

Land Use and Development Code Amendment: Phasing of Subdivision

**Town of Gorham
Planning Board Ordinance Committee
December 6, 2021**

ITEM 1 - Land Use and Development Code – Public Hearing: – Phasing of Subdivisions – Proposed amendment to the Land Use & Development Code to require phase build outs of subdivisions.

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AMENDMENT TRACKING

DESCRIPTION	COMMENTS	STATUS
Town Council Meeting	The Town Council forwards the item to the Planning Board for a public hearing and recommendations. (7 ayes)	August 3, 2021
Planning Board - Meeting Discussion	The Item was forward to the PLBD Ordinance Committee for review and recommendations.	September 13, 2021
PLBD Ordinance Committee	The committee requested information on larger subdivisions and proposed phasing sizes and wanted to allow a waiver for an additional 5 lots in any given phase.	October 4, 2021
PLBD Ordinance Committee	The committee amended the waiver requirements to allow for 10 additional lots.	November 1, 2021
Planning Board - Meeting Public Hearing		December 6, 2021

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.

Memo completed by Thomas Poirier, Director of Community Development.

Land Use and Development Code Amendment: Phasing of Subdivision

1. Overview

The Planning Board Ordinance committee is proposing one change to the proposed Town Council's amendment language. The requested change was to add a waiver provision to allow for 10 additional lots in a given phase if the Planning Board finds that the additional lots makes for a better form of development. The Planning Board Ordinance committee change is identified in **black, underlined, and bolded**.

The Town Council has forwarded the drafted ordinance amendment identified below with proposed changes shown as underlined. The Town Attorney has reviewed and provided edits to the proposed ordinance which have been incorporated.

2. Proposed Amendment:

CHAPTER 3: SUBDIVISION

SECTION 3-5 - POST APPROVAL ACTIVITIES

A. Performance Guarantee:

- 7) Phasing of Development: The Planning Board may approve plans to develop a subdivision in separate and distinct phases. If the subdivision has 50 lots or more, subdivision phases shall be limited so no more than 25 lots are allowed in an individual phase. Only 1 phase is allowed to be under construction at a time until at least 90% of the occupancy permits have been issued in the prior phase and all required improvements have been completed other than finish paving of streets. No subdivision is allowed to have more than 2 phases under construction at one time. **The Planning Board may allow up to 10 additional lots in any one phase if the developer can prove to the Planning Board's satisfaction that doing so provides for a better form of development in the overall design of the subdivision.** The phases must be designed so that they can be recorded at the Registry of Deeds as separate and distinct plans. No phased plans will be released for recording in the Registry of Deeds until the performance guarantee for that phase has been established as required under this section.

PROPOSED MOTIONS:

Move to recommended adoption of the Zoning Amendment for Phasing of Subdivisions under Chapter 3: Subdivision (as amended by the Planning Board).

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**PLANNING BOARD
ORDINANCE REVIEW COMMITTEE
November 1, 2021
6:00 p.m.**

WORKSHOP NOTES

Committee Members Present
VINCENT GRASSI, CHAIRMAN
SUSAN DURST
THOMAS HUGHES

Staff Present
THOMAS POIRIER, DIRECTOR OF
COMMUNITY DEVELOPMENT
CAROL EYERMAN, TOWN PLANNER

AGENDA

ITEM 1 Phasing of Subdivisions – Proposed amendments to the Land Use and Development Code to require phased build outs of subdivisions

Mr. Poirier said that what the committee discussed the last time was to add a provision to the ordinance language that basically would give the Planning Board some additional flexibility to make a phase little bigger. Proposed are 5 additional lots in any one phase if the developer can prove to the satisfaction of the Board that doing so provides for a better form of development in the overall design of the subdivision. After discussion, the committee concurred that 10 additional lots could be approved, with the revised language to read "... may allow up to 10 additional lots..."

In addition, Mr. Poirier provided information about some of the larger subdivisions in Gorham, what their phases were like and how they might have been affected by the proposed ordinance. Heartwood Subdivision would have been affected, as well as the proposed Sawyer Estates Subdivision of two phases, 58 lots in phase 1 and 61 lots in phase 2. In reply to Ms. Durst, Mr. Poirier confirmed that John Chase, developer of the proposed Sawyer Estates, would be impacted by this ordinance change if approved before he comes forward with a subdivision approval application.

The committee concurred that the proposed amendment could be on for public hearing at the Board's December meeting.

Respectfully submitted,

Barbara C. Skinner

Clerk of the Board