

**Town of Gorham
Planning Board Meeting
November 2, 2020**

ITEM 4 – Public Hearing - Preliminary Subdivision and Site Plan: Design Dwellings, Inc. - Natalee Place Condominiums – a request for preliminary approval of a 23 condominium development (22 residential and 1 commercial) with associated parking and infrastructure off Main Street. The property totals approximately 5.32 acres and currently contains a single family cape style home and a farm style house/apartment building. There are a stream and a freshwater pond on the rear of the property. The property is zoned Urban Residential (UR) and Office Residential (OR), Map 100, Lot 3 and 3-1. The applicant is represented by Andrew Morrell, P.E., of BH2M, Inc.

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PROJECT TRACKING

DESCRIPTION	COMMENTS	STATUS
Pre-application Discussion		November 4, 2019
Public Hearing, Preliminary Subdivision and Site Plan Review		July 6, 2020
Site Walk	By video drone	July 6, 2020
Public Hearing, Preliminary Subdivision and Site Plan Review		November 2, 2020

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.

George H. Fox, Chairman, Gorham Planning Board

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

**Natalee Place Condominium
Preliminary Subdivision/Site Plan**

1. OVERVIEW

The applicant had a pre-application meeting with the Planning Board on November 4, 2019. The applicant had a preliminary subdivision and site plan review on July 6, 2020. Minutes from those minutes are found on pages 22 to 28. This is the second time the item has come before the Planning Board with a submission for preliminary subdivision review and approval. The project has been advertised as a public hearing, so a public hearing needs to be opened.

As a reminder condominium projects are reviewed under Chapter 3: Subdivision and Chapter 4: Site Plan Review. The Planning Board will need to include Findings of Fact for both review criteria. This project also requires a private way review and approval in order to give the legal street frontage to the lot with the condominiums on it.

The applicant is represented by Andrew Morrell, P.E. of BH2M.

1. ITEMS OF NOTE

Comprehensive Plan

1. The Comprehensive Plan vision states that Gorham shall be a vibrant pedestrian friendly area with easy access to services and community facilities.
2. The Comprehensive Plan vision states that the road network is improved and interconnections are established. Sidewalks and trails have been expanded to allow people to walk and bike within the village as well as to major activity centers.
3. The allowed uses in the Village Commercial Area should include a wide range of residential and non-residential uses similar to the uses currently allowed in the Urban Commercial zone.

Zoning

1. The fronts of both lots are zoned Office-Residential. The Office-Residential zoning district, where the commercial building and three residential dwelling units are proposed, allows business and professional offices and one and two family dwellings as well as retail sales buildings that have a gross floor area of less than 4,000 square feet, among other uses. It requires 20,000 square feet minimum lot size and requires setbacks consistent with the current street pattern, a landscaped buffer is required in front, side and rear yards, and buildings are required to be designed in a traditional New England Village way to be compatible with the scale and character of Gorham Village architecture.
2. The backs of both lots are zoned Urban-Residential. The Urban-Residential zoning district, where the bulk of the residential dwelling units are proposed, allows one and two family dwellings, among other uses. It requires a minimum of 10,000 square feet per dwelling unit.

Subdivision

Recreational and Open Space as well as Middle School Impact Fees apply to this project.

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Site Plan

1. This area of Main Street is a current project area of Maine DOT. The Maine DOT project includes a redesign of the intersection for pedestrian improvements as well as new traffic lights.
2. A traffic impact analysis has been submitted to assess the impact and possible changes to the immediate area of Main Street due to its proximity to the traffic light and existing traffic counts. A traffic peer review of the project is provided within.
4. Landscaping including canopy trees and other buffering has been provided along the frontage of Main Street as well as internal roads.
5. William Bray, PE of Traffic Solutions, recommends a right turn only exist onto Main Street. Staff is working with the applicant to further refine this recommendation for review during final approval.
6. The applicant is required to submit accurate and complete cost estimates of the development; time schedule for construction; and a letter from a financial institution prior to final plan approval.
7. Lighting for the site will be from building mounted lights on each unit. The commercial building on unit 23 will provide a wall mounted light for the parking area that meets the ordinance requirements. As such, lighting will be added to the site plan at entrances to facilities; street intersections; pedestrian crossings; and entrance roads prior to final plan approval.
8. Method of trash removal will be determined prior to final plan approval.
9. The applicant shall submit a letter identifying the financial and technical capacity to complete the project prior to final plan approval.
10. The Town's Traffic Peer Review Engineer is coordinating a meeting between Maine DOT, Town Staff, and the applicant's traffic engineer to review the proposed entrance on Main Street to discuss potential impacts with traffic movement on Main Street.

Parking, Loading and Traffic

1. The Comprehensive Plan vision states that this area shall be a vibrant pedestrian friendly area. On-street parking buffers pedestrians from the traveled way, slows vehicles down, and reduces impervious surface. The Board has the ability to waive off street parking requirements. Where legal on-street parking is located, the Board may reduce the requirements for off-street parking. Garage parking is also allowed to be counted toward the off-street parking.

Natalee Place Condominium Preliminary Subdivision/Site Plan

2. The Board may authorize joint use of parking. Since there is existing parking within 500 feet of this project, it may be beneficial to seek an agreement with those property owners. The existing driveways and parking areas could be shared.
3. The Town's Traffic Peer Review Engineer is coordinating a meeting between Maine DOT, Town Staff, and the applicant's traffic engineer to review the proposed entrance on Main Street to discuss potential impacts with traffic movement on Main Street.

Streets and Ways

1. The Comprehensive Plan vision states that roads will be interconnected.
 - a. The value of interconnected street networks includes improved traffic flow, reduced delays and miles travelled, increase in biking and walking due to shorter routes, improved efficiency of emergency and other municipal services, and more efficient utility connections.
 - b. With these things in mind, the Board might think about requiring this as a street rather than a driveway. As such the street right-of-way should continue to the property boundary to the west and north-west to allow for possible future connection to Glenwood Avenue and Landing Drive, as well as the properties to the west. These connections are critical to the vision for this area.

Historic Preservation

The applicant should check with the Historic Preservation Commission to determine if the site is an historic property, site, or landmark.

4. STAFF REVIEWS

Planning Department: July 2, 2020

1. The Conservation Commission would like to work with the applicant to provide access to the trail network surrounding Tannery Brook.
2. The applicant needs to submit a letter of financial and technical capacity for preliminary approval.
3. An itemized schedule of values for the site work on the site should be submitted with the application for final plan approval.
4. The applicant should provide confirmation of Maine DEP approval with the application for final plan approval.
5. The applicant might consider providing a buffer between the parking lot and unit 22 as well as the Speed parcel to the southwest.
6. Subdivision/Site Plan: Sheet 1 of 10
 - a. The location map should be corrected to reflect the Main Street location.
 - b. The snow storage areas, proposed landscaping, and utilities should be shown on the same plan sheet to determine if there are any conflicts.
 - c. Recommend moving the proposed canopy tree shown at the end of the Natalee Place so that it is less likely to be damaged with snow plowing activities.

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- d. Granite monuments should be shown on the plan.

September 8, 2020

- Show trail connection/easement on site plan
- Landscape/buffer should be between commercial lot and Speed property
- Proposed street name should be confirmed/approved by town staff

Assessing Department: May 27, 2020

Attached are assessing questions about project

1. Is the house at 146 Main Street part of the condo project? If not is it a separate lot? What is the lot size?
2. Is the house at 156 Main Street Unit 23?
3. Will units all have a 1/23 interest?

Code Department: September 22, 2020

Will need to do an inspection on all underground power before backfilled.

Fire Department: September 17, 2020

I have reviewed the submitted plans for Natalee Place Condominiums at 156 Main Street and have the following requirements.

1. There appears to be no compliant turn around at the end of Karter Drive
2. - A "No Parking - Tow Away Zone" or No Parking - Fire Lane" should be added to the hammerhead on Natalee Drive and the ends of Natalee Drive and Karter Drive
3. Any new water service for 164 Main Street attached to the Natalee Drive water main should be shown on the plans
4. The buildings will meet all applicable sections of the NFPA 101 Life Safety Code and the NFPA Fire Prevention Code 1. All buildings shall be properly numbered in accordance with E911 standards including height, color and location.
5. All 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.
6. I question the Turnaround at the end of the Road being 1'. - NFPA 1 - 18.2.3.5.1.1 Requires an unobstructed width of not less than 20'.

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7. **Past history has repeatedly shown that private ways/drives are very poorly maintained, and wintertime poses a very serious issue of emergency vehicle access, with very little enforcement available to the Town. I would state for the record and make notice that the Fire Department cannot and will not be held responsible for incidents where we cannot gain access to buildings or incidents on these private ways/drives that are not properly maintained.**

Fire Department: October 28, 2020

Title 25§2452 allows the Commissioner of Public Safety to adopt and may amend rules governing the safety to life from fire in or around all buildings or other structures. State Rules 16-219 Chapter 3 adopted the 2018 edition of NFPA 1 on 11/27/19 for State and Local use. The Town of Gorham has also adopted NFPA 1 in an Ordinance for local enforcement and is the referenced AHJ.

1. **18.2.3 Fire Department Access Roads.**
2. **18.2.3.5.1 Dimensions.**
3. **18.2.3.5.1.1 *** Fire department access roads shall have an unobstructed width of not less than 20 ft. (6.1 m).
4. **18.2.3.5.3 Turning Radius.**
5. **18.2.3.5.3.1** The turning radius of a fire department access road shall be as approved by the AHJ.
6. **18.2.3.5.3.2** Turns in fire department access roads shall maintain the minimum road width.
7. **18.2.3.5.3.3** Fire department access roads connecting to roadways shall be provided with curb cuts extending at least 2 ft. (0.61 m) beyond each edge of the fire department access road.
8. **18.2.3.5.4 Dead Ends.** Dead-end fire department access roads in excess of 150 ft. (46 m) in length shall be provided with approved provisions for the fire apparatus to turn around.

Police Department:

No comments received.

Public Works Department: June 17, 2020

Hi everyone,

I wanted to provide my stormwater and ESC feedback for Natalee Place (Main Street)

- 1) A 75' buffer must be maintained for all construction activities due to the proximity of a nearby tributary of Tannery Brook. Total area of the site: 3.06 acres.
- 2) 2 minor wetlands (forested) look to be impacted by the project. A DEP Permit will be required.
- 3) No more than 1 acre may be disturbed at any one time by earth moving operations, based on the Conditions of Approval. This includes 2 under drained soil filters, sediment fore bays a stone check dam, as well as filtration barriers along the perimeter. NO sediment migration will be permitted off-site.
- 4) Drainage channel leading to a tributary of Tannery Brook is present on terrain maps along the western edge of the parcel. The two under drained soil filters shown on the plans should be adequate to prevent sediment migration into this drainage system; however, this sensitive area should still be routinely monitored.

Let me know if you have any questions of comments.

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Matt LaCroix

Public Works Department: September 17, 2020

It looks like the bituminous curb runs out to Main St., I believe the curb in the Main St ROW shall be granite. Not too keen on the island at the entrance.

Terry Deering

Public Works Department: October 29, 2020

As discussed, the entrance is of obvious concern in terms of if the right in right out design is the best option. I am very interested in hearing from the MDOT at our upcoming meeting on how they view the proper handling of this entrance and also in hearing more from our consultant on the latest standards in handling the likely traffic conflicts.

Thanks,

Bob Burns, PE

Woodard & Curran: October 29, 2020

Woodard & Curran has reviewed the Preliminary Subdivision & Site Plan Application for the Natalee Place Condominiums proposed at 146 & 156 Main Street 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 twenty-two condominium units and a commercial building, and a paved private access drive. The following documents were reviewed:

- Preliminary Subdivision & Site Plan application and attachments, dated September 4, 2020, prepared by BH2M, on behalf of Susan Duchaine.
- Engineering Plans, Sheets 1-8, dated September 3, 2020, prepared by BH2M, on behalf of Susan Duchaine.

We provide the following comments. *Please note that comments repeated from prior memorandums are in italics.*

General Civil Engineering

General

- *The Applicant should review the commercial parking area for ADA compliance. Specifically, please address if any ADA parking spaces are required for the project.*

Site Grading and Drainage

- *Approximately 75-feet of Natalee Drive drains toward Main Street. There only appears to be one existing catch basin at the project entrance on Main Street, but the road is crowned, directing stormwater from the centerline towards the curbs. Additionally, this catch basin does not appear to be located at the low point of the roadway. Please clarify how stormwater drainage will function at the Main Street entrance. In the latest submittal, it*

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appears that Natalee Place is super elevated at the intersection with Main Street; however, based on the grading plan and road profile, it is not clear that this area will drain to the existing catch basin properly. The Applicant should confirm the area will drain properly and consider providing additional information on the plans, such as spot grades.

Erosion Control

- *Please extend silt fence downgradient of earthwork along the eastern property boundary and the western property boundary along the Speed property to prevent off-site migration of construction sediment onto the neighboring properties.*

Stormwater Management

- *The Inspection and Maintenance Plan in Exhibit C to Declaration of Condominium of Natalee Place Condominiums refers to a wooded buffer and level spreaders. Please indicate where these features are located on the plans or revise Exhibit C to match the plans. The Applicant did not resubmit the Inspection and Maintenance Plan so we were unable to review. The Applicant should confirm these items were removed from the Inspection and Maintenance Plan.*

Utility Infrastructure

- *The gas stub extends into CB#8 on Sheet 5; please evaluate and revise this conflict.*

Chapter 2 – General Standards of Performance

Section 2-2 – Parking, Loading and Traffic

- *Per Section 2.2.A.5) b), where off-street parking for more than six vehicles is provided on a lot in a Residence Zone and vehicles are to be or may be parked within the area otherwise required to be kept open and unoccupied for front, side, and rear yards in the zone in which such parking is located, a landscaped buffer or fence is required between off-street parking and abutting residential lots. Please evaluate whether fencing or a landscaped buffer is required between the commercial parking lot and the Speed property. A 6’ stockade fence is proposed between the commercial parking lot and proposed residential units. Please evaluate whether fencing or a landscaped buffer is required along the Speed property boundary.*

Chapter 4 – Site Plan Review

Section 4-8 – Procedures for Major Developments

- *Please provide a construction schedule that includes anticipated beginning and completion dates per Section 4.8 C. 1) c. 14. The Applicant indicated this will be submitted as part of the final subdivision application.*

Please contact our office if you have any questions.

Milone & MacBroom – June 19, 2020

TO: Carol Eyerman, AICP, Town Planner

Natalee Place Condominium Preliminary Subdivision/Site Plan

FROM: Jason Ready, PE, PTOE, PTP John Adams, PE, PTOE
RE: Traffic Review – Natalee Place, Main Street, Gorham, ME
DATE: 6/19/20 MMI #: 4807-14-04

Milone and MacBroom (MMI) was requested by the Town of Gorham to perform a traffic review of the proposed Natalee Place subdivision development off Main Street near the intersection of New Portland Road. The development is mainly proposed as condominium residential housing with some commercial development. The unsignalized site driveway is proposed as full access, meaning both left and right turns are allowed into and out of the driveway. Based on the submitted documents, MMI has the following comments:

Applicant has not submitted trip generation. The applicant should provide an analysis of the trip generation and trip distribution using the latest edition of the ITE Trip Generation Manual. This documentation will allow the town to fully understand the magnitude of the traffic impact of the development. An existing structure is marked as being remodeled to a commercial use, but the use is not specific enough to understand the range of possible trips generated. Based on the proximity of the site driveway near the signalized intersection of Main Street at New Portland Road, an assumption can be made that traffic operations in the area could be impacted.

Applicant has not submitted crash history. The applicant should provide an analysis of the crash history in the immediate vicinity of the site driveway and signalized intersection of Main Street at New Portland Road. This documentation will allow the town to fully understand any existing crash patterns in the area. The developer should not necessarily be required to correct any existing crash patterns but may be asked by the town to modify their development in a way that would increase safety or decrease crashes based on the analysis.

The proposed development driveway is a few hundred feet from the signalized intersection of Main Street at New Portland Road. There is potential concern for peak hour traffic conflicts at the proposed driveway with existing queuing traffic extending beyond the location. Based on the anticipated trip generation and distribution of traffic, MMI is specifically concerned with vehicles making a left out of the proposed driveway during the AM and PM peak hours. Applicant should provide a response to this concern.

Site plan shows existing paved walkway at Unit 23 to be loamed and seeded. Development should allow for pedestrian access to the building from Natalee Drive and/or Main Street. None of the proposed buildings appear to have paved pedestrian access. That addition may affect site impervious area.

Site plan shows Natalee Drive as a straight roadway. Though the roadway width is narrow, some traffic calming may be necessary to encourage low vehicle speeds.

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PLANNING BOARD

**FINAL SUBDIVISION, PRIVATE WAY AND SITE PLAN REVIEW REPORT
AND FINDINGS OF FACT**

For

Design Dwellings, INC. – Natalee Place CONDOMINIUMS

November 2, 2020

Applicant: Susan Duchaine, Design Dwellings, Inc., 166 Narragansett Street, Gorham, ME 04038

Property Owners: The property owners are as follows: Lot 3-Kara & David Speed, 10 Thompson Way, Standish, ME 04084 and Lot 3-1-Joseph & Deborah Kerwin, 164 Main Street, Gorham, ME 04038.

Property: The lots are identified as Tax Map 100, Lot 3 and 3-1, and are located on Main Street.

Consultants: Andrew Morrell, P.E., # 13285, with BH2M and Robert Libby, PLS #2190.

Project Description: The applicant is proposing a 23 unit condominium development (22 residential and 1 commercial) with associated parking and infrastructure off Main Street. The property totals approximately 5.32 acres and currently contains a single family cape style home and a farm style house/apartment building. There is a stream and a freshwater pond on the rear of the property.

The units will be served by the existing overhead utilities from Main Street throughout and along the private driveways. The utilities are proposed to go underground from the existing poles located on Main Street.

Site Description: The lot is 5.32 acres in size with wetlands located on both the west and east sides of the parcel. There is a stream running through the northern edge of the parcels. There is a manmade pond located to the rear of the eastern lot. The vegetation on the lot is a mix of canopy trees and shrub type brush.

Applicability: Subdivision and Major Site Plan regulations identify the Planning Board as having review and approval authority.

Zoning: Urban Residential (UR) District, Section 1-6, B. Permitted Uses, 1) One or two-family dwellings, and Manufactured Housing District and Office Residential (OR) District, Section 1-14, B. Permitted Uses, 1) Any building or use identified as a permitted use in the Urban Residential District under Section 1-6, Subsection B of this Chapter.

Variations requested: None

Waiver granted:

1. From the submission requirement to submit a high intensity soil survey.

Natalee Place Condominium Preliminary Subdivision/Site Plan

Pursuant to the Application:

A Pre-application discussion was held on November 4, 2019.
Preliminary Subdivision and Site Plan Reviews were held on July 6, 2020 and November 2, 2020.

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:

BH2M plans consist of the following:

Sheet 1 – Subdivision and Site Plan – as revised through September 3, 2020; received September 4, 2020
Sheet 2 - Standard Boundary Survey & Existing Conditions Plan – as revised through September 3, 2020; received September 4, 2020
Sheet 3 - Site Grading - as revised through September 3, 2020; received September 4, 2020
Sheet 4 – Roadway Plan & Profile Natalee Place STA 0+00 to 6+00 – as revised through September 3, 2020; received September 4, 2020
Sheet 5 - Roadway Plan & Profile Natalee Place STA 6+00 to 8+00 Karter Drive STA 0+00 to 2+00 – as revised through September 3, 2020; received September 4, 2020
Sheet 6 - Vegetated Soil Filter Details - Natalee Place - as revised through September 3, 2020; received September 4, 2020
Sheet 7 - Utility Details - as revised through September 3, 2020; received September 4, 2020
Sheet 8 - as revised through September 3, 2020; received September 4, 2020
Sheet A – Pre Development Watershed Plan – as revised through April 7, 2020; received June 30, 2020
Sheet B – Post Development Watershed Plan – as revised through April 7, 2020; received June 30, 2020

Other documents submitted consist of the following:

Pre-Application Submission – 10/15/19
Plans – 10/15/19
Draft Condominium Covenants and Restrictions – 12/17/19
BH2M Stormwater Report – April 2020
Traffic Solutions, William J. Bray – Traffic Assessment - 09/04/20
Milone & MacBroom Traffic Review Memorandum – June 19, 2020
Gorham Town Planner Comments – 07/02/20; 09/08/20; 10/29/20
Gorham Assessor Comments – 05/27/20
Gorham Fire Chief Comments – 06/02/20; 09/17/20; 10/28/20
Gorham Public Works Director Comments – 06/17/20; 09/17/20; 10/29/20
Gorham Code Enforcement Officer – 09/28/20
Woodard & Curran – 10/29/20
Public Water District – 04/02/20
Abutter Comments – John W. Sawyer – 07/02/20

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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.

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 applicant is required to obtain all local, state, and federal permits needed for the proposed development.

The Comprehensive Plan identifies this area as Village Commercial. The allowed uses in the Village Commercial area should include a wide range of residential and non-residential uses similar to the uses currently allowed in the Urban Commercial zone.

Finding: Natalee Place Condominiums conform 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.

Access to Natalee Place Condominiums is via Main Street, which will be constructed to the Town's urban access road standard. Both Natalee Place and Karter Drive are dead end ways that exit onto Main Street.

The roads are proposed to be named Natalee Place and Karter Drive; the names shall be approved under E911 naming requirements during final application approval.

William Bray, PE of Traffic Solutions, recommends a right turn only exit onto Main Street. Staff is working with the applicant to further refine this recommendation for review during final approval.

Finding: Natalee Place Condominiums 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.

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The condominium units will be served by underground power, telephone, and cable lines, as shown on Roadway Plan and Profile: Sheets 4 and 5 of 10. The town has anticipated growth within the Comprehensive Plan and has the ability to provide additional services to Natalee Place.

Finding: *Natalee Place Condominiums 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 condominium units will be served by a 1” and a 4” private water main extended from the Portland Water District’s water main located in the Main Street right-of-way. The water main design and installation must meet the requirements of the Portland Water District.

The applicant shall provide an ability-to-serve letter from the Portland Water District prior to final application approval.

Finding: *Natalee Place Condominiums 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 23 condominium units will be served by an 8” sanitary sewer line, 3” pressure sewer, and a 1 ½” pressure sewer service located in Natalee Place and Karter Drive.

The applicant shall provide an ability-to-serve letter from the Portland Water District prior to final application approval.

Finding: *Natalee Place Condominiums 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.

Stormwater from the site will be treated in stormwater infrastructure meeting the Maine Department of Environmental Protection’s and the Town of Gorham’s storm water requirements. The dwellings units’ sewage disposal will be treated in the Portland Water District public sewer system.

Finding: *Natalee Place Condominiums 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.

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The proposed construction of the condominium units and road will impact 4,117 sq. ft. of wetlands or waterbodies.

Finding: Natalee Place Condominiums 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.

A small stream is located on the northwestern edge of the parcel. The stream is not located in any of the Town's Shoreland Overlay districts. The stream will not be disturbed.

Stormwater maintenance has been designed in accordance with state, Federal, and local requirements prior to discharging into groundwater or into abutting wetland and stream.

Finding: Natalee Place Condominiums 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.

The proposed construction of the condominium units and road will impact 4,117 sq.ft. of wetlands or waterbodies. The layout of the buildings and road will not impact any other natural features on the site.

The applicant will provide the determination letter from Maine Historic Preservation Commission during final application confirming that no historic site, rare or irreplaceable natural or manmade assets are located on the site.

Finding: Natalee Place Condominiums will respectfully 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.

The applicant shall submit accurate and complete cost estimates of the development; time schedule for construction; and a letter from a financial institution prior to final plan approval.

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

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- 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 8.

The applicant will be required to pay the Recreational Facilities and Open Space Impact Fee prior to issuance of a building permit.

Finding: Natalee Place Condominiums 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 Conservation Commission is working with the applicant to provide access to the trail network surrounding Tannery Brook. The trail connection should be shown on the final plan.

The applicant is required to form a condominium association for the development. The condominium association will maintain the land located outside of the individual condominium units, stormwater infrastructure, and utilities located on the lot.

Finding: Natalee Place Condominiums will have common space within the subdivision in accordance with the Planning Board requirements and the condominium association shall be required to provide for the perpetual care of commonly owned land.

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.

The proposal is to construct 23 condominium units utilizing most of the parcels. The edges of the lot will remain undisturbed.

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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.

Vehicular access to the site will be off Main Street, via Natalee Drive, which will be built to the Town's urban access standard. Natalee Drive and Karter Drive will be dead end roads that exit onto Main Street.

The condominium development is proposed to have 120 daily trips with 60 trips entering and 60 trips exiting the site. The busiest a.m. time produces 10 trips, 5 entering and 5 exiting trips the exact timing is unknown. The busiest p.m. time produces 12 trips, 6 entering and 6 exiting trips the exact timing is unknown.

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.

Vehicular access to the site will be off Main Street, via Natalee Drive, which will be built to the Town's urban access standard. Natalee Drive and Karter Drive will be dead end roads that exit onto Main Street.

William Bray, PE of Traffic Solutions recommends a right turn only exit onto Main Street. Staff is working with the applicant to further refine this recommendation for review during final approval.

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.

Natalee Drive is proposed to have a turn-around on the northwestern side at the end. Karter Drive is proposed to be a dead end. Kenny Fickett, Acting Fire Chief, states that adequate turnarounds for fire apparatus that do not utilize driveways are required prior to final plan approval.

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.

A sidewalk will be located on the western side of Natalee Drive and on the southern side of Karter Drive. The sidewalk will connect to the existing sidewalk located along the northern side of Main Street.

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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.

The applicant is proposing to construct two (2) stormwater infiltration ponds located toward the northwestern and western side of the parcels. Storm water along the private way will be collected in catch basins and directed to the stormwater infiltration ponds. Storm water from the site will be collected, treated, and discharged as required by ordinance.

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.

During construction a silt fence will be installed along the edge of the disturbed area, as shown on the Grading & Utility Plan: Sheet 3 of 10. The erosion control measures will be installed and maintained as outlined on the Erosion Control Notes: Sheet 8 of 10.

The applicant will also comply with the “Maine Erosion and Sediment Control Handbook for Construction: Best Management Practices,” Maine Department of Environmental Practices.

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.

The condominium units will be served by a 1” and a 4” private water main extended from the Portland Water District’s water main located in the Main Street right-of-way. The water main design and installation must meet the requirements of the Portland Water District.

The applicant shall provide an ability-to-serve letter from the Portland Water District prior to final plan approval.

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

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Review Committee or Planning Board may allow individual subsurface waste disposal systems to be used where sewer service is not available.

The 23 condominium units will be served by an 8” sanitary sewer line, 3” pressure sewer, and a 1 ½” pressure sewer service located in Natalee Place and Karter Drive.

The applicant shall provide an ability-to-serve letter from the Portland Water District prior to final application approval.

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.

The condominium units will be served by underground power, telephone, and cable lines, as shown on Plan and Profile: Sheet 7 of 10.

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.

The proposal requires clearing of trees to construct the condominium units, the proposed road, and stormwater infrastructure; 4,117 s.f. of wetland impacts are proposed.

The trees and wetlands located on the north and western portion of the site will remain undisturbed.

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.

The applicant is proposing to treat stormwater in two (2) infiltration ponds located on the northwestern and western portion of the parcels. The condominium dwelling units will not utilize groundwater for use by the occupants of the units.

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.

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Lighting for the site will be from building mounted lights on each unit. The commercial building on unit 23 will provide a wall mounted light for the parking area that meets the ordinance requirements. As such, lighting will be added to the site plan at entrances to facilities; street intersections; pedestrian crossings; and entrance roads prior to final plan approval.

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.

Method of trash removal will be determined prior to final plan approval.

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.

Sheet 1, Subdivision and Site Plan shows a combination of red oak and white oak street trees along both Natalee Drive and Karter Drive as well as the commercial unit on Main Street.

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.

The lot is not located in a Shoreland Overlay District. The applicant is treating the stormwater in a stormwater infiltration pond before it is discharged.

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.

The applicant shall submit a letter identifying the financial and technical capacity to complete the project prior to final plan approval.

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.*

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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.

The applicant is proposing to leave some of the existing trees located around the perimeter of the lot to break up the development from the abutters. The applicant will provide buffering from the commercial use and the residential uses.

Street trees will be provided along the private ways.

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 the applicant shall provide property line information and site information in auto-cad format to the Town Planner;
3. That a letter of financial and technical capacity shall be submitted for final approval.
4. That an ability-to-serve letter for water and sewer shall be submitted for final approval.
5. That the private way name shall be approved by the Police and Fire Chiefs;
6. That the underground electric lines shall be inspected by the Code Enforcement Office prior to backfill;
7. That the private way shall be properly named and signed with Town approved signs and signs shall be in place as soon as the private way is constructed;
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;

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9. That the private way shall be properly maintained by the condominium association for access of emergency vehicles year round;
10. That the condominium association is responsible for maintenance of the stormwater infrastructure per the Stormwater Management Report for Natalee Place by BH2M;
11. That all homes are to be sprinkled meeting all applicable section of the Town Fire Suppression Ordinance and a set of sprinkler plans shall be submitted to the Fire Department at least two weeks prior to the start of installation of the system for permitting and review;
12. That the buildings will meet all applicable sections of the NFPA 101 Life Safety Code and the NFPA Fire Prevention Code 1;
13. That the applicant is responsible for recording the approved Condominium Association documents within 90 days of the date of approval of the subdivision by the Planning Board and a recorded copy of the Condominium Association documents shall be returned to the Planning Department prior to a preconstruction meeting behind held;
14. That the Planning Board Chairman is authorized by the Planning Board to sign the Findings of Fact on behalf of the entire Board;
15. That the subdivision/site and private way plans shall not be released for recording at the Cumberland County Registry of Deeds until the required performance guarantee has been posted meeting the approval of Town Staff; and the subdivision plan and private way plans is required to be recorded within one year of original approval or the approval becomes null and void; and
16. 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:

PRELIMINARY SUBDIVISION APPROVAL:

Move to grant Design Dwellings, Inc.’s request for preliminary subdivision and site plan approval for a 22-unit residential and 1-unit commercial condominium project located on 5.534 acres off Main Street on Map 100 Lots 3 and 3-1 in the Urban Residential (UR) and Office Residential (OR) zoning districts, based on the Findings of Fact as written by the Town Planner (and modified and conditioned by the Planning Board).

TO POSTPONE APPROVAL:

Move to postpone further review of Design Dwellings, Inc.’s request for preliminary subdivision and site plan approval pending responses to remaining issues (and revisions to the plans).

**Natalee Place Condominium
Preliminary Subdivision/Site Plan**

TOWN OF GORHAM
PLANNING BOARD MEETING MINUTES

For Reference Only
November 4, 2019

ITEM 3 Pre-Application Discussion – Design Dwellings – Subdivision/Site Plan – A request for approval of 22 condominium units and a commercial unit on an approximately 5.32 acre parcel at 146 and 156 Main Street. Zoned UR/OR, Map 100, Lots 3 and 3.001.

Mr. Poirier reminded the Board that pre-application discussions are only between the Board and the applicant, and plans have not been distributed to staff. Mr. Poirier noted that the new Town Planner, Carol Eyerman, has provided comments regarding the proposal, centering on the Comprehensive Plan, zoning, subdivision, site plan, parking, streets and ways and historic preservation. Mr. Poirier said that Main Street is currently under construction and will be so in the summer of 2020. He said that the signal located at New Portland Road will be reconfigured with new mast arms next year, so concerns about traffic leaving this site and impacting that light will be a significant concern for Public Works. Therefore, staff will recommend that a traffic study as well as a traffic peer review occur as part of this application to make sure that there are no impacts to that signal.

Andrew Morrell, BH2M, appeared at the podium and introduced the applicant, Susan Duchaine. Mr. Morrell said that the applicant proposes to purchase two parcels, totaling 5.32 acres, at 156 Main Street. The parcel is zoned Office Residential in the front and Urban Residential in the back. The applicant proposes to develop 22 residential condominiums, 1100 linear feet of access road and two different roads with a sidewalk connected to the sidewalk on Main Street. The existing Cape on site at 156 Main likely will be rebuilt for a commercial use. All the units in the development will be served from Main Street with public sewer, public water, natural gas, and underground electric. Mr. Morrell noted that there is a stream in the back of the parcel and no work is proposed within 75 feet of that stream.

With respect to the staff notes, Mr. Morrell said that the applicant is intending to do standard zoning and is not proposing a Development Transfer Overlay development for this subdivision. Mr. Morrell said that they would like to have some discussion about impact fees with staff or the Board about what those impact fees would be. Mr. Morrell asked if there was some information about the re-design of the traffic intersection and its potential impact on this subdivision, and asked if a traffic study for the proposed intersection improvements was done. He said he would like some direction as to what the Board would be looking for in a traffic study, if it would be about the light at the Main Street intersection or further down at the 202 intersection. Regarding staff's recommendation that the access driveway for the Kerwin property be relocated, Mr. Morrell said he does not believe that Mr. Kerwin would be in favor of that, but he will speak to him about it. Mr. Morrell also said that the stream in the back of the property makes connecting to abutting parcels difficult, and connecting to the development in the northeast would be difficult because of the condominium unit at the end of Landing Drive blocking such a connection.

Susan Duchaine, applicant, came to the podium and said this proposed development is an opportunity to take advantage of the "empty nester" market. She said that the development at Ward Hill, primarily an over-50 project, is sold out, and she would like to label these units more as "over 40" or 45. Mr. Fox asked if the age of a buyer requirement would be a deed restriction. Ms. Duchaine replied that it can be done that way but she would like to look at impact fees because people 70 years old don't want to pay for a new junior high. She said the units would be two bedrooms, an optional

Natalee Place Condominium Preliminary Subdivision/Site Plan

bonus room over the garage, one car garage, very similar in design to Ward Hill and Snowbird condos, which have no children in either neighborhood.

In reply to Mr. Fox's question about possible connections to abutting property, Mr. Morrell said that the drop at the back of the property down to the stream is 26 to 28 feet so the proposed development is limited to the top of the bank and crossing the stream would be a major undertaking. Mr. Morrell said again that connecting to the Landing Drive development is prevented by a condo unit where the connection might be.

Mr. Fox asked Mr. Poirier how the Board can deal with some practical limitations to road extensions. Mr. Poirier asked if the road will be private or a Town road; Mr. Morrell said it is intended that it be a private access drive, designed to the Urban Access standard.

Ms. Eyerman said that the two parcels abutting this site to the west are similar in size and connections could be made. The idea behind the ordinance is to create a right-of-way that goes to the property line, in the event for future connection. Ms. Eyerman said whether that occurs today is probably not possible, but the possibility exists 50 years from now for someone who has the desire to connect. It also goes to the vision of the Town to make it more walkable and connected for someone to get to the businesses more easily, especially in the Village area where you want a more walkable environment. Mr. Fox confirmed that Ms. Eyerman is suggesting putting in a right-of-way to the west so a road way could be built in the event the abutting house is removed. Ms. Eyerman said the Town may have a different way of doing things in the future, and the ability of choice should not be limited. In reply to Mr. Morrell, Mr. Poirier said it would be an easement, not a right-of-way. Mr. Morrell pointed out some of the constraints on the plans which would preclude such an easement, but said the applicant would be willing to grant an easement to the abutting property on the west.

Mr. Morrell asked for clarification on the impact fees. Mr. Poirier said the recreation impact fee is the same as it has always been. Mr. Poirier said there is language in the ordinance about the Middle School impact fee where the fee can be waived, quoting in part "Any residential use that is permanently limited to occupancy by residents that are at least sixty-five years of age by binding legal restrictions shall be exempt from the Middle School Facilities Impact Fee." In addition, Mr. Poirier read the following from the ordinance: "Any residential use that is permanently limited to occupancy by residents that are at least fifty-five years of age by binding legal restrictions that are consistent with the Federal Fair Housing provisions shall be exempt from ninety (90) percent of the Middle School Facilities Impact Fee that otherwise would be applicable to the use." Mr. Poirier said that those are only age exemptions that can be granted. In reply to Mr. Fox, Mr. Poirier said he is not aware of any provision allowing the waiving of the recreation impact fee.

Ms. Duchaine said she does not like impact fees.

Mr. Poirier replied to a question from Mr. Morrell that there will be road realignment, the addition of traffic islands, and other changes at the Main Street/New Portland Road intersection. Mr. Poirier said he believes that the Public Works Director and Planning staff has copies of the plans, which was a PACTS study, which can be shared. Ms. Duchaine said she doesn't believe 20 houses will be much of an impact on that intersection. Mr. Poirier replied that even one car turning left on Main Street can back up the traffic significantly through the intersection. Mr. Poirier confirmed with Mr. Morrell that the impact review would be more for New Portland Road and Main Street intersection rather than the

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202/Gray Road intersection. Mr. Poirier said that he, the Public Works Director and Mr. Morrell can meet prior to a traffic study for the applicant being performed. .

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

In reply to Mr. Fox, Mr. Morrell said that a formal study has not been done of the parcel, but using tax map data allows for 22 units, 10,000 square feet per unit, the maximum the site can support, without using the Transfer Development Overlay standards. Ms. Duchaine replied to a comment from Mr. Fox that the site will be pretty tight and not much landscaping will be possible, but they will try to save as many trees as they can.

Ms. Duchaine said they would like to start with construction in the spring to capture the market that is out there. In reply to Mr. Fox, Ms. Duchaine said they will run a sidewalk to Main Street, and lighting will be limited to porch lights and perhaps security lights on garages. Ms. Eyerman asked the applicant to consider pedestrian lighting, noting for example the gaps between lighting that exist along South Street for pedestrians. Ms. Eyerman said that while lights within the development might not be necessary, in order to meet goal of the Comprehensive Plan’s goal for a pedestrian walkable Village, perhaps the applicant could consider the addition of 2 or 3 lights for sidewalk safety toward Main Street. Mr. Fox and Ms. Butler-Bailey agreed that such additional lighting would be a safety benefit. Mr. Morrell said he will take a look at the utility pole and see what can be done.

Ms. Duchaine asked about having a site walk. Mr. Fox replied that it is the Board’s preference to wait until a formal application has been submitted before scheduling a site walk.

Mr. Morrell and Mr. Poirier discussed reworking the parking area for the proposed commercial building to remove back out parking and replace it with parallel parking. Mr. Morrell commented that reworking the parking may result in reworking the location of some of the units as they are now proposed to be.

TOWN OF GORHAM
PLANNING BOARD MEETING MINUTES

For Reference Only
July 6, 2020

ITEM 3 Public Hearing -Preliminary Subdivision/Site Plan – Design Dwellings, Inc. – Natalee Place Condominiums – a request for approval of 22 condominiums and a commercial unit on an approximately 5.32 acre parcel on Main Street. Zoned UR/OR, Map 100, Lots 3 and 3.1.

Ms. Eyerman gave the Board a background summary of the application, a request for preliminary approval of a 23 unit condominium development consisting of 22 residential units and one commercial unit, with associated parking and infrastructure off Main Street. She said there is a stream and a freshwater pond toward the rear of the parcel, which is a total of 5.3 acres. The property is zoned Urban Residential in the back of both lots and Office Residential in the fronts of both lots. The parcel is near the Cumberland Farms site across Main Street on the Walgreen side of Main Street. Mr. Fox confirmed with Ms. Eyerman that both portions of this split parcel conform to the zoning that they fall in.

Andrew Morrell, BH2M Engineers, told the Board that under consideration are two parcels, 146 and 156 Main Street. He said that 146 is the Kerwin Chiropractic Building and there is an existing apartment building on

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156. Mr. Morrell said that the applicant is looking to purchase the rear portion of these lots. There will be 22 residential condominiums, and the existing house will be converted into a commercial building as unit 23. Utilities will all be extended from Main Street, public sewer, water, gas, underground electric. He said that currently the DOT is working on the Main Street improvement project, and the applicant has worked with both the Town and the Portland Water District to install some utility stubs in order to avoid the moratorium that will be put on Main Street once the final paving happens. Stormwater for this site is going to be collected in a closed drainage system and directed to two vegetated soil filters that surround units 9 through 12; the soil filters will then feed the water and discharge it into the stream that runs in the back of the parcel. No work is proposed to be done within 75 feet of the stream. Mr. Morrell said the project will require a DEP stormwater permit which will be provided prior to final approval.

Mr. Morrell said that the applicant is seeking waivers on the requirement for a high intensity soil survey since the project will be served by public sewer and water, and a waiver from the submission of a traffic study. He said that Maine DOT recently did a traffic study on Main Street as part of their Main Street improvement project, so the applicant feels an additional traffic study is not warranted.

Mr. Morrell noted that the staff notes made reference to private way approval that is not required for this project. Access will be via a driveway maintained by the homeowners' association of the condominiums and built to the Urban Access standard.

Mr. Morrell said they would like to hear the Board's thoughts on the screening of the commercial lot. He said that the ultimate use for unit 23, the commercial lot, is not yet known at this time, but the most restrictive parking space requirement is for professional office, which is one space per 250 square feet. He said that unit 23 has roughly 1100 square feet, which would require 5 parking spaces and 10 have been proposed. Access to unit 23 will be by a walkway to be added to the sidewalk that runs along Natalee Drive. Mr. Morrell said that the applicant is going to use exterior lighting on the buildings to light up the roadway.

Mr. Morrell said the applicant is seeking preliminary approval this evening, which would allow the applicant to move forward with the DEP and Army Corps permits.

Susan Duchaine, applicant, told the Board that she believes there is a high demand for these individual condominiums, with the over-55 age restriction. She said that perhaps she will go 70 to 75% of the units being over 55.

PUBLIC COMMENT PERIOD OPENED: Mr. Poirier advised the Board that abutter John Sawyer, Esquire, has provided an emailed letter, dated July 1, 2020, attached hereto at the end of this document and incorporated by reference.

Ms. Duchaine said that she would not be opposed to restricting turning out of the project to right turns only, but she believes people will figure it out on their own.

PUBLIC COMMENT PERIOD ENDED.

Mr. Fox opened a discussion on the issue of a traffic study waiver, and asked staff if there is anything that would be gained from having a fresh traffic study done and having it peer reviewed for this project that the Board does not already have access to from the DOT's traffic study. Mr. Poirier replied that the concern involves the reconfiguration of the traffic light at Main Street and New Portland Road, and there was no thought initially about a high use driveway coming in at that location. Mr. Poirier said that with that driveway coming in, the issue is what will that do to the traffic around that intersection and how will it impact the function of that traffic light and intersection. When the DOT study was done, there was no known project coming forward. Mr. Fox confirmed with Mr. Poirier that the DOT study is really of current conditions only, but this additional access was not factored in.

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Mr. Morrell noted that if these units are age restricted, he believes that a large percentage of the units will have one car. He said he knows that the project was sent to Milone & MacBroom for traffic review and believes those comments should be considered. Mr. Fox asked if Mr. Morrell believes that review is adequate to address any of the concerns specific to this application. Mr. Morrell said that Milone & MacBroom have asked for a trip generation analysis showing the total number of trips anticipated from the 23 new units and are asking as well for a crash history in this location along Main Street. Mr. Morrell said that if the Board decides a traffic review is required, those 2 pieces of information may be sufficient.

Mr. Fox asked whether a traffic study is clearly defined in what must be included, or is it open to interpretation by the applicant or a peer engineer to determine what is appropriate. Mr. Fox asked if the information about trip generation and crash history information adequately takes the place of a traffic study. Ms. Eyerman said that normally the applicant would be asked to provide all the information known on the road, the trip generation for the development being proposed and things around it, such as crash history in that location. She said that because the DOT has already done its study and is proposing to tweak signalization already, that information is available to the Board. Ms. Eyerman asked Mr. Poirier what can be included in addition to the DOT information.

Mr. Poirier said the important thing for the Board to remember is there are performance standards that the Board needs to make sure every project meets, such as safe entrance in and out of the site, and whether roads are adequate to handle the traffic. He said some projects are easier than others because they don't require a complicated traffic study because the capacity of the road is known to be able to easily accommodate the traffic of the development. Other roads, such as this one, where there are signal and congestion issues, warrant additional information such as a traffic study that does trip generations showing how the proposed trips will impact the road at certain times of the day, a.m. and p.m. peaks, which are the worst times of the day. With that information, the Board can better ensure that the project is meeting the performance standards. Mr. Poirier said that the DOT did some basic analysis regarding high crash locations, which gives a basic sense of whether the light is an issue or not.

Mr. Hughes said that he would like to make sure that all possible information is available to the Board and wants a more detailed traffic study to be done. Mr. Grassi agreed with Mr. Hughes that the requirement for a traffic study should not be waived as everyone knows the conditions of traffic on Main Street. Mr. Grassi said he believes it would be helpful if the proximity of the development to the existing traffic signal can be shown on the plans. Mr. Firmin agreed with Mr. Hughes and Mr. Grassi, saying he too believes a traffic study is required.

Vincent Grassi MOVED and Scott Firmin SECONDED a motion to grant Design Dwellings, Inc.'s waiver request from the submission requirement of a traffic study. MOTION FAILED, 5 nays (James Anderson and Molly Butler-Bailey absent).

In view of the fact that the development will have both public water and sewer, the Board agreed that the requirement can be waived.

Vincent Grassi MOVED and Susan Durst SECONDED a motion to grant Design Dwellings, Inc.'s waiver request from the submission requirement of a high intensity soil survey. MOTION CARRIED, 5 ayes (James Anderson and Molly Butler-Bailey absent).

Mr. Fox confirmed with Mr. Morrell that discussions have been held with the Portland Water District and some changes have been made, including eliminating the hydrant on Natalee Place as the hydrant on Main Street is deemed adequate, and stubs have been provided to serve the site in the future. Mr. Morrell said, however, that he will touch base with the Water District to make sure everyone is on the same page moving forward.

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Mr. Firmin advised the Board that while he works for the Water District, he has had no involvement with this project and will not be involved with it in the future and believes he can participate in the discussions fairly. It was determined that Mr. Firmin's disclosure is adequate at this point in the preliminary discussions on the project and no official motion to permit his participation is required.

Mr. Morrell told Mr. Fox that no street lighting is proposed except for lighting on each building. Ms. Eyerman confirmed that no private way approval is required for this project, and that the existing driveway will be expanded to Urban Access standards. Mr. Morrell said there is no technical right-of-way proposed for Natalee Drive, but it will be 24 feet wide, concrete curbing on either side, or a 5-foot bituminous sidewalk. The total length of the road is 765 feet. It is being proposed over the existing driveway and will not be an additional curb cut.

Mr. Fox, Mr. Morrell and Ms. Duchaine discussed buffering around unit 23. The parking lot is 10 feet from the property line and snow removal which will probably on either side of the parking lot. Ms. Duchaine said that the area on the west side of the lot is a wooded tree line. Mr. Fox suggested adding additional landscaping or fencing along the Speed lot.

A discussion ensued about the Conservation Commission's desire to connect a trail system to the Tannery Brook system. Ms. Duchaine was advised that staff will ask the Commission to get in contact with her.

Mr. Fox asked the Board if it is comfortable with moving forward with granting preliminary approval this evening or waiting until there is a traffic study done. Mr. Poirier said that a traffic study could recommend improvements to Main Street to allow the traffic to flow in and around while accessing the site as lane widenings. Ms. Duchaine reiterated her belief that the amount traffic to be generated by this development of most likely over 55 will be minimal. Mr. Firmin said he is not in favor of granting preliminary approval because of the various outstanding issues such as service from the Water District, Conservation Commission easement, buffering. Mr. Hughes agreed with Mr. Firmin, saying that there may be more than one car per unit even though the resident may be over 55. Mr. Grassi and Ms. Durst said they agree with Mr. Firmin and Mr. Hughes.

Mr. Poirier said he would check with the Town Attorney about scheduling a physical site walk; otherwise, Gorham Go Cat will be asked to perform at drone site walk.

Scott Firmin MOVED and Susan Durst SECONDED a motion to postpone further review of Design Dwellings, Inc.'s request for preliminary subdivision and site plan approval pending responses to remaining issues and revisions to the plans. Motion CARRIED, 4 ayes, 1 nay (George Fox) (James Anderson and Molly Butler-Bailey absent).

In reply to Mr. Morrell, Mr. Fox said the Board might consider granting preliminary and final approval at the same meeting depending on how complete the application is, considering the issues, especially the traffic study and perhaps landscaping, discussed this evening.