

**Innovative Campus at Raceway Drive
Preliminary & Final Subdivision**

**Town of Gorham
Planning Board Meeting
May 4, 2020**

ITEM 5 – Subdivision Plan - Innovative Campus at Raceway Drive - Moody’s Co-Workers Owned, Inc.- a request for approval of a 3-lot subdivision on Raceway Drive. Zoned NMUD, Map 39, Lot 2.1 and 2.2. The applicant is represented by Shawn Frank, P.E., of Sebago Technics, Inc.

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PROJECT TRACKING

DESCRIPTION	COMMENTS	STATUS
Pre-Application (optional)		None Held
Subdivision Review		May 4, 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, Planning Board Chairman

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

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1. OVERVIEW

The applicant is looking to break his existing single lot into 2 additional lots. Currently the existing Raceway Drive is located in an easement and the applicant would now like to locate the road in a 50' right-of-way which splits the existing lot in 2. This lot split combined with the split of the lot for Harvey Performance requires subdivision review and approval by the Planning Board because all three lot division would be completed less than 5 years apart.

This is the first time this application has been before the Planning Board. The applicant is represented by Shawn Frank, P.E., with Sebago Technics.

2. WAIVER REQUEST

The applicant is requesting 2 waivers: a waiver from a class A high intensity soil survey to a class B high intensity soil survey and a waiver from the Planning Board's requirements for granting preliminary and final subdivision approvals at separate meetings. See waiver request form submitted by the applicant.

SUGGESTED MOTIONS:

Move to waive the preliminary submission requirement under Chapter 3, Section 3-3, B. 11) class A high intensity soil survey to a class B high intensity soil survey due to public water supply being available to serve the lots.

Move to grant Moody's Co-Workers Owned, Inc.'s request for a waiver for the Planning Board's requirements for granting preliminary and final subdivision approvals in one meeting.

3. ITEMS OF NOTE

- A. Woodard & Curran Review – Staff did not send the proposed subdivision approval application to Woodard and Curran for review due to the fact that the proposed subdivision was only to split the existing lot in two with no new site improvements. The Planning Board can direct staff to forward the application for engineering review during the Planning Board meeting if the Planning Board feels engineering review is needed.
- B. Off-site Sidewalk Extension – The Narragansett Development District requires subdivisions provide the following off-site sidewalk extensions: For roads like Narragansett Street without existing closed drainage systems and curbing, the applicant shall extend the sidewalk 250' for each lot. Lot 1 has already paid the Town for its off-site sidewalk extension required under the site plan requirements. The subdivision approval will require the applicant provide for 500' of sidewalk extension.

The Town has a project to install the closed drainage for Narragansett Street so the applicant can provide the Town with the funds to construct the sidewalk for 500' and cover the

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applicant's requirement for the extension of off-site sidewalks. The Town will utilize the same estimate for sidewalk extension identified for Harvey Performance which was \$50.00 a foot.

- C. Aerial Photographs – Staff has provided 1 aerial photograph from the Town's GIS website. The picture was taken before the start of construction of the Harvey Performance building and construction of Raceway Drive.

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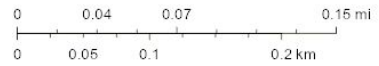
Town of Gorham Public Map Viewer



4/28/2020, 8:50:39 PM

- Roadways
- Parcel Labels
- Gorham Town Boundary

1:4,514



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

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4. STAFF REVIEWS

Assessing Department:

No comments received.

Code Department:

No comments received.

Fire Department:

No comments received.

Planning Department: April 29, 2020

1. Application:
 - a. The applicant is going to need to form an Innovative Campus at Raceway Drive Lot Owners' Association to care for the maintenance of the road should the Town not accept it as a public road. The Lot Owners' Association will also need to care for any drainage infrastructure not located within the road right-of-way.
2. Innovative Campus at Raceway Drive Subdivision Plan: Sheet 1 of 1
 - a. Add the following plan notes to the plan:
 - i. Access for the lots shall occur from Murray Drive or other internal streets and private ways. No lots shall have direct access from Narragansett Street, State Route 202.
 - ii. All driveways shall have paved aprons with 4" of bituminous concrete commencing at the existing edge of the street pavement where it intersects with the driveway for a length of 20 feet.
 - iii. Raceway Drive has been designed to meet or exceed the Town of Gorham's Industrial/ Commercial road standards. Raceway Drive shall be a private way until such time, if ever, the Town accepts it. If the Town of Gorham accepts the street all maintenance of the drainage facilities, and similar services located outside of the right-of-way shall remain the responsibility of the lot owners' association.
 - b. Is the applicant proposing to have an Innovative Campus at Raceway Drive sign located at the entrance of the site from Narragansett Street? If so, the location of the sign should be in an easement to the Innovative Campus at Raceway Drive lot owners' Association.
 - c. Only lot 1 is required to have a 48' side and rear setback due to the height of the building. Lots 2 and 3 should show 20' setbacks until a building is proposed for each lot that would require larger setbacks.

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- d. Plan note 3 should be changed to read: “Space and Bulk Criteria for the Narragansett Mixed-Use District are as follows:”
 - e. There is a section of 15” culvert that extends from a basin located roughly at station 2+50 and extends to a wetland located on lot 3. The culvert will need to be located in a minimum drainage easement width of 30’ to the Town of Gorham and to the Innovative Campus at Raceway Drive lot owners Association. Staff recommends talking with the Public Works Director on the width of the easement needed around the culvert should the road be brought forward for street acceptance.
 - f. It appears that some of the ditching on the southern edge of Raceway Drive is located outside the right-of-way on the approved street design plan. If so, the ditch should be located in a grading and drainage easement to the Town of Gorham and the Innovative Campus at Raceway Drive lot owners Association. Staff recommends talking with the Public Works Director on the width of the easement needed for the ditch and ditch back slope should the road be brought forward for street acceptance.
3. Fourth Amended Overall Site & Subdivision Plan: Sheet 3 of 50
- a. It may be more beneficial to place the building and landscape design inserts on this sheet instead of adding them to all the phases’ Site and Landscape plan sheets.

Police Department:

No comments received.

Public Works Department: April 23, 2020

Shawn,

It was good to meet with you last week at the racetrack property. My understanding is that the roadway meets the minimum requirements so far for the Town's industrial park or commercial standard and likely exceeds it in some areas. Loaming remains to be completed. I think the main item for you to complete is the splitting of the roadway out of the parcel in order for it to be a candidate for public road acceptance by the Town Council. I understand that you and Shawn Frank are in the process of doing just this currently and are working with the Community Development and Planning departments on this and I discussed this with Tom Poirier. When that is complete, you can add the granite monuments and have as-built plans created. You can choose to surface the road with the final course of asphalt prior to potential acceptance by the Town Council or place 150% of the estimated cost of this effort in escrow with the Town and we will have the work conducted by the Town's paving contractor at the Town's unit price. If I can be of any further assistance, please let me know. I can be reached by cell phone at 207-756-1108.

Thank you,

Bob Burns, PE

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Public Works Director

Town Attorney: April 13, 2020

Carol, I've review the documents provided for Raceway Drive. The letter of cession is fine as presented. I would like to see a copy of the draft deed for the street and not just the description. Also, the description doesn't appear to include the 15-ft utility easements that are shown on the plan. My assumption is that those are supposed to be granted to the Town in conjunction as part of the street conveyance.

Thanks, Natalie

April 24, 2020

Carol,

I've reviewed the deed. It's unusual to see a street deed that has so many "subject to" references, so I reviewed all of them.

1. Taking order (Maine DOT-Gorham Bypass): Hannaford Bros. property: drainage and temporary construction rights; also access to and egress from Routes 4, 12, 94 and 120 are prohibited. (2007).
2. Terms and conditions of Declaration of Restrictive Covenants by Maine Raceways, Inc. (4/27/79) CCRD 4411/324. This runs to Davric Maine Corporation (then owner of Scarborough Downs) and prohibits the use of the covered property for a racetrack for horses or dogs. The covenant runs with the land and so binds the successors to Maine Raceways, Inc.
3. Conditions set forth in deed from Maine Raceways, Inc. to Commercial Developers, Inc. (12-20-82). CCRD 5088/143. This incorporates the restriction set forth in #2. It also is subject to a condition that if the premises are ever used as a racetrack for horses or dogs, title shall automatically revert to the Grantor.
4. Use restrictions and restrictive covenants in quitclaim deed from Hannaford Bros. Co., LLC to Moody's Co-Worker Owned, Inc. (8-29-16). CCRD 33400/259. Subject to the terms and conditions of #2 and #3. Also includes 99-year use restrictions: no grocery store, convenience store, dollar store, retail sales bakery, deli, meat market or specialty foods store; retail sales of food or food products; drugstore, pharmacy, sales of health and beauty aids; sale of pet food or pet or pet food store; or any combination of the above. There are some exceptions for incidental sales of food, restaurants, breweries and brew pubs, food manufacturing or processing; a single convenience store subject to established square footage limitations for sales of certain items. Transfers of property must be made subject to the restrictions.
5. Easement from Moody's Co-Worker Owned, Inc. to PWD (12-17-19). CCRD 36295/37. Easement for PWD water, sewer and storm water conduits, pipes, fixtures and required appurtenances. No buildings or permanent structures except pavement and utilities.

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Restrictions on proximity of other conduits or pipes (5 feet). PWD has to be indemnified against claims resulting from work.

I don't think that #1 impacts the road area. The use restrictions in 2, 3 and 4 don't appear problematic for the Town given that the transfer is of a road. The reverter clause in #3 also does not appear to be an issue. Also, it is somewhat unclear to me whether this restriction remains in effect (a) once Davric no longer owns Scarborough Downs, which it no longer does; or (b) Davric no longer operates a racetrack at Scarborough Downs, which it still does, but it doesn't really matter since none of the uses would happen in the road. The PWD easement also doesn't appear problematic.

Let me know if you have any questions. I'll let John Sawyer know that I've reviewed it.

Thanks,

Natalie

Portland Water District: April 10, 2020

Brianna,

I don't see any new water or sewer infrastructure being proposed. Is this just a subdivision plan? The water and sewer installed in Raceway Drive should support development in the area.

Thanks,
Robert Bartels, PE
Senior Project Engineer

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**TOWN OF GORHAM PLANNING BOARD
PRELIMINARY AND FINAL SUBDIVISION REPORT
AND FINDINGS OF FACT**

**For
MOODY'S CO-WORKERS OWNED, INC. – INNOVATIVE CAMPUS AT
RACEWAY DRIVE**

May 4, 2020

Applicant/ Property Owner: The applicant/property owner is Moody's Co-Workers Owned, Inc., 200 Narragansett Street, Gorham, Maine 04038.

Property: The lot is identified as Tax Map 39, Lots 2.1 and 2.2, and is located off Narragansett Street, State Route 202.

Consultants: Shawn M. Frank, P.E. # 6396, Charles D Marchese, P.L.S. #2009, and Gary M. Fullerton, C.S.S. #462 with Sebago Technics.

Project Description: The applicant is proposing to split lot 2 shown on the plan into 2 lots by taking the 50' easement for Raceway Drive and converting it a right-of-way. The applicant is proposing this split because the owners would like to offer Raceway Drive to the Town Council as a public road. Public roads are required to be in a 50' right-of-way. No other changes are proposed as part of the subdivision approval.

Site Description: Lot 2 is mostly undeveloped with the only developed portion being within the 50' easement for Raceway Drive. The lot is relatively flat with mostly grass land and some trees located along the western and northern property boundaries.

Applicability: Subdivision regulations identifies the Planning Board as having review and approval authority.

Zoning: Narragansett Mixed-Use District (CZ) District, Urban Residential and Shoreland Overlay District.

Variances: None required.

Waivers: High Intensity Soil from a Class A to a Class B.
Requirement to have separate meeting for preliminary and final subdivision approvals.

Pursuant to the Application:

Subdivision review was held on May 4, 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:

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Sebago Technic’s Plans consist of the following:

Sheet 1 – Subdivision Plan - 03/27/20 Sheet 3 – Lot Division Plan – 03/27/20

Other documents submitted consist of the following:

- Subdivision Application – 03/27/20
- Class B High Intensity Soil Survey – 03/27/20
- Soils Narrative – 03/27/20
- Cession Letter for Raceway Drive – 03/27/20
- Street Acceptance Application – 03/27/20
- Gorham Town Planner Comments – 04/29/20
- Gorham Assessor Comments – No comments
- Gorham Fire Chief Comments – No comments
- Public Works Director – 04/23/20
- Town Attorney – 04/13/20; 04/24/20
- Portland Water District – 04/10/20

CHAPTER 3 - SUBDIVISION, SECTION 3 - PRELIMINARY PLAN

The Planning Board, following review of the Subdivision Amendment Application, makes these findings based on the Subdivision Amendment Review criteria found in Chapter 3, Subdivision, Section 3 – C. Preliminary Plan Review, and Section 4 – D. Final Plan Review.

Because this is an amendment, some of the Subdivision and Site Plan Review standards are not applicable, as indicated below.

C. PRELIMINARY PLAN REVIEW

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

The Innovative Campus at Raceway Drive subdivision will meet the requirements of the Narragansett Mixed-Use District. The applicant is required to get all required local, state, and federal permits required for the proposed development.

The Comprehensive Plan identifies this area as Narragansett Mixed-Use District. The plans meet the lot size criteria requirements of the Narragansett Mixed-Use zoning district.

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Finding: The subdivision approval for Innovative Campus at Raceway Drive subdivision conforms with 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 Innovative Campus at Raceway Drive Subdivision is via Raceway Drive, which has been designed under the Town's Industrial/ Commercial road standard. Lot access for the Innovative Campus at Raceway Drive Subdivision is limited to Raceway Drive and any future internal roads, private ways, and driveways located off Raceway Drive.

No new trips are proposed with the subdivision of the lots.

The subdivision development is accessed from Narragansett Street, State Route 202, and is designated as another principal arterial road by the Maine Department of Transportation.

Finding: The subdivision approval for Innovative Campus at Raceway Drive 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.

The subdivision lots will be served by public water, public sewer, underground power, telephone, and cable lines from either the Raceway Drive right-of-way or Narragansett Street right-of-way. No changes are proposed to the utilities serving the sight.

Finding: The subdivision approval for Innovative Campus at Raceway Drive Subdivision will not place an unreasonable burden by either direct cause or subsequent effect on the availability of the Town to provide municipal services including utilities, waste removal, adequate roads, fire and police protection, school facilities and transportation, recreational facilities, and others.

- d) Has sufficient water supply available for present and future needs as reasonably foreseeable.

The subdivision lots will continue to be served by public water from the Portland Water District. The 8" water mains located in Raceway Drive right-of-way will serve the subdivision. The water main design and installation are required to meet the requirements of the Portland Water District.

No changes are proposed for water service serving the lots.

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Finding: The subdivision approval for Innovative Campus at Raceway Drive Subdivision provides for adequate water supply for present and future needs.

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

The subdivision lots will continue to be served by public sewer from the Portland Water District. Lots 1 and 3 will be served by the 8” gravity sewer main in Raceway Drive to station number 2+28, then to 3” private force mains located outside each side of the road in a utility easement.

Lot 2 will be served by the 10” gravity sewer main located in the Narragansett Street right-of-way.

No changes are proposed for water service serving the lots.

Finding: The subdivision approval for Innovative Campus at Raceway Drive 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.

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

Finding: The subdivision approval for Innovative Campus at Raceway Drive 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.

Lot 1 has an approved site plan meeting the requirements of Chapters 2 and 4 of the Land Use and Development Code. No improvements are proposed for lots 2 and 3.

Each lot shall be responsible for maintenance of the stormwater infrastructure on its lot as well as the appropriate shared stormwater pond(s).

Finding: The subdivision approval for Innovative Campus at Raceway Drive 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

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- 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.

No new improvements are proposed with the subdivision plan. No wetlands, vernal pools, or other natural resources are proposed to be impacted on lots 2 and 3. Lot 1 has an approved site plan which limits the amount of impacts that are allowed on the site.

Finding: The subdivision approval for Innovative Campus at Raceway Drive 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.

No new improvements are proposed with the subdivision plan. No wetlands, vernal pools, or other natural resources are proposed to be impacted on lots 2 and 3. Lot 1 has an approved site plan which limits the amount of impacts that are allowed on the site.

No scenic vistas, historic sites or irreplaceable natural or manmade assets have been identified on the site.

Finding: The subdivision approval for Innovative Campus at Raceway Drive 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.

No new improvements are proposed as part of the subdivision on the parcel other than the creation of an additional lot. The applicant has paid all required fees required as part of the subdivision review process.

Finding: The applicant has adequate financial resources to construct the proposed improvements and meet the criteria standards of these regulations.

- 3) Every subdivision shall be responsible for providing open space and recreational land and facilities to 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.

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The subdivision and development of any mixed-use lots will be required to pay the Recreational Facilities and Open Space Impact Fee prior to issuance of the building permits for the residential units proposed on a lot.

Finding: The subdivision approval for Innovative Campus at Raceway Drive Subdivision is responsible for providing open space and recreational land and facilities to meet the additional demand created by residents of the subdivision.

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

The applicant is required to form condominium associations for the subdivision for maintenance of any infrastructure located outside of the right-of-way and also to maintain the road should the Town not accept the road.

Finding: Innovative Campus at Raceway Drive Subdivision shall be required to maintain the stormwater ponds as well as any infrastructure located outside of the road right-of-way as well as the road should the Town not accept it as a Town way.

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

D. 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.

The applicant has submitted all information required of preliminary plan. The plan shows all existing and proposed monuments and pins. The plan shows sufficient information to locate streets, easements, and property lines.

Finding: The applicant has met the standards of this section for final plan approval.

- 3) No Final Plan shall be approved by the Planning Board unless submitted by the developer or his authorized agent within 12 months from the issuance of Preliminary Approval.

The applicant is requesting a waiver from the Planning Board's requirement to grant preliminary and final subdivision approval at separate meeting.

Finding: The applicant has met the standards of this section for final plan approval.

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CHAPTER 7 SECTION 7-2 MIDDLE SCHOOL IMPACT FEE #1

Any residential development activity anywhere in Gorham that may potentially have school aged children living in the units will be subject to the impact fee.

The applicant will be required to pay the Middle School Impact Fee #1 prior to the issuance of any residential building permits for any mixed-use lots within the subdivision.

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 the applicant shall submit the required fees for off-site sidewalk extension for lots 2 and 3 prior to the submission of Raceway Drive street acceptance;
4. That the applicant shall make the required changes to the plan and provide the additional legal documents and create an Innovative Campus at Raceway Drive lot owners' association documents prior to the Planning Board's signature of the final plan meeting Town Staff and Town Attorney's approvals;
5. That the applicant is responsible for recording the approved Innovative Campus at Raceway Drive lot owners' association documents within 90 days of the date of approval of the subdivision by the Planning Board and a recorded copy of the Innovative Campus at Raceway Drive lot owners' association documents shall be returned to the Planning Department prior to the applicant applying for Raceway Drive's street acceptance;
6. That the Planning Board Chairman is authorized by the Planning Board to sign the Findings of Fact on behalf of the entire Board;
7. That the subdivision plan are required to be recorded within one year of original approval or the approval becomes null and void; and
8. That once the subdivision plans have been recorded at the Cumberland County Registry of Deeds, a dated copy of the recorded subdivision plan shall be returned to the Town Planner prior to the applicant applying for Raceway Drive's street acceptance.

SUGGESTED MOTIONS:

FOR SUBDIVISION FINAL AND PRELIMINARY PLAN APPROVAL:

**Innovative Campus at Raceway Drive
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Move to grant Moody's Co-Workers Owned, Inc.'s request for preliminary and final subdivision plan approval for a 3 lot Innovative Campus at Raceway Drive Subdivision, located on Map 39, Lot 2.002 and 2.001, Narragansett Mixed-Use zoning districts, based on Findings of Fact as written by the Town Planner (and amended by the Planning Board).

FOR PRELIMINARY SUBDIVISION PLAN APPROVAL AND TO MOVE FINAL APPROVAL TO A SEPARATE MEETING:

Move to grant preliminary subdivision approval for Moody's Co-Workers Owned, Inc.'s 3 lot Innovative Campus at Raceway Drive Subdivision and to forward final subdivision plan approval to a future consent agenda.