

**Town of Gorham
Planning Board Meeting
July 11, 2022**

Consent Agenda A – Subdivision Amendment – McCormack, Gregory – a request for approval for an amendment to lot 6 on Deerfield Drive in Maplewood Subdivision. Deerfield Drive is a previously approved private way. Zoned Urban Residential (UR), Map 104, Lots 10-3, 23 and 30. The owners/applicants are Greg and Sue McCormack and they are represented by Andrew Morrell, P.E., of BH2M.

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PROJECT TRACKING

DESCRIPTION	COMMENTS	STATUS
Consent Agenda		July 11, 2022

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.

James Anderson, Chair, Gorham Planning Board

1. OVERVIEW

This is the first time the project has come before the Planning Board with an amendment to this subdivision.

As subdivision amendments are reviewed under Chapter 3: Subdivision.

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

2. ITEMS OF NOTE

The item has been scheduled under consent agenda because it involves nothing more than a lot line change to reduce the size of Lot 6 to 23, 244 sq. ft., which conforms to the zoning standards.

3. STAFF REVIEWS

Assessing Division: No comments received

Code Division: No comments received

Fire Department: 06/22/2022

June 22, 2022

MAP 104 LOT 3 & 23 30

I have reviewed the submitted plan's dated June 22, 2022 for the Lot 6 of Deerfield Drive.

1. The Hammer Head will have signage stating "No Parking - Tow Away Zone" or "No Parking - Fire Lane"

Planning Division: 6/30/2022

June 30, 2022

1. Conforms to the Zoning Ordinance

Police Department: No comments received

Public Works Department: No comments received

Portland Water District: 06/22/2022

June 22, 2022

No further comments from the District.

**PLANNING BOARD
SUBDIVISION AMENDMENT
AND FINDINGS OF FACT
For
MCCORMACK - MAPLEWOOD SUBDIVISION, LOT 6**

July 11, 2022

Applicants/Property Owners: The applicants/property owners are Greg and Sue McCormack, 24 Strawberry Lane, Gorham, ME 04038.

Property: The lot is identified as Tax Map 104, Lots 10-3, 23 and 10-30, and is located in Maplewood Subdivision off South Street.

Consultants: Andrew Morrell, P.E., with BH2M; Robert C. Libby, Surveyor; Mark Hampton, Wetlands/Soil Scientist

Project Description: The applicant is proposing to amend an approved 6 lot subdivision located on an approved private way. The units will be served by public water and sewer and underground utilities.

Site Description: Lot 6 is proposed to be 23, 244 square feet in size.

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

Zoning: Urban Residential District, B. Permitted Uses, 1) One or two-family dwellings

Variances: None requested.

Waiver granted November 2, 2020: Submission requirement for Nitrate analysis

Pursuant to the Application:

The original Final Subdivision Review and approval was held on June 7, 2021.

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's Plans consist of the following:

Sheet 1 – Amended Subdivision Plan: Dated, June 2022; Revised, 06/17/2022; Received, 06/17/2022
Sheet 1 – Plan of Private Way: Dated, June 2015; Recorded, 06/07/2016
Sheet 1 – Final Subdivision Plan: Dated, August 2019; Recorded, 10/15/2021

Other documents submitted consist of the following:

Subdivision Application – 06/17/2022
Plans – Received, 06/17/2022
Assessing Division Comments – No comments received
Code Division Comments – No Comments
Fire Department Comments – 06/22/2022
Planning Division Comments – 06/30/2022
Police Department Comments – No comments received
Public Works Department Comments – No comments received
Portland Water District Comments – 06/22/2022

4. FINDINGS OF FACT

CHAPTER 3 - SUBDIVISION, SECTION 3 - PRELIMINARY PLAN

The Planning Board, following review of the Subdivision Application, makes these findings based on the Subdivision Review criteria found in Chapter 3, Subdivision, Section 3 – C. Preliminary Plan Review, and Section 4 – C. Final 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 Residential. The plans meet the requirements of the current Urban Residential zoning district for density.

Finding: Deerfield Drive subdivision conforms to the Comprehensive Plan 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 Deerfield Drive subdivision is via Maplewood Drive off South Street. Deerfield Drive was previously approved and will be constructed to the Town's 2-6 lot private way standard. The addition of 6 additional lots should not cause congestion or an unsafe condition on South Street.

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Finding: *Deerfield Drive 6 lot 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 Deerfield Drive 6 lot subdivision will be served by public water and public sewer, as well as underground electric.

Finding: *Deerfield Drive 6 lot 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 6 lot subdivision will be served by a water main extended from the Portland Water District's water main located in the right-of-way. The water main design and installation must meet the requirements of the Portland Water District.

The applicant has received an approval letter from Robert Bartels, P.E., Portland Water District.

Finding: *Deerfield Subdivision shall 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 applicant proposes to connect to the public sanitary system utilizing a 1.5 inch pressure sewer force main along Deerfield Drive and Maplewood Drive. Grinder pumps will be utilized in each house. The applicant has received an ability-to-serve letter from Robert Bartels, P.E., Portland Water District.

Finding: *Deerfield Subdivision shall 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 stormwater requirements. The dwellings units' sewage disposal will be treated utilizing the public sewer system.

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Finding: *Deerfield 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.

The proposed construction of the residential units and road will not impact wetlands or water bodies. The wetlands on the eastern edge of the site will be located in the individual lots and protected from development. The applicant shall place erosion and sedimentation controls around the development site.

Finding: *Deerfield 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.*

- 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.

There are no water bodies, as defined in the Zoning Ordinance, on this property.

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

Finding: *Deerfield 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.

The proposed construction of the residential units and road will not impact wetlands or water bodies. The layout of the buildings and road will impact trees and other natural features on the site.

No historic site, rare or irreplaceable natural or manmade assets are located on the site.

Finding: *Deerfield drive subdivision shall 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.

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The applicant has submitted a letter from Machias Savings Bank from Andrew Dorr, Vice President, dated December 26, 2019, which identifies Greg McCormack as having financial capacity to construct the proposed improvements.

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

- 3) Every subdivision shall be responsible for providing open space and recreational land and facilities to meet the additional demand created by the residents of the subdivision. This requirement shall be met by the payment of a Recreational Facilities and Open Space Impact Fee in accordance with Chapter 8.

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

Finding: The applicant of Deerfield Drive subdivision will be responsible for providing open space and recreational land and facilities to meet the additional demand created by residents of the subdivision.

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

The applicant is not providing open space and/or recreational land nor facilities within this subdivision.

Finding: No additional recreational facilities or open space will be provided.

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

- 1) The Planning Board shall review the Final Plan of the proposed development as submitted. It shall verify the provision of all information as required under the above subsections, and the provision of any additional information requested during the Preliminary Review. It shall examine any changes made subsequent to the Preliminary Plan for satisfactory correction.

Conditions of Approval

1. That this approval is dependent upon, and limited to, the proposals and plans contained in this application and supporting documents submitted and affirmed by the applicants and that any variation from the plans, proposals and supporting documents is subject to review and approval by the Planning Board, except for minor changes which the Town Planner may approve;

2. That prior to the commencement of construction of the site plan, the applicant is responsible for obtaining all required local, state and federal permits;
3. That all relevant conditions of approval from past Private Way approvals shall remain in effect;
4. That the applicant shall provide property line information and site information in auto-cad format to the Town Planner;
5. Portland Water District approval letter shall be submitted prior to a pre-construction meeting
6. That prior to the pre-construction meeting, the applicant will establish an escrow for field inspection meeting the approvals of Town Staff;
7. That prior to the commencement of any site improvements, the applicant, its earthwork contractor, and the design engineer shall arrange a pre-construction meeting with the Town's Review Engineer, Public Works Director, Fire Chief, Code Enforcement Officer and the Town Planner to review the proposed schedule of improvements, conditions of approval, and site construction requirements;
8. That all site construction shall be carried out in conformance with the Maine Erosion and Sediment Control Best Management Practices, Maine Department of Environmental Protection, latest edition and in accordance with the erosion and sedimentation control information contained in the application;
9. That the applicant shall make any required changes to the plan and provide the additional legal documents and homeowners' association documents prior to the Planning Board's signature of the final plan meeting Town Staff and Town Attorney's approvals;
10. That the applicant is responsible for recording the approved homeowners' association documents within ninety (90) days of the date of approval of the subdivision by the Planning Board and a recorded copy of the homeowners' association documents shall be returned to the Planning Department prior to the applicant applying for a pre-construction meeting;
11. That the Planning Board Chairman is authorized by the Planning Board to sign the Findings of Fact on behalf of the entire Board;
12. That the subdivision plan are required to be recorded within one (1) year of original approval or the approval becomes null and void; and

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13. 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 pre-construction meeting.

14. The sidewalk shall be placed in a location such that it is not within a wetland.

SUGGESTED MOTIONS:

FOR SUBDIVISION AMENDMENT APPROVAL:

Move to grant subdivision amendment approval for Deerfield Drive Lot 6, located on Map 104, Lots 23, 10-3, and 30 in the Urban Residential zoning district, based on Findings of Fact and Conditions of Approval as written by the Town Planner (and amended by the Planning Board).

OR

TO PLACE SITE PLAN APPROVAL ON CONSENT AGENDA OF AUGUST 1, 2022:

Move to place subdivision amendment approval on the August 1, 2022 meeting consent agenda.