 and 109 Files Road, Map 74, Lots 5.002 and 5.003, Suburban Residential zoning district.

Mr. Poirier explained that this amendment does not increase any lots; rather, it is a lot reconfiguration between two lots in an approved subdivision.

Andrew Morrell, BH2M Engineers, appeared on behalf of the applicants and explained that the subdivision was approved in 1991, and had four lots, two of which were off Elliott Road and labeled A and B, and two lots off Files Road, labeled C1 and C2. The applicants are looking to amend Lots C1 and C2 by taking a portion of Lot C2, reducing it to 60,000 square feet, the minimum lot size in the Suburban Residential zone, and transferring over an acre in size to Lot C1. Both lots meet all applicable Town zoning requirements.

Mr. Pratt disclosed that his family owns property across from the street from this, but he believes that he can be unbiased in reviewing the item.

James Anderson MOVED and Rachel Sunnell SECONDED a motion to allow Mr. Pratt to participate in the discussion on this item. Motion CARRIED, 4 ayes (Edward Zelmanow and Melinda Shain absent, Lee Pratt abstaining).

Mr. Anderson asked if the sideline setback issues associated with the patio have been resolved. Mr. Morrell replied that there is an existing house on Lot C1 with a brick patio in the back portion and over the property line; ultimately the patio was removed so that it is no longer on Lot C2. Mr. Morrell confirmed that all the setbacks are the same, and confirmed to Ms. Sunnell that the lot line was surveyed. Mr. Fox asked what the reason is for making this change. Mr. Morrell replied that the applicant is looking to sell the lot with a larger

piece of land. Mr. Morrell advised Mr. Herrick that there are no rights for the owner of Lot C1 to cross Lot C2.

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

Rachel Sunnell MOVED and James Anderson SECONDED a motion to grant Brian and Stacie Leavitt's request for an amendment to the Files Road subdivision to reconfigure lots C1 and C2, located on Map 74, Lots 5.002 and 5.003, in the Suburban Residential zoning district, based on Findings of Fact and Conditions of Approval as written by the Town Planner. Motion CARRIED, 5 ayes (Edward Zelmanow and Melinda Shain absent) [7:30 p.m.]

ITEM 4 PRELIMINARY SUBDIVISION REVIEW – Bramblewood LLC – Glenwater Village Subdivision, a residential subdivision with 20 single family lots and 10 apartment units, located off Glenwood Avenue, Map 99, Lot 61, and off Water Street, Map 101, Lot 21, Urban Residential and Development Transfer Overlay zoning districts.

Mr. Poirier told the Board that this item was last before it on October 5, 2015 as a workshop item; the Board held a site walk on October 19, 2015. This is the first time the item has been before the Board as a full submission. Mr. Poirier suggested that the Board discuss whether a road connection to Water Street is required and any additional information it might want to see. In addition, Mr. Poirier said the Board may wish to discuss with the applicant the passive and active open space requirements under the Development Transfer Overlay zoning district.

Dustin Roma, D.M. Roma Consulting Engineers, introduced Jason Haskell of that firm, as well as Amy Mulkerin and Greg McCormack, representing Bramblewood LLC, applicants for the project.

Mr. Roma pointed out the present design of the extension of Glenwood Avenue, currently called Grove Street, which is now a 90° degree intersection, significantly reducing the amount of encroachment into the stream and embankment area and also serving as a traffic calming device. In addition, the hammerhead is now proposed to be in the discontinued portion of Water Street. They believe a great deal of attention has been devoted to the extension of the dead end road to try to accommodate a connection with Water Street, but the questionable nature of the right-of-way makes improving a non-existing road problematic. Mr. Roma said that Water Street intersects with Glenwood again immediately after the project so it there is no merit in trying to connect the two. He feels that the dead end scenario has been minimized by placing the apartment units in a cul-de-sac configuration.

Mr. Roma said several meetings have been held with the Portland Water District about the technical design of the infrastructure and details involving the mix of private and public gravity lines and private and public pump stations. There will be one private pump station for the project, 4 of the single family residential lots will actually drain to that pump station, as well the 10 apartment dwellings. There will be an 8 inch water main extension into the project, reducing down to a 4 inch line when it gets to the apartment buildings.

The sidewalk has been moved so that there is a 9-foot esplanade, a Town requirement for an urban access roadway. Street trees will be installed according to the Development Transfer Overlay district; they will work with the Public Works Director to determine if the trees will be planted in the esplanade or behind the sidewalks on private property. Mr. Roma discussed the off-site sidewalk on Water Street, talking about the existing drainage pattern and the existing raised paved shoulder now currently functioning somewhat as a sidewalk. That paved shoulder will be replaced with a curbed raised sidewalk. On Glenwood there are some very shallow drainage ditches adjacent to the roadway and some driveway culverts; it is proposed that a

closed drainage system be incorporated along with the sidewalk construction for the project, including catch basins and storm drain pipes, which should alleviate some of the present drainage issues.

Some traffic count information will be secured at the Main and Water Street signal and a plan will be developed to re-time that signal based on the number of traffic trips coming from the site. Trip information will be distributed going down Water Street and up Church Street, based on existing traffic patterns. Mr. Roma also said they will work with Fire Chief Lefebvre to install the Tomar system that the Chief requested be added to the traffic signal to allow emergency vehicles to turn the light green in their direction of travel.

Mr. Roma said that the pavement overlay requested by the Public Works Director will be accommodated, which is from Church Street down Water Street to the intersection of Glenwood and down Glenwood to where it enters the project.

Mr. Roma said they have submitted to the Maine DEP for their stormwater permits as well as the NRPA permit. A letter back from DEP indicates that the required timetable calls for permit decisions to be sent by the end of May.

A lot line adjustment has been made to lot 9 to provide adequate street frontage. Lot 21's lot lines will be adjusted and there will be no bonus lots as part of this project.

Mr. Fox asked how wide will Glenwood be after the sidewalk work has been done. Mr. Roma replied that what will be done is to pave in the shoulder so a slip-form curb can be installed on top of it, with a sidewalk in behind it, so the current width of 20 feet will be maintained. Mr. Fox commented that with parked vehicles along it Glenwood seems very narrow, and while the traffic counts are not high, he believes that as an access road it is somewhat of a concern.

Mr. Anderson asked Mr. Roma to show the Board where the open space is proposed. Mr. Roma said that once the road is constructed to build the wet pond per their DEP permit, it can be loamed and will become a 10-foot wide trail along the ridge for a trail to follow to the open space, which extends along the back of the property and matches in with the Town's open space. Ms. Sunnell said she would like to see an actual trail connection to the Town's open space, noting that active open space is a requirement for this project and there was a note from the trail organization. Mr. Roma replied they have been in contact with the group; they will meet with them to develop an overall plan on how this property will coordinate with the adjoining properties, which will be more clearly presented in their next submission.

Mr. Fox asked what the Town's position is on the status of Water Street. Mr. Poirier replied that the Town's position is that it is a discontinued road with a public easement over it, unless the applicant can prove otherwise. Mr. Poirier said that if there is some question about the legality of its use, the Board would look to the applicant to provide a legal opinion on its ability to construct or not construct the road over that easement; staff would have the Town's attorney review that opinion and make a recommendation to the Board. Mr. Herrick said that he believes the ordinance requires that if there is a legal ability to do that, the Board would require that connection unless it would create an unsafe situation for the residents or the abutting development or it will create a cut-through. Mr. Roma said there are other practical issues such as the dwelling that has been built very close to the road, and the need to re-build a section of the road to straighten it out. Mr. Roma said the legality is one thing but they are concerned about the practical nature of whether it accomplishes anything other than connectivity for the sake of connectivity. Mr. Herrick said that initially his recollection was that it could not be physically accomplished because of the angle, but with the re-design, he believes that it can now be physically accomplished. Mr. Herrick said he believes the ordinance may require the connection if it is possible, and to avoid the analysis, a legal opinion may prevent the Board from requiring it. Mr. Roma said if they find out they cannot build it, is the Board comfortable

with the dead end road. Mr. Herrick said that would be subject to additional review by the Town and Public Works.

Mr. Fox repeated that he believes Glenwood is a very narrow tight road for access, and if there is an opportunity to extend Water Street to have that traffic go in two different directions, it would make the Glenwood situation better. He said he appreciates the applicant's willingness to improve the road with sidewalks, but it still seems very narrow. In response to Mr. Anderson, Mr. Roma said that the proposed roads are 22 feet wide.

Mr. Herrick asked if lot 20 is a buildable lot. Mr. Roma replied that the intent is not to build on that lot but it would be sold to someone; however, a driveway can be extended to access that lot in the 50' foot easement shown and which can also serve as access to the common open space for the development. Mr. Roma confirmed to Mr. Anderson that lot 1 does have enough buildable space. Mr. Fox confirmed that lot 9 will have adequate street frontage.

Ms. Sunnell asked Mr. Poirier if the concerns with the Portland Water District have been resolved. Mr. Poirier replied that the District has reached out to staff about its concerns with both private and public sewer in the mix, and that he believes the applicant will be meeting with the District to discuss those issues. Mr. Roma confirmed that a meeting will be set up some time this week.

In reply to Mr. Pratt, Mr. Roma said that there will be garage and porch lights, and he does not believe that street lights are a standard for the Development Transfer Overlay district.

Ms. Sunnell said she believes that the site plans do not have a great deal of information, so she would look to see the plans more developed at preliminary stage to review them and is not comfortable with final plans at the next submittal. Mr. Roma said the next submittal will be for preliminary approval.

PUBLIC COMMENT PERIOD OPENED: Michael Parker, resident of Windham but representing Presumpscot Regional Land Trust, asked if there will be public access to the trails, and if so, will the roadway along the perimeter be the place where someone from the public can leave a vehicle. He also asked about allowable length of dead end roads.

Paul Stickney, 22A Glenwood Avenue, supports opening up Water Street as a second means of accessing the development. While he acknowledges that the applicant is concerned about the house at the end of Water Street, his house is the last house on Glenwood at the end of the road and he is concerned about the traffic from the residents of this development. Mr. Stickney also asked if the applicant could also provide sidewalks on Church Street to Main Street.

Mr. Roma confirmed that the roads are designed to be offered as Town roads and there will therefore be public access to the beginning of the open space, which will be dedicated to the Town and merged with the Town's open space, so public access will be provided. Mr. Roma said that reaching out to the Trails group to coordinate parking, linking to other trails, and other information will be in the next submission. Mr. Fox confirmed with Mr. Roma that the driveway providing access to lot 20 and the open space will provide both public access and perhaps public parking for that open space, and commented that if lot 20 is sold, there is the potential for conflicts between the lot owner and public access/parking. Mr. Roma said that if that became someone's driveway public parking would have to be accommodated, but they can look into constructing off-street parking for a trail head, and it would be good to hear from the Board if dedicated off-street parking is warranted..

Concerning road length, Mr. Roma said that Grove Street is about 510 feet to the end of the public right-of-way and Dogwood is about 600 feet in length, both of which are well below the Town's 1,500 foot length.

Mr. Anderson asked what the maximum dead end street length is; Mr. Poirier said that there is no maximum, but once the street is over 1,500 feet, the Code requires all the houses along that dead end be sprinkled.

At Mr. Herrick's request, Mr. Poirier replied to Mr. Stickney's question about an additional sidewalk on Church Street. Mr. Poirier said that there is a provision in the Development Transfer Overlay district that the applicant provide pedestrian connection to existing sidewalk systems, and there is a provision in the Code requiring the extension of sidewalks along arterial and collector streets. Mr. Poirier said he would need to check with the Public Works Director to see check Water Street's designation. Mr. Roma confirmed to Mr. Herrick that they are proposing to extend sidewalks to existing sidewalks.

Regarding the Code provisions about sidewalks, Mr. Poirier read from Chapter II as follows:

"Sidewalks – Sidewalks shall be provided within all subdivisions in the Village Center, Urban Commercial, Commercial Office, Office Residential, and Urban Residential Districts, and for all subdivisions located within the Development Transfer Overlay District that conform to the overlay district requirements , with connection to the existing sidewalk network provided for the safety and convenience of the residents, per the standards in Table 1 and Figures 1, 2, 3 and 5. The sidewalk location in figures 1, 2, 3, and 5 is preferred; however, it may, at the discretion of the Planning Board, be positioned at curb line with zero esplanade. Sidewalks may also be required in subdivisions which abut any of the other Districts.

Sidewalks may also be required, for the safety and convenience of the public, by the Planning Board or Site Plan Review Committee for major and minor developments located along arterial and collector streets and which are within reasonable distance of the existing sidewalk network.

Sidewalks, when required, shall be a minimum of 5 (5) feet in width, unless site conditions dictate a different width."

Mr. Roma confirmed that the sidewalks will be 5 feet wide, per the Public Works Director's request.

Greg McCormack, developer, said that language for the sale of lot 20 would include that it was a common public easement over the driveway for public access. He asked the Board to consider granting preliminary and final approval at the same meeting. Mr. Herrick commented that it is at the Board's discretion to grant both preliminary and final at one meeting, but realistically speaking there are a large number of outstanding issues to be resolved, such as technical issues from peer review, full definition of the open space, status of Water Street access, landscaping and other items. Mr. Roma asked that the Board keep an open mind about Mr. McCormack's request.

In reply to Mr. Anderson, Mr. McCormack said urban cottage style designed homes similar to what was constructed at Bramblewood Lane is planned for this development, with the multi-family units will having first floor masters, 2-1/2 baths, and garages.

PUBLIC COMMENT PERIOD ENDED.

Rachel Sunnell MOVED and Lee Pratt SECONDED a motion to postpone further review of Bramblewood LLC's request for Glenwater Village Subdivision and Cottage Court site plan approvals pending responses to remaining issues and finalizing revisions to the plans. Motion CARRIED, 5 ayes (Edward Zelmanow and Melinda Shain absent). [8:35 .m.]

ITEM 5 PRE-APPLICATION DISCUSSION – SUBDIVISION AND SITE PLAN – PTG Investment Trust – request for approval of 3 single-family condominium units and 2 commercial units with 2nd floor apartments off Main Street and Garden Avenue, Map 109, Lot 11, Urban Residential and Office-Residential zoning districts.

Mr. Poirier explained that this applicant was before the Board on January 4, 2016 as a pre-application, at which time the applicant was proposing a private driveway that connected Main Street with Garden Avenue. After hearing the abutters' concerns, the applicant revised the plan substantially to what is now before the Board as a pre-application. The applicant has submitted a full application which will be before the Board at its next meeting.

Andrew Morrell, BH2M, appeared on behalf of PTG Investment, to discuss Garden Place. At the time of the January 4, 2016 pre-application, the applicant was proposing a 9-unit residential condominium project with a driveway connecting Garden Avenue and Main Street. At that meeting the applicant heard that the Board felt the project was too dense and needed to be scaled back, and the abutters were very concerned about a connection between Main Street and Garden Avenue increasing traffic and cut-through potential. What is proposed now is a plan showing three single-family condominium units on a shared driveway off Garden Avenue. There is no longer a Garden Avenue/Main Street connection. In the Office Residential portion of the parcel on Main Street, two 16,000 sq. ft. commercial buildings are proposed, with the first floor being commercial and the second floor being residential apartments. A parking lot is proposed in the rear of the two buildings. Utilities for the front parcel off Main will get single-service utilities off Main Street, and the single-family units in the back will get services off Garden Avenue. The Ordinance requires a 35-foot wide landscape buffer between the two uses, which has been hatched on the site plan; there will be a fence and some landscaping in that area. Mr. Morrell noted that the proposed impervious area will be slightly less than the existing impervious area.

Mr. Anderson commented that this plan seems more practical and said he appreciates that the applicant has taken into account the abutters' concerns, particularly in eliminating the driveway connection between Main Street and Garden Avenue. Ms. Sunnell said she believes that the scale of the buildings is appropriate for the neighborhood in both zoning districts, she likes that the buildings on Main Street are larger and more compatible with the same existing pattern with the screened parking in the back, and is in favor of the direction the plan is now taking. In reply to Mr. Pratt, Mr. Morrell replied that Garden Avenue has public water and public water but no natural gas and there will be individual service for each of the three units into Garden Avenue, which is the preferred approach by the Portland Water District. Mr. Morrell told Ms. Sunnell that the 26 proposed parking spaces are based on the applicant perhaps converting the second floor residential apartments to commercial in the future.

PUBLIC COMMENT PERIOD OPENED: Corinne Altham, 31 Garden Avenue, asked why the applicant has changed his plan, was it in response to abutters' concerns. She asked what kinds of business uses are proposed, will those businesses fit in Gorham, is there potential for some trees between the two uses, expressed concern about the number of trees that will be lost during the construction, and suggested alternate lot layouts with a connection between Main Street and Garden Avenue.

Sarah Rimkunas, 61 Garden Avenue, said she appreciated the fact that the abutters' comments were taken to heart and is happy that the cut-through to Garden Avenue has been eliminated. She asked what sort of commercial properties are being considered, offices or a 7-Eleven. She asked whether the condos are going to be ownership or rental properties.

Amber Burks, 65 Garden Avenue, said her biggest concern is with drainage on her property and what impact a parking lot, instead of individual residences, will have on that drainage, and the drainage consequences of their property being in the perimeter of the Tannery Brook watershed. She asked if there will be fencing

between the new properties and the existing properties. She expressed concern about possible tree loss, traffic visibility at the corner, snow removal and suggested that natural gas be brought into the existing development because of the addition of the three condo units. She also inquired if the current configuration would no longer require an available fire exit.

Mr. Morrell said that the change in plans came about because of the Board's density questions and the abutters' concerns. There will be a fence between the two uses along the 35 foot buffer with landscaping on either side. There will be no fencing around the perimeter of the parcel. The size of the lot is approximately 1.35 acres and the three lots in the back should not feel more dense than abutting properties. The commercial buildings are proposed as professional offices, such as lawyers and doctors, or other uses permitted under the current zoning. The condos will be owned and not rented. There will be no additional runoff flow directed at the property lines as a result of this project moving forward. The impervious area out there today versus what is being proposed is very similar. The applicant is proposing to tie into the natural gas line on Main Street for the two commercial uses out front, and currently a stub is proposed to the back.

Corinne Altham returned to the podium to ask about tree removal. She also asked what the condo units will cost. Mr. Morrell said they will try to keep as many trees as possible and will know better once the grading of the parcel has been established. He said that it is too early to determine the cost of the condos, but they will be some 1,400 sq. ft. in size, one story with three bedrooms, and a garage.

Mr. Morrell reminded the abutters that there will be at least two more meetings with additional information provided at each meeting.

PUBLIC COMMENT PERIOD ENDED.

ITEM 6 PRE-APPLICATION DISCUSSION – SUBDIVISION AND PRIVATE WAY – Aaron Shields – request for approval of a 6-lot subdivision (Blacksmith Estates) and a 2-6 lot private way (Forge Way), off Dunlap Road, Map 70, Lot 24, Rural zoning district,

WITHDRAWN AT APPLICANT'S REQUEST


OTHER BUSINESS NONE

ANNOUNCEMENTS NONE

ADJOURNMENT

James Anderson MOVED and Lee Pratt SECONDED a motion to adjourn. Motion CARRIED, 5 ayes (Edward Zelmanow and Melinda Shain absent). [9:18 p.m.]

Respectfully submitted,


Barbara C. Skinner, Clerk of the Board
March 7, 2016

ITEM 2 PHILIP AND JULIE MARSHALL –PARSONS SUBDIVISION AMENDMENT AND MARSHALL WAY PRIVATE WAY RESCISSION

CHAPTER III - SUBDIVISION, SECTION III - PRELIMINARY PLAN

The Planning Board, following review of the Preliminary Subdivision Application, makes these findings based on the Subdivision Review criteria found in Chapter III, Subdivision, Section III – 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 single-family lots range in size from 60,005 square feet to 363,129 square feet with street frontage for the lots ranging in size from 225 ft. to 285.14 ft.

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

Finding: Amendment to Parsons 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 will have legal road frontage on Ossipee Trail, State Route 25.

Lots 1 and 3 have existing single family houses with their own driveways. No changes are proposed to the driveway for lot 1. Lot 2 will be constructed with its own residential unit with a proposed new driveway off Ossipee Trail.

A driveway permit will be required from the Maine DOT prior to construction of the new driveway on lot 2. The driveway will be required to meet the standards outlined under Chapter II, Section V – Minimum Standards for the Design and Construction of Streets and Ways.

Finding: Amendment to Parsons 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 located on lot 2 will be served by underground power, electric and telephone lines, and the Town's contracted waste disposal contractor.

Lot 1 is served by overhead utilities from the Ossipee Trail right-of-way.

Finding: Amendment to Parsons 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 1 has an existing water supply well located on the lot to serve the existing single-family residence currently located on lot 1.

Lot 2 is proposed to have a new well located on the western edge of the lot.

The new well will be located as proposed on the plan, unless the applicant has provided the Code Enforcement Office and the Planning Department with information from a certified hydrogeologist that the revised well location is acceptable per State Statute and does not affect the location of the septic system proposed for lot 2.

Finding: Parsons 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.

Lot 1 has an existing private septic system with no changes being proposed. Lot 2 shows the location for a proposed septic system, and the applicant has provided an HHE-200 form completed by a licensed site evaluator for the design of the septic system in the location identified on the plan.

Finding: Parsons 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.

The site has a wetland system and stream located along the eastern property line of the development. A 75' setback required by Maine Department of Environmental Protection is shown on the proposed plans. No improvements within the 75' setback are proposed.

Finding: Amendment to Parsons 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.

During construction the applicant shall utilize erosion and sedimentation best management practices meeting the requirements of Maine DEP Maine Erosion and Sediment Control Practices Field Guide for contractors. The lot area around the new residential dwelling will be loamed and seeded to prevent soil erosion.

No changes are proposed to the requirements for soil erosion control.

Finding: Amendment to Parsons 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. The applicant is also not proposing to disturb any area within the 75' Maine DEP stream setback.

Finding: Amendment to Parsons 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.

Lots 1 and 3 have already been developed with single-family residences. Lot 2 is proposed to have a residential dwelling unit located on the western third of the parcel in an area previously disturbed to make a farm field. No natural features are proposed to be disturbed and tree cutting will be limited to the greatest extent practical. No scenic vistas, historic sites or irreplaceable natural or manmade assets have been identified on the site.

Finding: Amendment to Parsons 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.

No new improvements are proposed as part of the subdivision amendment. The applicant has paid all required subdivision amendment fees.

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

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

The applicant for the building permit on lot 2 will be required to pay the Recreational Facilities and Open Space Impact Fee.

Finding: The applicant for a building permit on lot 2 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 development did not detail any proposed open space as part of the subdivision. A homeowners' association is not required to be formed because there are no common elements in the subdivision requiring maintenance.

Finding: Parsons Subdivision is proposing to create open space and recreational land and facilities within the subdivision in accordance with the Planning Board requirements and the homeowners' association shall be required to provide for the perpetual care of commonly owned recreation land.

CHAPTER III - SUBDIVISION, SECTION IV –FINAL PLAN REVIEW

D. FINAL PLAN REVIEW

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

The 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 the subdivision approval 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 prior to a building permit being issued.

ITEM 3 BRIAN AND STACIE LEAVITT – FILES ROAD SUBDIVISION AMENDMENT

CHAPTER III - SUBDIVISION, SECTION III - PRELIMINARY PLAN

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

C. PRELIMINARY PLAN REVIEW

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

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

The revised lot sizes for lots C1, and C2 meet the minimum lot size and street frontage requirements in the Suburban Residential District. The street frontage for lots C1 and C2 are located along Files Road.

The future land use map identifies the area as Rural.

Finding: The proposed Files Road Subdivision amendment conforms to 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.

Lots C1 and C2 driveways are located off Files Road. Files Road is classified as a collector road by the Town of Gorham.

The driveways serve two existing single-family homes. No additional traffic is proposed to be generated with the lot reconfiguration.

Finding: The Files Road Subdivision amendment will not cause congestion or unsafe conditions with respect to use of 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.

Overhead cable, phone, power, located on Files Road, serve lots C1 and C2. Utilities are run overhead to the single-family house located on lot C2. Utilities are run underground to the single-family house located on C1. Household trash from the lots is picked up by the Town's municipal waste hauler contractor.

Finding: The proposed Files Road Subdivision amendment 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 C1 and C2 each have an existing private well serving the single-family house on each lot.

No changes are proposed to the existing water supply wells.

Finding: The proposed Files Road Subdivision amendment 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.

Lot C1 and C2 each have an existing private subsurface septic system serving the single-family use.

No changes are proposed to the existing private subsurface disposal systems.

Finding: The proposed Files Road Subdivision amendment provide for adequate solid and sewage waste disposal for present and future needs.

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

No new improvements are proposed as part of the subdivision amendment. The uses of the two lots are proposed to remain as single-family dwellings.

Finding: The proposed Files Road Subdivision amendment 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.

No new improvements are proposed as part of the subdivision amendment. Lots C1 and C2 have existing subsurface disposal systems and no changes are proposed to the systems.

Finding: The proposed Files Road Subdivision amendment 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 subdivision is not located in the Town's Shoreland Overlay District. Lot C1 currently has a pond located in the northeast corner of the lot. No changes are proposed to lot C1 or C2 that will impact the ability of the pond to retain water.

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

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

No changes are proposed to the approved subdivision that will impact the scenic or natural beauty of the area.

The lot does not have any known historic sites or rare or irreplaceable natural or manmade assets located on it.

Finding: The proposed Files Road Subdivision amendment 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 new improvements are proposed as part of the subdivision amendment. The applicant has paid all required subdivision amendment fees.

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.

No new lots are proposed with the subdivision amendment.

Finding: Not applicable.

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

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

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

No open space is being proposed as part of the proposed subdivision amendment.

Finding: Not applicable.

CHAPTER III - SUBDIVISION, SECTION IV –FINAL PLAN REVIEW

D. FINAL PLAN REVIEW

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

Finding: This is an amendment to an approved plan and requires only a subdivision amendment approval.

- 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.

Finding: This is an amendment to an approved plan and requires only a subdivision amendment approval.

Conditions of Approval

1. That this approval is dependent upon, and limited to, the proposals and plans contained in this application and supporting documents submitted and affirmed by the applicants and that any variation from the plans, proposals and supporting documents is subject to review and approval by the Planning Board, except for minor changes which the Town Planner may approve;
2. That the applicant shall provide property line information and site information in auto-cad format to the Town Planner;
3. That all relevant conditions of approval from the original subdivision and subdivision amendment approvals shall remain in effect;
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 the subdivision plan shall be recorded within 90 days of the subdivision approval; and
6. That once the subdivision plan has been recorded at the Cumberland County Registry of Deeds, a dated mylar copy of the recorded subdivision plan shall be returned to the Town Planner within 14 days of the subdivision plan having been recorded in the Cumberland County Registry of Deeds.