

**Town of Gorham
Planning Board Meeting
June 13, 2022**

ITEM 1 – Preliminary Subdivision Review: Jack Riley, 69 Brackett Road – a request for preliminary plan approval to divide the existing lot to create a duplex lot on Day Road. The lot is currently 3.63 acres and located at 69 Brackett Road and Day Road. Zoned Suburban Residential (SR), Map 28, Lot 23. The applicant is represented by Andrew Morrell, P.E. with BH2M.

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PROJECT TRACKING

DESCRIPTION	COMMENTS	STATUS
Preliminary Review		April 4, 2022
Final Subdivision Review		June 13, 2022

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.

Jim Anderson, Chair, Gorham Planning Board

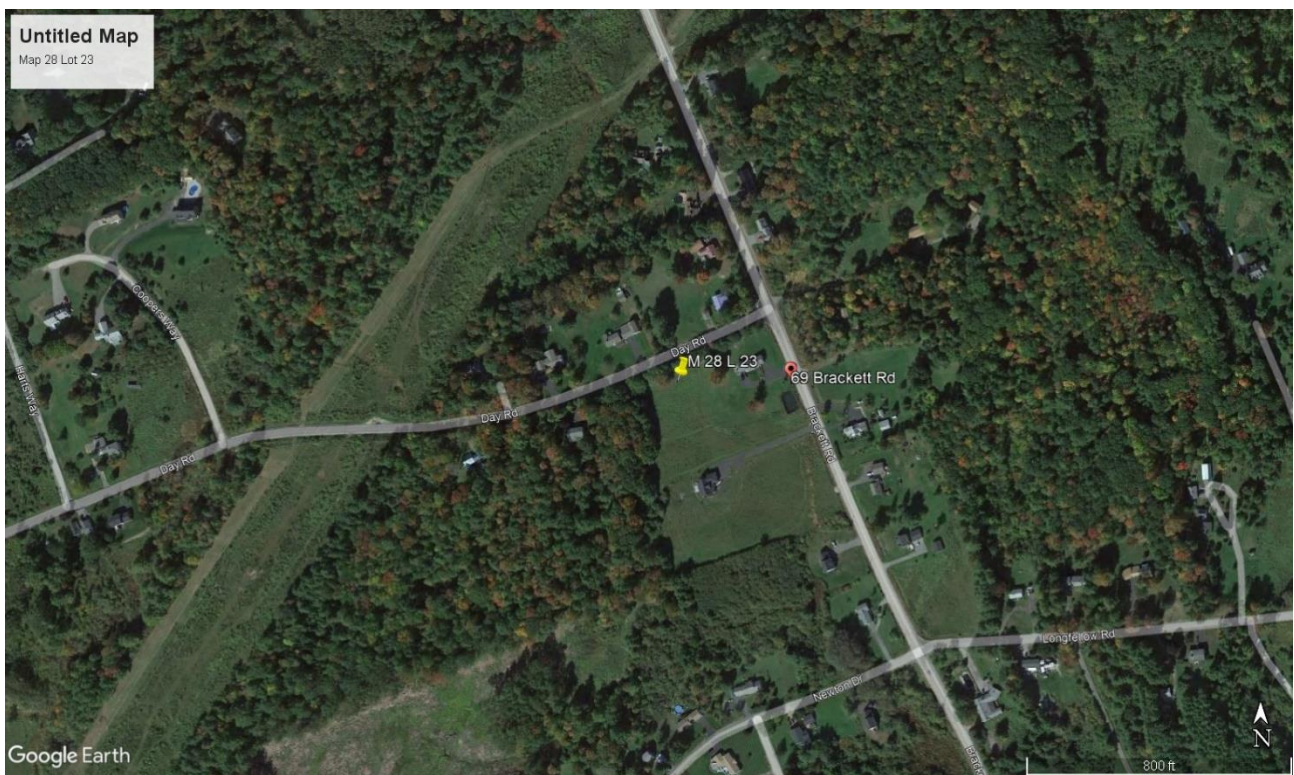
1. OVERVIEW

The original parcel was split in August 2019, so the creation of this third lot requires subdivision review.

This is the second time the item has come before the Planning Board with a submission for a subdivision.

2. ITEMS OF NOTE

Staff has included an aerial photograph for the Planning Board’s review of the project.



3. WAIVER REQUEST

1. The applicant requests a waiver from Ch. 3, Section 3-63, C.5 – to allow both preliminary and final plan approvals in one meeting.

SUGGESTED MOTION: Move to approve the requested waiver from Ch. 3, Section 3-63, C.5 – to allow both preliminary and final plan approvals in one meeting.

4. STAFF REVIEWS

Assessing Department: No comments received.

Code Department: 05/18/2022

Foundation needs to be pin by a P.E.

Fire Department: 03/17/2022, 05/17/2022

March 17, 2022

I have revied the Plans dated March 11, 2022 for a new Duplex

1. All 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 Inspector for review.
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.

May 17, 2022

I have revied the Plans dated May 9, 2022 for a new Duplex Day Road

I am all set. Previous Memo listing requirements were added on the new plans submitted and date of May 9, 2022.

Planning Department: 03/30/2022, 05/13/2022

March 30, 2022

- Utilities including electrical, phone, and others as needed are required to be shown on the plan.
- Soils information is pending pursuant to adequate soils to locate an onsite septic system.
- The specific location of construction is unknown, so findings could not be prepared for the section regarding scenic and natural beauty, etc. Information regarding archaeological or historic sites should be provided with the application. A letter from the Maine Historic Preservation Commission would qualify.
- Financial capacity information is required to be submitted for review.

May 13, 2022

Needs a waiver for Class B Soil Survey.

Police Department: No comments provided.

Public Works Department: 05/18/2022

Driveway Permit needed

Town Attorney: No comments provided.

Wright Pierce: 03/25/2022, additional comments pending

March 25, 2022

As requested, Wright-Pierce has reviewed the Preliminary Subdivision Application for the proposed 69 Brackett Road Subdivision. The Applicant, Jack Riley, is proposing to divide a 3.63-acre parcel at 69 Brackett Road for the purpose of constructing a duplex on the new lot. The duplex would be served by a private well and septic system. Overhead electric from Day Road will provide power to the duplex.

Documents Reviewed by Wright-Pierce

- Preliminary Subdivision Application Package - prepared by BH2M (March 11, 2022)
- Preliminary Subdivision Plan - prepared by BH2M (March 11, 2022)

Review Comments

Applicant should provide written responses to the review comments recommending clarification or further information be provided by the Applicant.

General/Completeness

1. Submit an anticipated construction schedule, which includes phases if applicable.
2. The following are not shown on the proposed plan, but are needed to verify compliance with the subdivision requirements of Chapter 3 of the Gorham Land Use and Development Code:
 - a. Proposed duplex building location
 - b. Proposed driveway to duplex and associated clearing/grading
 - c. Proposed grading
 - d. Proposed utility connections
 - e. Typical details associated with the items listed above
3. While the Preliminary Subdivision Plan is stamped by a licensed surveyor, it is not stamped by an engineer. When resubmitting for review, please include an engineer's stamp as well.

General Standards of Performance

1. Environmental
 - a. Proposed lot is not in the floodplain or other regulated zones.
 - b. An Erosion Control Details plan with erosion control notes and details has been submitted. Details for erosion control mix (ECM) berm, silt fence, stabilized construction entrances, loam, house site, and driveway culverts are included. These controls are applicable for construction of the proposed duplex, septic system, and drilled well. However, the layout of the proposed erosion controls should be shown on the plan for review.

2. Parking, Loading, and Traffic - The Applicant has noted that 10 or less vehicle trips are anticipated per day, which we do not have concerns with. Parking and loading requirements are not applicable to this proposed subdivision.

Preliminary Subdivision Requirements

1. Submit a Class A Soil Survey as required by Chapter 3, Paragraph B(11) of the Gorham Land Use and Development Code. This requirement may be waived to a Class B Soil Survey if certain requirements, described within the Code, are met. Show test pit locations on the plan.
2. Submit an HHE 200 Report for the design of the proposed septic system.
3. The Applicant proposes the subdivision of one lot into two for the construction of one duplex, which we believe will not cause congestion, unsafe conditions, undue pollution of water resources or their shorelines, as required by Chapter 3, Paragraph C(2) of the Gorham Land Use and Development Code.
4. Show the proposed duplex, driveway, grading, and erosion controls on the plans. This is needed to verify that the proposed work will not result in unreasonable soil erosion or reduction in the capacity of the land to hold water, as well as respects the scenic or natural beauty of the area, as required by Chapter 3, Paragraph C(2) of the Gorham Land Use and Development Code.
5. Submit proof of financial capacity to undertake the proposed work. If this was submitted separately to the Town, please confirm so. This is a requirement of Chapter 3, Paragraph C(2) of the Gorham Land Use and Development Code.

**PLANNING BOARD
PRELIMINARY SUBDIVISION REVIEW REPORT
AND FINDINGS OF FACT
For
JACK RILEY, 69 BRACKETT ROAD**

June 13, 2022

Applicant: The applicant is Jack Riley, 69 Brackett Road, Gorham, Maine 04038.

Property Owner: The property owners are Earl and Lisa Glidden, 17 Indian Camp Road, Gorham, Maine 04038.

Property: The lot is identified as Tax Map 28, Lot 23, and is located off Brackett Road and Day Road.

Consultants: Andrew Morrell, P.E. of BH2M.

Project Description: The applicant is proposing an additional lot with a duplex which creates a subdivision.

Site Description: The lot is approximately 3.63 acres

Applicability: Subdivision Review is required because the applicant is creating a third lot in a 5 year period.

Zoning: Suburban Residential (SR)

Variances: None Requested.

Waivers requested:

1. The applicant requests a waiver from Ch. 3, Section 3-63, C.5 – to allow both preliminary and final plan approvals in one meeting.

Pursuant to the Application:

Preliminary subdivision review was held April 4, 2022.

Preliminary and Final subdivision review was held June 13, 2022.

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:

The Subdivision Plans consist of the following:

Sheet 1 – Preliminary Subdivision Plan – Dated, 09/2021; Revised through 05/09/2022; Received; 05/09/2022
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Sheet 2 – Erosion Control Details – Dated, 09/2021; Revised through 05/09/2022; Received; 05/09/2022

The Duplex Plans by Kevin Browne Architecture consist of the following:

Sheet A1.1 – Floor Plans: Dated, 09/30/2021; Received, 05/09/2022
Sheet A2.1 – Elevations: Dated, 09/30/2021; Received, 05/09/2022

Other documents submitted consist of the following:

Preliminary Subdivision Application – 03/11/2022
Final Subdivision Application – 05/09/2022
Plans – Received 03/11/2022, 05/09/2022
Financial Capacity – Received, 05/09/2022
Waiver Request – Received, 05/09/2022
Gorham Town Planner Comments – 03/30/2022, 05/13/2022
Gorham Fire Chief Comments – 03/17/2022, 05/17/2022
Gorham Public Works Director Comments – 05/18/2022
Gorham Code Enforcement Officer – 05/18/2022
Wright Pierce – 03/25/2022, additional comments pending
Town Attorney – No Comments Received
Assessing – No Comments Received

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.

Section 3 – 3 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 Comprehensive Plan recommends two-family units as well as other types of housing. It further recommends one unit per acre with onsite sewage disposal which is proposed for this project.

Finding: This 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.

The estimated number of vehicle trips entering and exiting the parcel on a daily basis will be ten (10). Both Day Road and Brackett Road have sufficient capacity for these additional trips.

Finding: This 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.

Day Road and Brackett Road have the capacity to add the additional traffic. Fire and police protection are adequate to allow for these additional units. The recreational impact fee and school impact fee will be paid to provide for adequate facilities.

Utility poles within Day Road and Brackett Road are shown on Sheet 1 of the plan. Utilities will be provided to the new units.

Finding: The 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 subdivision will be served by an onsite well near the front of the parcel.

Finding: The subdivision provide for adequate water supply for present and future needs.

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

An onsite septic system application and design dated April 19, 2022 has been provided by Mark Hampton, CSS/LSE.

Solid waste disposal will be provided by town contracted services, if available.

Finding: The 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.

The parcel is relatively flat and does not contain any known waterbodies that would be contaminated by effluent from this project.

Finding: *The 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.

Sheet 2 illustrates the types of erosion control measures that will be utilized during construction. They will include a mix berm, silt fencing, a stabilized construction entrance among others.

Finding: *The 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.

The subdivision and construction is not located within the shoreline of any body of water.

Finding: *The 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.

As shown on Sheet 1 and discussed within the written comments, the location for development will respect the scenic and natural beauty of the area, will preserve as many trees as possible and will not alter vistas or topography. There are no known historic, rare, irreplaceable natural or manmade assets on site.

Finding: *The 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.

A letter of financial capacity dated April 11, 2022 from Steve Rosacha, Vice President, Commercial Lending, TD Bank, has been submitted and states the applicant has capacity to construct the project.

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

- 3) Every subdivision shall be responsible for providing open space and recreational land and facilities to meet the additional demand created by the residents of the subdivision. This requirement shall be

met by the payment of a Recreational Facilities and Open Space Impact Fee in accordance with Chapter 7.

The recreational facilities and opens space impact fee will be provided prior to a pre-construction meeting in accordance with Chapter 7, Section 7-3.

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

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

The applicant has not chosen to provide open space or recreational land and facilities within the subdivision itself.

Finding: The subdivision will not have common space within the subdivision. The recreational impact fee shall be paid.

CHAPTER 3 - SUBDIVISION, SECTION 4 –FINAL PLAN REVIEW

C. 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.

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. Any staff and peer review comments shall be addressed prior to the Board Chair signing the plans;
4. Place map and lot number at lower right border of all plan sheets;
5. Foundation needs to be pinned by a P.E.
6. The recreational impact fee shall be paid prior to a preconstruction meeting;

7. The school impact fee shall be paid prior to a preconstruction meeting;
8. 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;
9. That the Planning Board Chairman is authorized by the Planning Board to sign the Findings of Fact on behalf of the entire Board;
10. That the subdivision plans shall not be released for recording at the Cumberland County Registry of Deeds until any required performance guarantee has been posted meeting the approval of Town Staff;
11. That the subdivision plan is required to be recorded within one year of original approval or the approval becomes null and void; and
12. 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 a pre-construction meeting being held

SUGGESTED MOTIONS:

FOR PRELIMINARY SUBDIVISION APPROVAL:

- **Move to grant preliminary subdivision approval for Jack Riley, 69 Brackett Road, located on Map 28, Lot 23 in the Suburban Residential zoning district, based on Findings of Fact and Conditions of Approval as written by the Town Planner (and amended by the Planning Board).**

FOR FINAL SUBDIVISION APPROVAL:

- **Move to grant final subdivision approval for Jack Riley, 69 Brackett Road, located on Map 28, Lot 23 in the Suburban Residential zoning district, based on Findings of Fact and Conditions of Approval as written by the Town Planner (and amended by the Planning Board).**

TO CONSENT AGENDA:

- **Move further review of Jack Riley, 69 Brackett Road request subdivision approval to a future Consent Agenda pending the submission of revised information addressing outstanding staff and Planning Board comments.**