

**Land Use and Development Code Amendment: Phasing of Subdivision**

**Town of Gorham  
Planning Board Meeting  
September 13, 2021**

**ITEM 8 - Land Use and Development Code – Discussion:** – Phasing of Subdivisions – Proposed amendment to the Land Use & Development

Code to require phase build outs of subdivisions.

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**AMENDMENT TRACKING**

DESCRIPTION	COMMENTS	STATUS
<b>Town Council Meeting</b>	The Town Council forwards the item to the Planning Board for a public hearing and recommendations. (7 ayes)	<b>August 3, 2021</b>
<b>Planning Board - Meeting Discussion</b>		<b>September 13, 2021</b>

The Planning Board refers to staff notes during the review process; however, it shall be noted that staff recommendations are noncommittal and all final decisions are those of the Planning Board and not Town Staff.

**Memo completed by Thomas Poirier, Director of Community Development.**

## Land Use and Development Code Amendment: Phasing of Subdivision

### 1. Overview

The Town Council forwarded a request to the Planning Board to review the ability to add limits to the sizes of subdivisions and to require phasing of certain sizes. The amendment to the Land Use and Development Code for phasing are proposed under Chapter 3: Subdivision, Section 3-5 Post Approval Activities. The Town Council has forwarded the drafted ordinance amendment identified below with proposed changes shown as underlined. The Town Attorney has reviewed and provided edits to the proposed ordinance which have been incorporated.

### **Proposed Amendment:**

#### CHAPTER 3: SUBDIVISION SECTION 3-5 - POST APPROVAL ACTIVITIES

##### A. Performance Guarantee:

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

#### **PROPOSED MOTIONS:**

Move to send the proposed Zoning Amendment for Phasing of Subdivisions under Chapter 3: Subdivision to the Planning Board's (Ordinance Sub-committee or Comprehensive Plan Implementation Sub- Committee for review and recommendation)

Or

Move send the proposed Zoning Amendment for Phasing of Subdivisions under Chapter 3: Subdivision to the next available Planning Board meeting for a public hearing.