

**Town of Gorham
Planning Board Meeting
August 2, 2021**

Consent Agenda – Final Subdivision & Site Plan Amendment Review – Chase Custom Homes & Finance, Inc. is proposing amendments to Bramblewood Estates Subdivision, a residential subdivision with 10 dwelling units. The property is located on Baxter Lane on Map 25 Lot 7.001 in the Urban Residential (UR) and Development Transfer Overlay (DTO) zoning districts. The applicant is John Chase of Chase Custom Homes & Finance, Inc. The applicant’s agent is Craig Sweet, P.E., of Terradyn Consultants, LLC.

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PROJECT TRACKING

DESCRIPTION	COMMENTS	STATUS
Site Plan & Subdivision Amendment Review		July 12, 2021
Consent Agenda		August 2, 2021

The following staff notes are written to assist the Applicant with compliance to the Town of Gorham Land Use Development Code and are not necessarily inclusive of all project requirements. Staff notes contain review comments and recommendations from Town Staff and may include comments from any of the Town’s peer review consultants, regarding applicability to the Gorham Land Use and Development Code and standard engineering practices.

The Planning Board refers to staff notes during the review process; however, it shall be noted that staff recommendations are noncommittal and all final decisions are those of the Planning Board and not Town Staff.

Molly Butler Bailey, Chairwoman, Gorham Planning Board

PLACE MAP AND LOT NUMBER IN 1/4” HIGH LETTERS AT LOWER RIGHT BORDER OF ALL PLAN SHEETS.

1. OVERVIEW

The item was approved by the Planning Board in August of 2016. This amendment is to switch from five (5) duplex units to ten (10) single family dwelling units with adjustments to utility locations, and slight stormwater changes. The applicant is represented by Craig Sweet, P.E., of Terradyn Consultants, LLC.

2. ITEMS OF NOTE

- a) Maine DEP Approval: The applicant states they will not need to update the original Stormwater Permit, Natural Resources Protection Act Permit, or the Construction General Permit.

Google Earth image



4. STAFF REVIEWS

Assessing Department: June 29, 2021

Looks like Mike handled this back in 2016. The parcels are in Vision. There is no issue for assessing with the change to single house units.

Bruce

Code Department: No additional comments received.

Fire Department: June 29, 2021

MAP 025 Block 007 Lot

001 Plans Date 6-3-2021

1. The buildings will meet all applicable sections of NFPA 1 *Fire Code* and NFPA 101 *Life Safety Code*. Building plans shall be submitted to the Fire Department for review and placed in Emergency Reporting Program.
2. The buildings shall be protected under the Fire Suppression Systems Ordinance as applicable. The sprinkler plans shall be submitted to the Fire Department and the State Fire Marshal's Office for review and permitting. The plans submitted to the Fire Department shall be submitted at least two weeks prior to the start of the installation of the system. Sprinkler test papers will be required to be submitted to the Fire Department at the time a CO is issued.
3. The buildings shall be properly numbered in accordance with E911 standards including height, color and location. Numbers that cant been seen from the street shall require additional numbers at the street.
4. The hammer head width needs to be 20' wide and 50' deep. Please show measurements on the plans. No drive ways will be allowed off the Hammer Head. Please show driveway's on future plans.
5. A "No Parking - Tow Away Zone" or "No Parking - Fire Lane" sign should be added to the hammer head.
6. Street names need to be approved by Police and Fire Chief as well as be properly posted. **Baxter Lane** was pre-approved.

Planning Department: No additional comments

Police Department: No comments received.

Public Works Department: No additional comments received.

Woodard & Curran: July 28, 2021

Woodard & Curran has reviewed the Subdivision Amendment & Site Plan Application for the Bramblewood Estates proposed Baxter Lane in Gorham, Maine. We have reviewed the project for compliance with the applicable Town of Gorham Land Use and Development Codes and General Engineering practices. The proposed development will consist of replacing four approved duplexes with 8 single-family units and associated utility connections. The following documents were reviewed:

- Bramblewood Estates Response to Comments Letter, dated July 20, 2021, prepared by TERRADYN Consultants LLC, on behalf of Chase Custom Homes & Finance, Inc.
- Engineering Plans, C-1.0 through C-3.0, dated July 19, 2021, prepared by TERRADYN Consultants, LLC, on behalf of Chase Custom Homes & Finance Inc.

We have the following recommendation:

- We recommend adding the previously-approved landscape plantings outside of the limit of proposed changes line on the Site Layout Plan in grayscale to eliminate confusion about landscaping requirements for the site.

We take no exception to the revised submission.

TOWN OF GORHAM PLANNING BOARD

**SUBDIVISION REVIEW REPORT
AND FINDINGS OF FACT**

For

BRAMBLEWOOD ESTATES SUBDIVISION AND SITE PLAN AMENDMENT

August 2, 2021

Applicant: The applicant is Chase Custom Homes & Finance, Inc., 290 Bridgton Road, Westbrook, Maine 04092.

Property: The lot is identified as Tax Map 25, Lot 7.001 and is located Baxter Lane.

Consultant: Craig Sweet, P.E. #15060, Terradyn Consultants, LLC.

Project Description: This amendment is to switch from five (5) duplex units to eight (8) single family dwelling units and the one (1) existing duplex with adjustments to utility locations, and slight stormwater changes.

Site Description: The parcel is 4.00 acres in size and has access to Bramblewood Lane and South Street. Some of the lot remains wooded. There exists one of the originally approved duplex units, roadway, and stormwater detention.

Applicability: Review under the Subdivision and Site Plan regulations identifies the Planning Board as having review and approval authority.

Zoning: Urban Residential – (UR) District where the use of single-family homes and two-family homes is a permitted use per Chapter I, Section VI, Subsection B. 1) and Subsection D. of the Code. The lot is also located in the Development Transfer Overlay District and the Shoreland Overlay District.

Variances: None required.

Waivers: None requested.

Pursuant to the Application:

The subdivision and site plan were originally approved in August, 2016. This is an amendment review to allow single family homes.

The projects and plans and other documents considered to be a part of the approval by the Planning Board in this ruling consist of the following:

Terradyn Consultants, LLC. Plans (the plans) for a Subdivision, prepared by Craig Sweet, P.E., consist of the following:

Subdivision Plans

Sheet C-1.0: Site Layout – dated 03/16/2021; revised through 07/19/2021; received 07/23/2021
Sheet C-2.0: Grading Plan - dated 03/16/2021; revised through 07/19/2021; received 07/23/2021
Sheet C-3.0: Utility Plan - dated 03/16/2021; revised through 07/19/2021; received 07/23/2021

Other documents submitted consist of the following:

- Site and Subdivision Plan Application – 06/08/2021, 06/22/2021, 07/23/2021
- Previously approved Plan Set – 06/08/2021
- Quitclaim Deed – 06/08/2021
- Proposed Elevations – 06/08/2021
- Gorham Assessor Comments – 06/29/2021
- Gorham Fire Chief Comments – 06/29/2021
- Abutters Comments - Karen Duncan, 07/06/2021

CHAPTER III - SUBDIVISION, SECTION III - PRELIMINARY PLAN

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

C. PRELIMINARY PLAN REVIEW

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

Finding: Bramblewood Estates Subdivision 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.

Finding: Bramblewood Estates 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.

Finding: Bramblewood Estates 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.

Finding: Bramblewood Estates Subdivision provides for adequate water supply for present and future needs.

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

Finding: Bramblewood Estates Subdivision provides for adequate solid and sewage waste disposal for present and future needs as reasonably foreseeable.

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

Finding: Bramblewood Estates 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.

Finding: Bramblewood Estates 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.

Finding: Bramblewood Estates 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.

Finding: Bramblewood Estates 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.

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.

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

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

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

CHAPTER 3 - SUBDIVISION, SECTION 3-4 C - FINAL PLAN

- 1) The Planning Board shall review the Final Plan of the proposed development as submitted. It shall verify the provision of all information as required under the above subsections, and the provision of any additional information requested during the Preliminary Review. It shall examine any changes made subsequent to the Preliminary Plan for satisfactory correction.

CHAPTER IV, SITE PLAN REVIEW, SECTION 9 – Approval Criteria and Standards

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

CHAPTER 4, Section 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.

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.

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.

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

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

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.

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

F. Stormwater 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.

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

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

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.

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.

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

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

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

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

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.

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.

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.

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

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

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.

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

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

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

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

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

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

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

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

Conditions of Approval

1. That this approval is dependent upon, and limited to, the proposals and plans contained in this application and supporting documents submitted and affirmed by the applicants and that any variation from the plans, proposals and supporting documents is subject to review and approval by the Planning Board, except for minor changes which the Town Planner may approve;
2. That 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 relevant conditions of approval from past approvals shall remain in effect;
4. That the applicant shall provide property line information and site information in auto-cad format to the Town Planner;
5. The buildings will meet all applicable sections of NFPA 1 *Fire Code* and NFPA 101 *Life Safety Code*. Building plans shall be submitted to the Fire Department for review and placed in Emergency Reporting Program.
6. The buildings shall be protected under the Fire Suppression Systems Ordinance as applicable. The sprinkler plans shall be submitted to the Fire Department and the State Fire Marshal's Office for review and permitting. The plans submitted to the Fire Department shall be submitted at least two weeks prior to the start of the installation of the system. Sprinkler test papers will be required to be submitted to the Fire Department at the time a CO is issued.

7. The buildings shall be properly numbered in accordance with E911 standards including height, color and location. Numbers that cant been seen from the street shall require additional numbers at the street.
8. The hammer head width needs to be 20' wide and 50' deep. Please show measurements on the plans. No drive ways will be allowed off the Hammer Head. Please show driveway's on future plans.
9. A "No Parking - Tow Away Zone" or "No Parking - Fire Lane" sign should be added to the hammer head.
10. Street names need to be approved by Police and Fire Chief as well as be properly posted. **Baxter Lane** was pre-approved.
11. That prior to the pre-construction meeting, the applicant will establish an escrow for field inspection meeting the approvals of Town Staff;
12. That prior to the commencement of any site improvements, the applicant, its earthwork contractor, and the design engineer shall arrange a pre-construction meeting with the Town's Review Engineer, Public Works Director, Fire Chief, Code Enforcement Officer and the Town Planner to review the proposed schedule of improvements, conditions of approval, and site construction requirements;
13. 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;
14. That the applicant shall make any required changes to the plan and provide the additional legal documents and homeowners' association documents prior to the Planning Board's signature of the final plan meeting Town Staff and Town Attorney's approvals;
15. That the applicant is responsible for recording the approved homeowners' association documents within ninety (90) days of the date of approval of the subdivision by the Planning Board and a recorded copy of the homeowners' association documents shall be returned to the Planning Department prior to the applicant applying for a pre-construction meeting;
16. That the Planning Board Chairman is authorized by the Planning Board to sign the Findings of Fact on behalf of the entire Board;
17. That the subdivision plan are required to be recorded within one (1) year of original approval or the approval becomes null and void;
18. That once the subdivision plans have been recorded at the Cumberland County Registry of Deeds, a dated copy of the recorded subdivision plan shall be returned to the Town Planner prior to the pre-construction meeting.

SUGGESTED MOTIONS:

FOR CONSENT AGENDA APPROVAL:

Move to approve the item on the consent agenda.

OR

TO REMOVE AN ITEM ON THE CONSENT AGENDA:

Move to remove the item from the consent agenda and bring it up for immediate discussion.