

**Town of Gorham
 Planning Board Meeting
 August 1, 2022**

ITEM 3 – Final Subdivision – Ricky Jones/Fielding’s Oil & Propane Co. Subdivision– requesting final plan approval for a 4 lot conventional residential subdivision on Middle Jam Road. The lot is zoned Suburban Residential (SR) with Shoreland and Manufactured Housing Overlay. The lot is shown on Map 97, Lot 37. The current property owner is Fielding’s Oil & Propane Co. and the applicant is represented by Jayson Haskell, P.E. of DM Roma Consulting Engineers.

INDEX OF PACKET ENCLOSURES	
DESCRIPTION	PAGE NUMBER
1. Overview	2
2. Items of Note	2
3. Aerial Photo	2-5
4. Waivers	5
5. Staff Comments	5-13
6. Findings of Fact	14-19
7. Conditions of Approval and Motions	19-20

PROJECT TRACKING

DESCRIPTION	COMMENTS	STATUS
Pre-Application/Sketch (optional)		March 7, 2022 April 11, 2022 June 6, 2022
Site Walk		May 5, 2022
Preliminary and Final Subdivision	Preliminary Approval Granted	July 11, 2022
Final Subdivision		August 1, 2022

The following staff notes are written to assist the Applicant with compliance to the Town of Gorham Land Use Development Code and may not be all inclusive of project requirements. Staff notes are review comments and recommendations prepared by the Town Planner and, if applicable, the Town’s peer review consultant, regarding applicability to The Gorham Land Use 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 non-committal and all final decisions are those of the Planning Board and not Town Staff.

Jim Anderson, Chair, Gorham Planning Board

1. OVERVIEW

This is the fifth time this application has come before the Planning Board for a 4 lot subdivision. Preliminary approval was granted on July 11, 2022.

The applicant is represented by Jayson Haskell, P.E. with DM Roma Consulting Engineers.

2. ITEMS OF NOTE

a. Public Water and Sewer

- Chapter 2, Section 2-10 requires public water unless the applicant can provide proof of unreasonable cost as defined within this ordinance section. A form is provided in the applications section of the planning division website...
<https://www.gorham-me.org/planning-division/pages/estimator-water-supply-costs>.

The town form has not been submitted but discussion is provided in the materials submitted July 13, 2022. The applicant states that public water main is in Windham 4,600 feet away.

- The Wastewater Ordinance requires connection to a public sewer system if located within 500 feet or without undue hardship, as determined by the Planning Board. The closest known sewer is approximately 33,000 feet away.

b. Groundwater –

- The Board normally requires a nitrate plume analysis to provide proof that septic systems will not contaminate the groundwater. The applicant states that they are requesting a waiver for this requirement because they do not know exactly where the septic systems will be installed by future homeowner's and that existing wells are not located within 250 feet of the estimated locations.
- A waiver is requested.

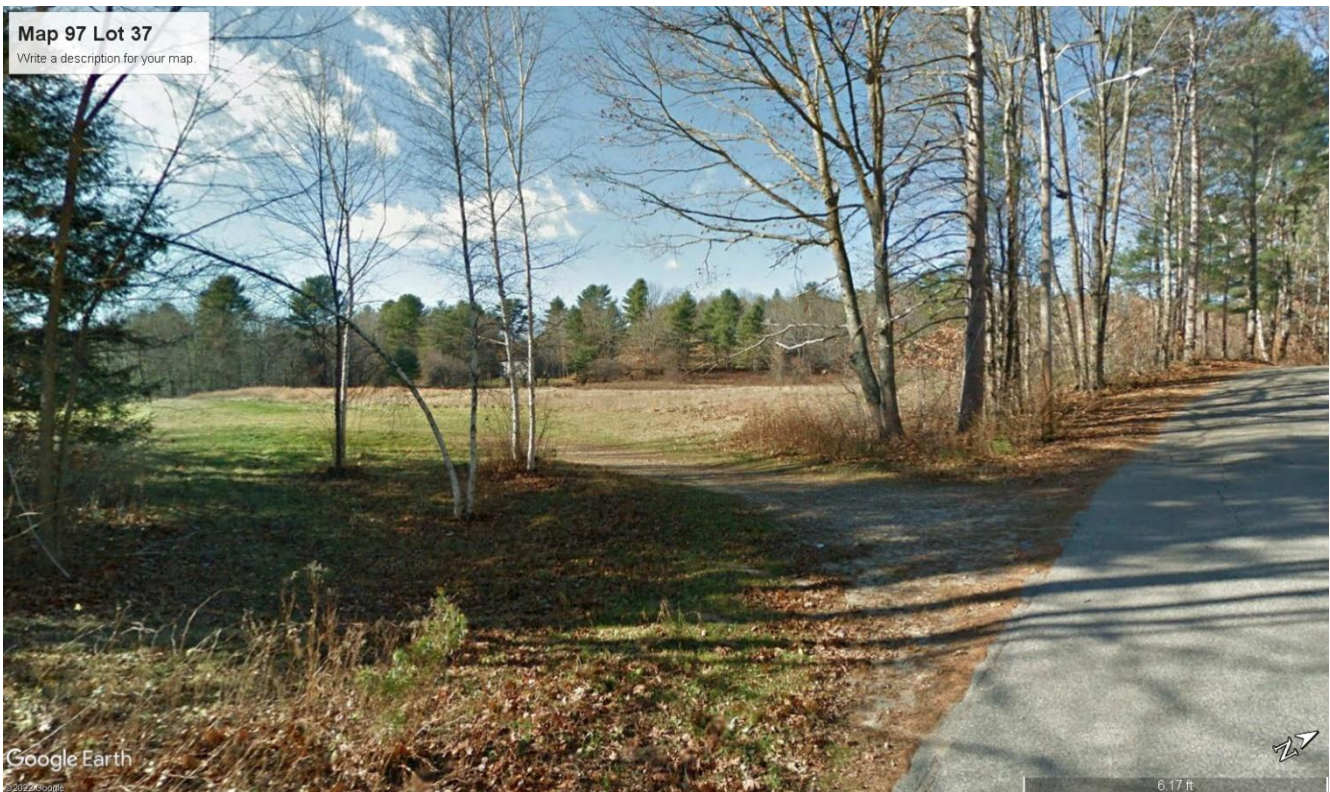
3. AERIAL PHOTOGRAPH

Google earth images.

Ricky Jones – Middle Jam Road
Preliminary and Final Subdivision Review
M97/L37



Ricky Jones – Middle Jam Road
Preliminary and Final Subdivision Review
M97/L37



4. WAIVERS

Granted:

- A waiver was granted from Ch. 3, Section 3-3, B. 11 – to waive the requirement of a Class A soil survey.

Requested:

- The applicant requests a waiver from Ch. 3, Section 3-3, C. 2 (f) – to waive the requirement to provide nitrate plume analysis.

SUGGESTED MOTION: Move to approve the requested waiver from Ch. 3, Section 3-3, C. 2 (f) – to waive the requirement to provide nitrate plume analysis.

5. STAFF COMMENTS

Assessing Department: 02/10/2022

February 10, 2022

Re Middle Jam

Would like plan showing the split of Map 97 Lot 37 with acreage of each lot.

bruce

Code Division: No comments received

Fire Department: 02/10/2022, 05/26/2022, 06/22/2022, 07/14/2022

February 10, 2022

MAP 97 Lot 37 Middle Jam Road Plans Dated Jan. 14, 2022

I have reviewed the submitted plans for Middle Jam Road Subdivision. And have the following requirements or Questions

With what has been submitted I cannot comment on anything at this time.

May 26, 2022

I have reviewed the Plans dated May 16, 2022

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.
4. Lot's 2 & 3 have a shared Driveway. I prefer that not be named.

June 22, 2022

MAP 97 Lot 37 Middle Jam Road Plans Dated Jan. 14, 2022

I have reviewed the submitted plans for Middle Jam Road Subdivision. And have the following requirements or Questions

With what has been submitted I cannot comment on anything at this time.

July 14, 2022

I have revived the Plans dated May 16, 2022

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.
4. Lot's 2 & 3 have a shared Driveway. I prefer that not be named.

I have revived the Plans dated June 17, 2022

I have revived the Plans dated July 14, 2022

I have no further comments at this time.

Planning Division: 02/28/2022, 05/23/2022, 07/05/2022

February 28, 2022 and May 23, 2022

- Zoning - SR; FLUP = SR
- No public water or sewer within 1000 feet
- Potential vernal pools should be determined
- The parcel is within the Shoreland Overlay zone and the Manufactured Housing Overlay zone.
- Shoreland areas, significant habitat corridors, rare or endangered habitat, roads and buildings within 100 feet of the property, species and size of existing trees, historic and cultural resources are required to be shown on the Existing Site Resources Plan. If none exists, then this should be noted on the plan with information about what was referred to for verification.
- Existing farmhouse is located within the right-of-way, which is a legal non-conformity.
- Recreational and Open Space as well as Middle School Impact Fees apply to this project.
- Chapter 2 Section 2-10 needs to be reviewed and the public water calculation sheet provided due to a total of 6 dwelling units proposed for this area. (<https://www.gorham-me.org/planning-division/pages/estimator-water-supply-costs>)

July 5, 2022

- Ricky Jones should also provide a letter of financial capacity.

Wetlands

- The wetland delineation completed by Alexander Finamore, CWS, LSE dated September 15, 2021 found wetlands of significance and that they would be regulated by the US Army Corp of Engineers and the Maine DEP. The applicant should submit copies of the applications to these agencies to the Planning Board.
- The location of wetland A and B with the streams should be added to the plan.

Public Water and Sewer

- Chapter 2, Section 2-10 requires public water unless the applicant can provide proof of unreasonable cost as defined within this ordinance section. A form is provided in the applications section of the planning division website...
<https://www.gorham-me.org/planning-division/pages/estimator-water-supply-costs>.
- The Wastewater Ordinance requires connection to a public sewer system if located within 500 feet or without undue hardship, as determined by the Planning Board. The closest known sewer is approximately 33,000 feet away in Little Falls Village.
- The applicant should provide nitrate plume analysis to show that the groundwater will not be contaminated.

Police Department: No comments received

Public Works Department: 06/23/2022

June 23, 2022

DPW Comments on this project:

Change culvert size on lot 4 to 15
Request \$2500 per lot for roadway improvements on Middlejam \$10,000
Developer shall ditch frontage as needed

Wright Pierce: 06/30/2022, 07/25/2022

June 30, 2022

As requested, Wright-Pierce has reviewed the Preliminary and Final Subdivision Application for the proposed Middle Jam Road Subdivision project. The co-Applicants (Applicant), Ricky Jones and Fielding's Oil and Propane Co., are proposing to divide a 6.84-acre parcel at 36 Middle Jam Road for the purpose of creating three single family lots and one lot with the potential for a single family home or a duplex. Each lot would be served by its own private well and on-site wastewater disposal systems. Overhead electric from Middle Jam Road would provide single phase power to each lot.

Documents Reviewed by Wright-Pierce

- Preliminary & Final Subdivision Application - prepared by DM Roma Consulting Engineers (June 17, 2022)
- Middle Jam Road Subdivision Plans - prepared by DM Roma Consulting Engineers (June 17, 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. 24"x36" plans submitted.
2. Scale is 1"=60' on survey and 1"=40' on subdivision plan but should be no greater than 1"=30' for subdivisions less than 10 acres. The plans appear to be clear and legible at this scale but refer to the Town for confirmation this is acceptable.
3. Plans contain a title block with the following required information:
 - a. Applicant's name and address
 - b. Name of preparer of plans with professional information and professional seal
 - c. Date of plan preparation
4. Title block is missing the Parcel's tax map identification (map-lot).
5. Boundary survey performed and sealed by licensed surveyor contains the following information:
 - a. Identification of all proposed boundary monuments.
 - b. All metes and bounds, rights of way and easements.
 - c. Names of adjacent lot owners and parcel tax map numbers.
6. Plans contain the following orientation markers:
 - a. An arrow showing true north (north arrow designated as grid north, and does not include magnetic north declination; however, this is typical practice).

- b. Graphic scale
 - c. Parcel Owners and map and lot, and
 - d. Signature block for planning board.
7. All required parcel data is shown on the plans.
 8. Copies of most recent deed submitted. The owner owns the abutting property to the south under a separate corporation.
 9. Boundary Survey signed and sealed by a surveyor licensed in Maine.
 10. Proposed plan signed and sealed by a professional engineer licensed in Maine.
 11. Agent authorization provided.
 12. Wetlands are present on one proposed lot. The lot development plan does not show any impacts to the wetlands.
 13. Aerial imagery shows nearby driveways that are not located on the survey.
 14. A waiver for a high intensity soil survey was submitted along with a medium intensity soil survey that used passing test pits to confirm that the loamy sand and sandy loam soils present on site are suitable for a septic system. We believe that this is sufficient for the proposed subdivision.
 15. Net residential density calculations:
 - a. Total parcel area of 297,808 SF was used in calculations.
 - b. The total area of wetlands and rights-of way as well as 15% of the total area for roads were deducted from the total parcel area.
 - c. A total net residential area of 208,271 SF was calculated.
 - d. Since 40,000 SF is the minimum lot size, 5 lots are permitted as shown in the net residential area calculations shown on the proposed plan.
 16. Total building area and lot coverage ratios will be calculated upon further design and will depend on the builder.
 17. The lots meet the frontage requirements.
 18. The Applicant provided a Stormwater Management Narrative and supporting HydroCAD model as well as pre- and post-development watershed maps and stormwater detention ponds on the Lot Development Plan. This stormwater management information was not reviewed. Please provide clarification on the intent and need for the stormwater detention ponds proposed as part of the Lot Development Plan as the lots are intended to be individually sold, undeveloped for future development of single family or duplex and there is no road or other common utilities serving the subdivision. Constructing the stormwater detention ponds separately from lot development, constrains future development of the individual lots, and we want to understand the intent and need for the proposed stormwater management prior to reviewing the HydroCAD model and stormwater detention ponds detailed on the Lot Development Plan.
 19. Construction Note #4 on the Lot Development Plan indicates “the building, septic, well, and overhead utility locations are suggestions to the contractor. The Owner reserves the right to

make adjustments during construction of each individual house lot, if the lot development generally conforms with this plan. The driveway locations along Middle Jam Road are restricted to the approved locations.” It is recommended Note #4 be called out on the Lot Development Plan for the driveways. Additionally, further clarification of the driveways on the plans is recommended as there is proposed information provided regarding the driveways (material, width, and driveway section); however, proposed grading is not shown. Is the construction of the driveways proposed as part of the Lot Development Plan, or will the driveways be constructed as part of future development of the individual lots?

20. The Lot Development Plan shows a proposed culvert for Lot 4. If the culvert will be constructed as part of the Lot Development Plan, proposed inverts should be shown on the plan.
21. It is recommended a double row of silt fence, or a combination of silt fence and erosion control mix berm, be shown adjacent to the wetlands on the Lot Development Plan.

Subdivision Requirements

1. The property is located within the Suburban Residential District.
2. The number of vehicle trips per day and per A.M. and P.M. peak hours was included in the application. We have no concerns with the total trips generated by the proposed development.
3. Undue pollution of surficial or ground waters is not anticipated if the proposed lots are developed according to the Town zoning ordinance.
4. The proposed lots are not within a floodplain, as confirmed on FEMA FIRM 2300470010B. No undue effects to floodplains are anticipated.
5. Provided Maine DEP approved erosion and sedimentation control best management practices are utilized when the lots are developed, unreasonable soil erosion or reduction in the capacity of the land to hold water is not expected.
6. The shoreline of the Presumpscot River is approximately 200 feet away from the parcel at its closest point. The shoreland zone setback should be labelled on the Lot Development Plan. The existing structure on the property is within the Shoreland Zone; however, no impacts to the shoreland zone are proposed.
7. Limited topography is shown on the lot development plan; however, it is not anticipated that developing the lots according to the requirements of the zoning ordinance would result in a significant change to topography.

July 25, 2022

As requested by the Town of Gorham, Wright-Pierce has reviewed the resubmission of the Preliminary and Final Subdivision application for the proposed Middle Jam Road Subdivision project. The co-Applicants (Applicant), Ricky Jones and Fielding’s Oil and Propane Co., are proposing to divide a 6.84-acre parcel at 36 Middle Jam Road for the purpose of creating three single family lots and one lot with the potential for a single-family home or a duplex. Each lot

would be served by its own private well and on-site wastewater disposal systems. Overhead electric from Middle Jam Road would provide single phase power to each lot.

Documents Reviewed by Wright-Pierce

- Final Subdivision Application – Response to Review Comments (July 12, 2022)
- Middle Jam Road Subdivision Plans – Revised Per Town Review – prepared by DM Roma Consulting Engineers (July 12, 2022)
- Stormwater Management Report and supporting HydroCAD model from the Preliminary & Final Subdivision Application – prepared by DM Roma Consulting Engineers (June 17, 2022)

Review Comments

Wright-Pierce’s original comments are in standard text, followed by the applicant’s response in italics, and our follow up responses in bold. Comments from the original review letter that did not require a response or clarification or that were addressed are not listed.

General/Completeness

No further comment.

Subdivision Requirements

No further comment.

Stormwater Management

1. WP Original General/Completion Comment 18: The Applicant provided a Stormwater Management Narrative and supporting HydroCAD model as well as pre- and post-development watershed maps and stormwater detention ponds on the Lot Development Plan. This stormwater management information was not reviewed. Please provide clarification on the intent and need for the stormwater detention ponds proposed as part of the Lot Development Plan as the lots are intended to be individually sold, undeveloped for future development of single family or duplex and there is no road or other common utilities serving the subdivision. Constructing the stormwater detention ponds separately from lot development, constrains future development of the individual lots, and we want to understand the intent and need for the proposed stormwater management prior to reviewing the HydroCAD model and stormwater detention ponds detailed on the Lot Development Plan.

Applicant Response: One of the major concerns of the abutters in the area was the additional stormwater runoff that would be generated by the development. The only way to make an estimate of the additional runoff would be to provide potential full build out scenarios for the lots. In modeling the changes in land cover, the development was showing increases during all storm events. To mitigate these increases, the two detention basins were designed to maintain or reduce the peak rates of runoff generated by the development. The two basins were designed on the outer limits of the project to allow for flexibility of the lot configurations within the site. If Wright Pierce has any follow up questions, please don’t hesitate to contact us for clarification.

WP Follow Up Response: Wright-Pierce reviewed the Stormwater Management Report and supporting HydroCAD model provided by the Applicant in the June 17, 2022 Preliminary & Final Subdivision Application. Pond DP1 in the post-development condition model has surface areas that are larger than those shown on the plans. Flow

lengths for subcatchment 1 in the pre-development model and subcatchment 10 in the post-development model are longer than those shown on the plans. Please update the model to ensure that peak runoff rates are accurate.

Legal Comments: 07/19/2022

July 19, 2022

Carol,

The two declarations are not in acceptable form. While they say that they are declarations of covenants, they then provide for multiple signatures, apparently by owners of the lots. Because this is a new subdivision, the Declarations should be signed by the current owners of the land, who will be the Declarants. Then each property deed will incorporate the Declaration of Covenants. The deeds for Lots 1-4 will reference the Declaration concerning stormwater maintenance and Lots 2 and 3 will additionally reference the Declaration of Covenants as to the shared driveway (unless this goes to reciprocal easements, as discussed below). This is the only way that these requirements will be established in the chain of title for the lots and will remain enforceable. Stating that an agreement is binding on future owners doesn't help if those owners don't have notice of the agreement.

There are several other issues that need to be resolved:

1. There will need to be reciprocal easements in the deeds for Lots 2 and 3 for the shared driveway. These easements could include the requirements set forth in the Declaration of Covenants related to the shared driveway and could in fact replace that document. However, even if the developer chooses to do the Declaration for this purpose, there still needs to be reciprocal easements between the Lots.
2. While the Stormwater Declaration states what maintenance is required for the stormwater detention basins, the share of each lot owner for costs and that there is an annual inspection requirement, there is no actual procedure for collecting money from lot owners, hiring the inspector or contracting for work. Since this is not proposed as a HOA, this means that one or more owners must take charge of this and then try to collect money from anyone who refuses to pay their share. This would most likely fall on the owner of the lot where the stormwater facilities Enforcement will require lot owners to pursue nonpaying lot owners and to hire attorneys to help them collect the money. If the owners fail to do this, then the Town has the right, but not the obligation, to do the required work and then has to bill the individual property owners. If one or more owners refuse to pay, the Town would have to sue and get a lien on individual properties if it did work. This is a really inefficient way to provide for stormwater maintenance. The Subdivision Ordinance requires a HOA if there is commonly owned land and there is a requirement for a HOA if a new road is proposed to cover the possibility that the road will remain private. Since there are very few subdivisions that don't require some level of stormwater treatment, I think the Town should amend the Ordinance to require a HOA to manage common stormwater facilities. The Town also should see the proposed deed for the stormwater easement, which has to include the Town as a co-grantee, with the "right, but not obligation" language included.

3. The stormwater Declaration has a typo in the second line of the “Now, therefore” clause, where it says “succors” instead of “successors.”

4. Section 4 of that same Declaration uses the word “agreement in a few places. This should be changed to “Declaration.” There is also a reference to “this agreement” in Section 5.

5. Section 5 of the shared driveway Declaration talks about potential use of the driveway by “other lots” on the shared driveway. This section should be deleted. First, it does not appear that any other lots are located on the shared driveway, at least on the subdivision plan. Second, if additional lots will use this, this will become a private way that has to meet the requirements of Section 2-5 of the Ordinance. Third, the reciprocal easements that need to be provided would need to provide for use by others.

Thanks,

Natalie

Abutter Comments:

Marianne Kane, 05/3/2022; Irwin Novak, 04/04/2022, 07/05/2022; Jeanne DiSciullo, 07/18/2022

**PLANNING BOARD
PRELIMINARY AND FINAL SUBDIVISION REVIEW
AND FINDINGS OF FACT**

**For
RICKY JONES, 36 MIDDLE JAM ROAD**

August 1, 2022

Applicants and Property Owners: The applicants and property owners are Ricky Jones and Fielding's Oil and Propane Co, 105 Standish Neck Road, Standish, Maine 04084

Property: The lot is identified as Tax Map 97, Lot 37, and is located at 36 Middle Jam Road.

Consultants: Jayson Haskell, P.E., with DM Roma Consulting Engineering;

Project Description: The applicant is proposing a 4 lot conventional residential subdivision.

Site Description: The lot is approximately 6.8 acres and currently contains a 1920 farmhouse, barn, open farm fields, mature canopy trees and understory.

Applicability: Subdivision Review is required because the applicant is creating 4 lots.

Zoning: Suburban Residential (SR) with Shoreland and Manufactured Housing Overlay.

Variances: None Requested.

Waivers:

Granted:

- A waiver was granted from Ch. 3, Section 3-3, B. 11 – to waive the requirement of a Class A soil survey.

Requested:

- The applicant requests a waiver from Ch. 3, Section 3-3, C. 2 (f) – to waive the requirement to provide nitrate plume analysis.

Pursuant to the Application:

Pre-Application reviews were held 03/07/2022, 04/11/2022, and 06/06/2022.

Site Walk was held 05/05/2022.

Preliminary and Final subdivision review was held July 11, 2022. Preliminary approval granted.

Final Subdivision review was held August 1, 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:

EC-1: Existing Site Resource Map – Dated, 01/14/2022; Received, 01/14/2022
SB-1: Subdivision Plan – Dated, 07/12/2022; Revised through, 07/12/2022; Received, 07/13/2022
Cover: Middle Jam Road Subdivision – Dated, 07/12/2022; Received, 07/13/2022
Boundary Survey – Dated 08/2021; Received, 07/13/2022
LD-1: Lot Development Plan – Dated, 07/12/2022; Revised through, 07/12/2022; Received, 07/13/2022
D-1: Details – Dated, 07/12/2022; Revised through, 07/12/2022, Received, 07/12/2022
SW-1: Pre-Development Watershed Map – Dated, 06/17/2022; Received, 06/17/2022
SW-2: Post Development Watershed Map – Dated, 06/17/2022; Received, 06/17/2022

Other documents submitted consist of the following:

Pre-Application - 01/14/2022
Preliminary and Final Subdivision Application – 06/17/2022
Plans – Received: 01/14/2022, 05/12/2022, 06/17/2022, 07/13/2022
Financial Capacity – 06/17/2022
Waiver Request – 06/17/2022, 07/13/2022
Declaration of Covenants with Respect to Stormwater Maintenance – 07/13/2022
Declaration of Covenants with Respect to Shared Driveway – 07/13/2022
Gorham Town Planner Comments – 02/28/2022, 05/23/2022, 07/05/2022
Gorham Fire Chief Comments – 02/10/2022, 05/26/2022, 06/22/2022, 07/14/2022
Gorham Public Works Comments – 06/23/2022
Gorham Code Division Comments – No comments received
Gorham Police Department Comments – No comments received
Town Attorney – 07/19/2022
Wright Pierce – 06/30/2022, 07/25/2022
Assessing – 02/10/2022
Abutter Comments – M. Kane, 05/3/2022; I. Novak, 04/04/2022, 07/05/2022; J. DiSciullo, 07/18/2022

FINDINGS OF FACT

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 moderate density of different housing options including but not limited to single family. 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 on a weekday are 9.44 trips per dwelling unit. The 2 family unit, if constructed, is expected to generate 7.32 trips per dwelling unit. The total number of trips that can be expected is 43 during a typical weekday.

Middle Jam Road will have sufficient capacity for these additional trips. Terry Deering, Public Works Director has requested \$2,500 per lot for roadway improvements as well as ditching along the frontages and a more appropriate culvert size along Middle Jam Road.

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.

Middle Jam Road will have the capacity for the additional traffic as described above. 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 school and recreational facilities.

Utility poles within overhead utilities are shown on Sheet SB - 1 of the plan set. Utilities will be provided to the new units. Waste removal will be provided by the Town of Gorham.

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.

Water will be provided utilizing onsite wells. The proposed locations for them are shown on the Lot Development Plan, LD -1.

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.

The test pits and proposed onsite septic system locations are shown on the Lot Development Plan, LD -1.

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 applicant has requested a waiver from this requirement to provide nitrate plume analysis to show that the groundwater will not be contaminated.

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 D-1 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.

Sheet SB -1 shows the limit of the 250 foot shoreland boundary in the southern section of Lots 1 and 2. All proposed development is outside of the shoreland boundary. There is a wetland shown outside of any developed area on Lot 4,

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 SB -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 as a buffer 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 copy of the Norway Savings Bank account dated 04/30/2022 – 5/31/2022 has been submitted to show financial capacity for Fielding’s Oil and Propane Co. Inc.

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.

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, Planning Board 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. The recreational impact fee shall be paid prior to a building permit being issued for each dwelling unit;
6. The school impact fee shall be paid prior to a building permit being issued for each dwelling unit;
7. That the Homeowners' Association is responsible for maintenance and compliance of the stormwater infrastructure meeting the requirements of the Town of Gorham Stormwater Ordinance, Chapter 2 Post-Construction Stormwater Management;
8. That the subsurface wastewater disposal systems for the lots will be located as shown on the Final Subdivision Plan unless the applicant can provide the Code Enforcement Officer with a report from a certified Hydro-geologist stating that the new location will not impact any drinking supply wells or negatively impact any abutting lots' ability to locate drinking supply well in the approved acceptable well zone;
9. That the individual wells for lots will be located in the acceptable well zone as shown on Final Subdivision Plan, unless the applicant can provide the Code Enforcement Officer with a report from a certified Hydro-Geologist stating that the new location and well installation is suitable for drinking water supply and will not impact any abutting lots ability to locate the subsurface wastewater disposal systems in the area shown on the subdivision plan;

10. That prior to the commencement of any 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;
11. That the Planning Board Chairman is authorized by the Planning Board to sign the Findings of Fact on behalf of the entire Board;
12. 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;
13. That the subdivision plan is required to be recorded within one year of original approval or the approval becomes null and void; and
14. 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 FINAL SUBDIVISION APPROVAL:

Move to grant preliminary and final subdivision approval for Middle Jam Road Subdivision, located on Map 97, Lot 37 in the Suburban Residential (SR) zoning district, based on Findings of Fact and Conditions of Approval as written by the Town Planner (and amended by the Planning Board)

TO PLACE FINAL SUBDIVISION APPROVAL ON CONSENT AGENDA:

Move to place final subdivision approval on consent agenda when all materials have been submitted and reviewed by the Town Planner, peer review engineers, and town staff, as applicable.