

**Town of Gorham  
 Planning Board Meeting  
 March 7, 2022**

**ITEM 3** – Final Subdivision, Private Way and Site Plan Review: Stargazer Subdivision and South Gorham Crossing Condominiums – a request for final approval of a 12 single family dwelling units; 3,200 square feet of mixed use (commercial with 2 residential dwelling units above); 2,736 square feet of mixed use (commercial with 1 residential unit above) condominium development with associated parking, private way and infrastructure off Blue Ledge Road. Zoned Contract, Map 3, Lot 22.502, 22.503, 22.504, 22.505, 22.506, and 22.507. The owner/applicant is Hans Hansen, Inc. and the applicant is represented by Norman Chamberlain, II, P.E.

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**PROJECT TRACKING**

DESCRIPTION	COMMENTS	STATUS
Contract Zone	Town Council approved	October 21, 2011
Contract Zone Amendment	Town Council approved	August 4, 2020
Preliminary Subdivision, Private Way and Site Plan Review	PB approved	April 12, 2021
Final Subdivision, Private Way and Site Plan Review		March 7, 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.

*Molly Butler Bailey, Chair, Gorham Planning Board*

## 1. OVERVIEW

The applicant has been before the Board in 2019 to review and discuss the Contract Zone amendment. The amendment was approved by Town Council in 2020. The applicant was also before the Board in 2021 for preliminary subdivision, private way and site plan approval. Preliminary approval was granted at that time. This is the first time the item has come before the Planning Board with a submission for final subdivision, site plan and private way review and approval.

As a reminder condominium projects are reviewed under Chapter 3: Subdivision and Chapter 4: Site Plan Review. The private way will be reviewed under Chapter 2: General Standards of Performance, Section 2-5. The Planning Board will need to include Findings of Fact for all three review criteria.

The item was advertised as a public hearing for site plan approval.

The owner/applicant is represented by Norman Chamberlain, II, P.E. of Walsh Engineering Associates, Inc.

## **ITEMS OF NOTE**

1. There is conflicting information regarding the access to the Unit #1 with 7 units. Is it a driveway or a private way? The written materials state it is a private “road,” but the plans show that it is to be a driveway. Please confirm which it is. If it is a private way for the seven (7) condominium units on Lot #1 it will need to be approved utilizing the current town standards. A private way plan should be submitted for that review. If it is to be a driveway then a driveway that provides access from a street, road or way to a condominium development is required to be constructed to a private way or public road classification that handles the estimated Average Annual Daily Trips for the development. The driveway does not need to provide for a 50’ right-of-way if the lot being developed has the minimum amount of street frontage on an existing public street or private way.
2. Submissions for preliminary subdivision approval shall include evidence that affirmatively demonstrates that the developer has the financial capacity to undertake the proposed development, including the following information:
  - a) Accurate and complete cost estimates of the development;
  - b) Time schedule for construction;
  - c) One of the following three items:
    1. A letter from a financial institution, governmental agency, or other funding agency indicating a commitment to provide a specified amount of funds and the purposes for which the funds may be utilized; or
    2. In cases where funding is required but there can be no commitment of money until approvals are received, a letter of “intent to fund” from the appropriate funding institution indicating the amount of funds and their specified uses; or
    3. Copies of bank statements or other evidence indicating availability of funds when the developer will personally finance the development.

3. The applicant states that the Condominium Association documents are being prepared.
4. The applicant states that traffic calculations are being prepared
5. Sewer impact fees will be assessed as described in #2 of the third Contract Zone Agreement of 2020.
6. The Blue Ledge Road improvements shall be completed as described in #3 in the third Contract Zone Agreement of 2020 and should be described on the plans. If the applicant does not intend to comply with this section, an amendment should be sought from the Town Council from this paragraph.
7. Drive-through, landscaping shall be provided as prescribed by the third Contract Zone Agreement of 2020.
8. Building elevations and waste disposal shall be reviewed during subsequent owner's reviews.
9. Lighting detail has been submitted as an example of what may be used. Additional detail will be submitted at each new phase and development review. All exterior lighting will be designed and shielded to avoid undue adverse impact on neighboring properties and rights-of-way. 2) Lighting shall be provided, at a minimum, in the following areas: a. Entrances to facilities and recreation areas; b. Street intersections; c. Pedestrian crossings; and d. Entrance roads.

## **STAFF REVIEWS**

**Assessing Department:** No comments received

**Code Division:** 03/15/2021

**March 15, 2021**

1. All underground power must be inspected before backfilled
2. All BMPs must be in place before any soil disturbance

**Director of Community Development:** No comments received

**Economic Development Division:** No comments received

**Fire Department:** No comments received

**Legal Review:** 02/22/2022

**February 22, 2022**

Carol,

The overall zoning appears consistent with the most recent version of the CZA. The only thing that substantially differs is that this will now be a condo instead of individual lots. If they were going from a condo to individual lots, I would say that would require an amendment to the CZA as well as a revision to the subdivision approval. However, I don't see a need for that with

going from individual lots to a condo. As I understand the amendments, it is going to get either new subdivision approval or amend that approval and I think that is all that is required. If I remember correctly, the last CZA amendment was to go from a condo to separate lots, but that might have been one of the prior amendments.

Let me know if you have any questions.

Thanks,

Natalie

**Natalie L. Burns, Esq.**  
Attorney

**Planning Department:** 03/03/2022

**March 3, 2022**

- The private way for the seven (7) condominium units on Lot #1 will need to be approved utilizing the current town standards. A private way plan should be submitted for that review.
- The applicant has not provided information regarding financial capacity that conforms to the ordinance requirements.
- Condominium Association documents still need to be submitted for review.
- Traffic calculations still need to be provided.
- Sewer impact fees will be assessed as described in #2 of the third Contract Zone Agreement of 2020.
- The Blue Ledge Road improvements shall be completed as described in #3 in the third Contract Zone Agreement of 2020 and should be described on the plans.
- Drive-through, parking, and landscaping shall be provided as prescribed by the third Contract Zone Agreement of 2020.
- The signature block and date of approval on the site plan and subdivision plan should read as such "Approved: Town of Gorham Planning Board."

**Police Department:** No comments received

**Public Works Department:** No comments received

**Woodard & Curran:** 04/01/2021

**April 1, 2021**

Woodard & Curran has reviewed the Subdivision Amendment Application materials for the Stargazer Subdivision to be located off Route 22 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 amendment will convert six residential lots into the

one lot South Gorham Crossing Condominium complex consisting of 12 single family houses and two units with mixed commercial and residential uses. The following documents were reviewed:

- Subdivision Amendment Application and attachments, dated March 2, 2021, prepared by Walsh Engineering Associates, Inc., on behalf of Hans C. Hansen, Inc.
- Stormwater Management Report, dated March 3, 2021, prepared by Walsh Engineering Associates, Inc., on behalf of Hans C. Hansen, Inc.

We provide the following comments:

### **General Civil Engineering**

- The Applicant has noted the project is subject to MaineDEP review for a Site Location of Development Permit amendment. Approvals should be forwarded to the Town upon receipt.
- Provide a spot grades or a detail for the bottom of the swale along the northern project boundary on Sheet C3.1.
- Provide a callout labeling the Focal Point Treatment unit on Sheet C3.1.
- Provide a detail and cleanout locations for the proposed dripline filter around Unit #2-1.
- Extend perimeter controls downgradient of all proposed grading around Unit #3.
- Please confirm means for maintenance access to the underdrained soil filter UDSF #4-2.
- Easement #3 on Sheet C1.1 is provided for snow storage, however this area includes a drainage ditch at the inlet of an existing culvert under Blue Ledge Road; it is recommended that snow storage is provided outside of drainage features.

### **Chapter 2 – General Standards of Performance**

- The Unit #2 Office & Professional Building parking calculations on Sheet C3.2 indicate that 15 spaces will be provided; revise to be consistent with the actual number of spaces provided (17).

### **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.

#### Section 4-9 – Approval Criteria and Standards

- The Applicant has demonstrated post-development runoff flows are less than pre-development runoff flows for the 2-, 10 and 25-year, 24-hour storm events. The proposed development appears to be in conformance with Section 4.9 F. Stormwater Management.

Please contact our office if you have any questions.

**Wright-Pierce:** 02/28/2022

**February 28, 2022**

As requested by the Town of Gorham, Wright-Pierce has reviewed the resubmission of the Stargazer Subdivision Amendment.

### Documents Reviewed by Wright-Pierce

- Review Memorandum - prepared by Woodard & Curran (April 1, 2021)
- Response Letter and Supporting Attachments - prepared by Walsh Engineering Associates (February 14, 2022)
- Amended Stargazer Subdivision and South Gorham Crossing Condominiums Plans - prepared by Walsh Engineering Associates (February 11, 2022)

### Review Comments

The resubmission has been reviewed for conformance with Woodard & Curran's previous review letter dated April 1, 2021. Woodard & Curran's previous review comments are below in standard text, followed by the applicant's response in italics, and Wright-Pierce's responses in bold. Comments fully addressed by the resubmission are not listed.

### General Civil Engineering

1. Woodard & Curran Comment 1: The Applicant has noted the project is subject to Maine DEP review for a Site Location of Development Permit amendment. Approvals should be forwarded to the Town upon receipt.

*Applicant Response: The project will require an amendment to the Site Location of Development Act permit which WEA is currently addressing. That application will include proposed development on the remaining vacant land, Unit #3 on Lot 1. We are not currently requesting Town of Gorham approval for development of Unit #3 on Lot 1.*

**WP Follow Up Comment: Thank you for the clarification. We understand that Unit #3 is not currently proposed for Town of Gorham approval; however, please forward the Maine DEP Site Location of Development Act (SLODA) approval to the Town when received. We recommend receipt of the SLODA permit amendment be a condition of Town of Gorham approval, since it applies to the other work currently proposed.**

2. Woodard & Curran Comment 4: Provide a detail and cleanout locations for the proposed dripline filter around Unit #2-1.

*Applicant Response: These comments [2 through 8] have been addressed and our plans updated.*

**WP Follow Up Comment: It appears cleanout locations have been added; however, no detail for the proposed drip strip with underdrain could be located. Please provide a detail for the proposed drip strip with underdrain.**

### Chapter 2 - General Standards of Performance

No further comments.

### Chapter 4 - Site Plan Review

No further comments.

### Additional Wright-Pierce Comments

In addition to our review of Woodard & Curran's previous comments, we did a general review of the plans; however, an in-depth review of the stormwater management report or model was not completed. Based on a general review, we offer the following comments:

1. Additional spot grades should be added to C3.1 to ensure proper drainage to the catch basins at approximately Station 2+25. In particular, spot grades on the radii of the turnaround, driveway curb cuts, and corners of the end of the street would help clarify this on the plan.
2. A vertical curb detail is provided, but we cannot find where vertical curb is proposed. Please confirm vertical curb is proposed and call out on the plan, if so. If vertical curb is not proposed, please remove the detail.
3. ADA compliant transition ramps should have spot grades, or at a minimum, a detail clearly showing how they should be constructed to meet ADA requirements.
4. Treatment System #2-1
  - a. C3.2 shows a square catch basin frame/grate on Outlet Control Structure #2-2, which more closely matches the Outlet Control Structure #3-1 detail on C5.4. Outlet Control Structure #2-2 detail shows a round solid cover. Revise as needed so that what is shown in plan view matches the detail.
  - b. Is runoff to the easterly corner of the parking lot intended to be treated? It appears that runoff to here would be collected by the catch basin inlet on Outlet Control Structure #2-1 and bypass treatment.
5. Treatment System #3-1
  - a. CB #3-3 and CB #3-4 on C3.2 connect directly to the outlet control structure of Treatment System #3-1. It appears that this would allow the parking lot drainage to bypass the treatment system. Please clarify and revise as needed.
  - b. Is the roof runoff from Unit 3-1 intended to be treated? It appears that portions of the roof and surrounding area would not make it to the treatment system.
6. C3.3 calls for Outlet Control Structure #6-1 at Focal Point #4-1. However, there is no Outlet Control Structure #6-1 detail. It appears this should be Outlet Control Structure #4-1.
7. There is an Outlet Control Structure #3-1 detail on C5.4 but there is no Outlet Control Structure 3-1 called for on the plans.
8. The lots with shared driveways to Units 1-1 through 1-7 and separate shared driveway to Units 4-1 through 4-5 must meet lot frontage requirements of the Gorham Land Use and Development Code.

**Recreation Department:** No comments received

**PLANNING BOARD**  
**FINAL SUBDIVISION, PRIVATE WAY AND SITE PLAN REVIEW**  
**AND FINDINGS OF FACT**  
**For**  
**STARGAZER SUBDIVISION AND SOUTH GORHAM CROSSING CONDOMINIUMS**

**March 7, 2022**

Applicant/ Property Owner: The applicant/property owner is Hans Hansen, Inc., PO Box 264, Gorham, ME 04038.

Property: The lot is identified as Tax Map 3, Lot 22.502, 22.503, 22.504, 22.505, 22.506, 22.507, and is located off Blue Ledge Road.

Consultants: Norman Chamberlain, II, P.E. of Walsh Engineering Associates, Inc.

Project Description: The applicant is proposing to combine six residential lots into one lot (#2). This one lot will be converted to condominium units with 12 single family dwelling units, one mixed use commercial with one residential dwelling unit and one mixed use commercial with two residential dwelling units.

Site Description: The lot is 11.48 acres in size with 3 wetlands located on the parcel. The wetland to the east side of the parcel has a stream located in the middle. The vegetation on the lot is a mix of coniferous trees and shrub type brush.

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

Zoning: Contract

Variances: None required.

Waivers: None requested

Pursuant to the Application:

A Contract Zone was granted by the Town Council on October 21, 2011 and an amendment was granted August 4, 2020.

Preliminary Subdivision, Private Way, and Site Plan Review was held and approved on April 12, 2021. Final Subdivision, Private Way, and Site Plan Review was held and approved on March 7, 2022.

The projects and plans and other documents considered to be a part of the approval by the Planning Board in this ruling consist of the following:



Walsh Engineering Associates, Inc.'s Plans consist of the following:

Cover Sheet – Dated 02/11/2022; Received 02/14/2022  
Sheet C1.0 – Stargazer Subdivision, 2<sup>nd</sup> Amended Subdivision Plan – Dated 03/02/2021; Revised through 02/11/2022; Received 02/14/2022  
Sheet C1.1 – Stargazer Subdivision, 2<sup>nd</sup> Amended Easement Plan – Dated 03/02/2021; Revised through 02/11/2022; Received 02/14/2022  
Sheet C1.0 – Stargazer Subdivision 1<sup>st</sup> Amended Subdivision Plan – Dated 05/11/2005; Revised through 10/12/2017; Recorded 10/23/2017; Received 02/14/2022  
Sheet CFG2.1 – Stargazer Subdivision Amended Easement Plan – Dated 11/06/2006, Revised through 10/12/2017; Received 02/14/2022  
Sheet C2.1 – Condominium Site Plan – Dated 03/02/2021; Revised through 02/11/2022; Received 02/14/2022  
Sheet C2.2 – Existing Conditions and Removals Plan – Dated 03/02/2021; Revised through 02/11/22; Received 02/14/2022  
Sheet C2.3 – Layout Plan – Dated 03/02/2021; Revised through 02/11/2022; Received 02/14/2022  
Sheet C2.4 – Utility Setback Plan – Dated 03/02/2021; Revised through 02/11/2022; Received 02/14/2022  
Sheet C2-5 – Landscape Plan – Dated 03/02/2021; Revised through 02/11/2022; Received 02/14/2022  
Sheet C3.1 – Lot 2, Unit #1, Site Plan – Dated 03/02/2021; Revised through 02/11/2022; Received 02/14/2022  
Sheet C3.2 – Lot 2, Units #2 and 3 Site Plan – Dated 03/02/2021; Revised through 02/11/2022; Received 02/14/2022  
Sheet C3.3 – Lot 2, Unit #4 Site Plan – Dated 03/02/2021; Revised through 02/11/2022; Received 02/14/2022  
Sheet C4.1 – Lot 2, Unit #1 Erosion Control Plan – Dated 03/02/2021; Revised through 02/11/2022; Received 02/14/2022  
Sheet C4-2 – Lot 2, Units #2 and 3 Erosion Control Plan – Dated 03/02/2021; Revised through 02/11/2022; Received 02/14/2022  
Sheet C4-3 – Lot 2, Unit #4 Erosion Control Plan – Dated 03/02/2021; Revised through 02/11/2022; Received 02/14/2022  
Sheet C5.1 – Site Details – Dated 03/02/2021; Revised through 02/11/2022; Received 02/14/2022  
Sheet C5.2 – Site Details – Dated 03/02/2021; Revised through 02/11/2022; Received 02/14/2022  
Sheet C5.3 – Site Details – Dated 03/02/2021; Revised through 02/11/2022; Received 02/14/2022  
Sheet C5.4 – Site Details – Dated 03/02/2021; Revised through 02/11/2022; Received 02/14/2022  
Sheet C5.5 – Site Details – Dated 03/02/2021; Revised through 02/11/2022; Received 02/14/2022  
Sheet C5.6 – Site Details – Dated 03/02/2021; Revised through 02/11/2022; Received 02/14/2022  
Sheet C6.1 – Lot 2, Units #1 and #4 Focal Point Plans and Details - Dated 03/02/2021; Revised through 02/11/2022; Received 02/14/2022  
Sheet C6.2 – Lot 2, Units #2 and #3 Subsurface Sand Filter Plans and Details - Dated 03/02/2021; Revised through 02/11/2022; Received 02/14/2022  
Sheet C6.3 – Lot 2, Unit #4 Underdrained Soil Filter Plans and Details – Dated 03/02/2021; Revised through 02/11/2022; Received 02/14/2022

Other documents submitted consist of the following:

Preliminary Subdivision and Site Plan Application – 03/02/2021  
Final Subdivision and Site Plan Application – 02/14/2022  
Stormwater Management Report – 03/02/2021  
Plans – Received – 03/02/2021; 02/14/2022  
Mark Hampton Associates, Inc. – Preliminary soils evaluation – 03/02/2021  
Technical Capacity – Hans Hansen, Inc. – 02/28/2022  
Conceptual Residential Unit Plans – 03/02/2021  
Conceptual Commercial Unit Plans – 03/02/2021  
Gorham Planning Division, Town Planner – 04/07/2021; Revised 03/07/2022  
Gorham Director of Community Development Comments – No comments received  
Gorham Economic Development Division Comments – No comments received  
Gorham Assessing Department Comments – No comments received  
Gorham Fire Department Comments – No comments received  
Gorham Public Works Department Comments – No comments received  
Gorham Police Department Comments – No comments received  
Gorham Code Division Comments – 03/15/2021  
Gorham Recreation Department Comments – No comments received  
Woodard & Curran – 04/01/2021  
Wright Pierce – 02/28/2022  
Town Attorney, Legal Review, Comments – 02/22/2022  
Abutter Comments – Buisman, Johann & Martha - 04/15/2021; Sanborn, Ella - 04/15/2021

### **CHAPTER 3 - SUBDIVISION, SECTION 3 - PRELIMINARY PLAN**

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

#### **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 South Gorham Commercial Center, which states that “the allowed uses in this designation should include a range of residential uses including eldercare facilities together with a wide-range of smaller-scale nonresidential uses including business and professional offices, personal and business services, restaurants,

retail uses, B&B's, and community uses. Most non-residential uses should be limited to a maximum of 5,000 to 7,500 square feet of floor area. Larger uses such as retail uses with up to 15,000 square feet of floor area may be allowed on "back lots" away from County Road provided that their access is from internal streets and the frontage along County Road is developed with smaller-scale buildings... The development standards should promote a campus style development pattern in the area near the South Street intersection with more of a village character in the remainder of the area. The standards should require that new buildings have a traditional character and scale and be limited to a maximum of two stories except in the area around the South Street intersection if public sewerage becomes available in the future. Buildings should be located on access drives or new streets where feasible to minimize curb cuts on County Road. The creation of an interconnected street network should be required where feasible..."

The plans meet the requirements of the Contract Zoning approved by the Town Council.

Finding: *Stargazer Subdivision 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 Stargazer Subdivision is via Blue Ledge Road. Blue Ledge Road is an existing dead end private way that exits onto County Road/Route 22. Blue Ledge Road was designed to the Town's Rural Access specifications. The Contract Zone agreement calls for widening of the road, additional pavement and sidewalks. The private way (or driveway?) for the seven (7) condominium units will need to be approved utilizing the current town standards. A plan for the private way needs to be submitted for review or a plan conforming to the standards for the classification appropriate for the Annual Daily Trips shall be submitted.

Finding: *Stargazer 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 condominium units will be served by combination of overhead and underground power, telephone, and cable lines, as shown on Sheet C2.4, C3.1 – C3.3. The town has planned for this type and size of development within the Comprehensive Plan.

Finding: *Stargazer 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 will be served by private wells located near each building.

Finding: *Stargazer Subdivision provide for adequate water supply for present and future needs.*

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

The subdivision will be served by onsite septic systems. The setbacks for each bed is shown on Sheet C2.4. A preliminary soil evaluation was completed by Mark J. Hampton C.S.S. #216. His letter dated January 22, 2021 states that the soils as evaluated meet the minimum requirements of the state rules.

Sewer impact fees will be assessed as described in #2 of the third Contract Zone Agreement of 2020.

Finding: *Stargazer Subdivision 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.

Storm water from the site will be treated in storm water 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 with onsite septic systems.

Finding: *Stargazer 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 subdivision will impact 3,531 square feet of wetlands or waterbodies. Most of the wetlands on the western edge of the site will be located in the 100 foot restricted buffer area.

Finding: *Stargazer 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 bodies of water other than wetlands located on this parcel. Storm water maintenance has been designed in accordance with state, Federal, and local requirements prior to discharging into groundwater or into wetlands.

*Finding: Stargazer 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 subdivision will impact 3,531 square feet of wetlands or waterbodies. Most of the wetlands on the western edge of the site will be located in the 100 foot restricted buffer area. Limited tree clearing will occur as needed for building construction.

There are no known historic site, rare or irreplaceable natural or manmade assets located on the site.

*Finding: Stargazer 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.

Submissions for preliminary subdivision approval shall include evidence that affirmatively demonstrates that the developer has the financial capacity to undertake the proposed development, including the following information:

- a) Accurate and complete cost estimates of the development;
- b) Time schedule for construction;
- c) One of the following three items:

- 1. A letter from a financial institution, governmental agency, or other funding agency indicating a commitment to provide a specified amount of funds and the purposes for which the funds may be utilized; or
- 2. In cases where funding is required but there can be no commitment of money until approvals are received, a letter of “intent to fund” from the appropriate funding institution indicating the amount of funds and their specified uses; or
- 3. Copies of bank statements or other evidence indicating availability of funds when the developer will personally finance the development.

*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: Stargazer 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 required to form a condominium association for the development. The condominium association will maintain the land located outside of the individual condominium units, storm water infrastructure, and utilities located on the lot. **Condominium documents need to be submitted for review.**

*Finding: Stargazer Subdivision 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 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.

*Finding: There are several items within the preliminary plan requirements that need to be submitted for review. The plans are not yet ready for approval.*

### **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 12 single family dwelling units: 3,200 square feet of mixed use (commercial with 2 residential units above); 2,736 square feet of mixed use (commercial with 1 residential unit above) condominium development with associated parking, private way and infrastructure. The lot is relatively flat and contains soils that should support development of this type.

*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.

Access to Stargazer Subdivision is via Blue Ledge Road. Blue Ledge Road is an existing dead end private way that exits onto County Road/Route 22. Blue Ledge Road was designed to the Town's Rural Access specifications. The Contract Zone agreement calls for widening of the road, additional pavement and sidewalks. The private way (or driveway?) for the seven (7) condominium units will need to be approved utilizing the current town standards. A plan for the private way needs to be submitted for review or a plan conforming to the standards for the classification appropriate for the Annual Daily Trips shall be submitted.

The condominium development is proposed to have ? daily trips with ? trips entering and ? trips exiting the site. The busiest a.m. time will be from 7 to 9 am and produce ? trips, ? entering and ? exiting trips. The busiest p.m. time will be from 4 to 6 p.m. and produce ? trips, ? entering and ? exiting trips.

*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.

Blue Ledge Road will be widened and pavement installed in accordance with the Contract Zone agreement. The private way (or driveway?) for the seven (7) condominium units will need to be approved utilizing the current town standards.

*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.

The private way (or driveway?) is proposed to have a hammerhead on the southern side. The driveway to the condominium units will also have a hammerhead located on the northern and

southern sides to allow for vehicles to turn around on the site without needing to back out onto the road. There is a hammerhead at the end of Blue Ledge Road.

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 shown on C2.1 will be located on the eastern side of Blue Ledge Road and South Gorham Crossing and constructed as described in the Contract Zone Agreement dated October 21, 2011.

Finding: *The layout of the site provides for a system of pedestrian circulation within and to the development.*

F. Storm water 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.

Storm water along the private ways (or driveways?) will be collected in catch basins and treated using a Focal Point treatment system located along the eastern edge of the parcel. Stormwater from Lot 2, Units 2 and 3 will be treated using a subsurface sand filter. Stormwater from Lot 2, Unit 4 will be treated using an under drained soil filter and a Focal Point treatment system. Stormwater from Lot 1, Unit 3 will be treated using subsurface sand filter.

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 stone check dam, turf reinforcement matting, filter berm and silt fence will be installed along the edge of the disturbed areas, as shown on the Sheet C4.1 through 3. The erosion control measures will be installed and maintained as outlined on the Site Details: Sheet C5.1 through 6 and C6.1 through 3.

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 site will be served by private wells located near each building as shown on C2.4.

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

The site will be served by private onsite septic systems located near each building as shown on C2.4.

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 units will be served by existing overhead power, cable, and telephone from County Road right-of-way, Blue Ledge Road private way and along the private way right-of-way (or driveway?) as shown on C2.4, C3.1 through C3.3.

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 some clearing of trees to construct the condominium units, the proposed private road, and storm water infrastructure; some wetland impacts are proposed.

The trees and wetlands surrounding the site will remain undisturbed. There is a 100 foot restricted buffer area located nearest the residential properties in the eastern and western sides of the parcel.

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.

Storm water along the private way will be collected in catch basins and treated using a Focal Point treatment system located along the eastern edge of the parcel. Stormwater from Lot 2, Units 2 and 3 will be treated using a subsurface sand filter. Stormwater from Lot 2, Unit 4 will be treated using an under drained soil filter and a Focal Point treatment system. Stormwater from Lot 1, Unit 3 will be treated using subsurface sand filter.

*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.

Lighting detail has been submitted as an example of what may be used. Additional detail will be submitted at each new phase and development review.

All exterior lighting will be designed and shielded to avoid undue adverse impact on neighboring properties and rights-of-way. 2) Lighting shall be provided, at a minimum, in the following areas: a. Entrances to facilities and recreation areas; b. Street intersections; c. Pedestrian crossings; and d. Entrance roads.

*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.

The applicant states within the written materials that a waste disposal contractor shall be reviewed during review for each developed lot within the subdivision.

*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.

C2.5 shows Maple and Dogwood as street trees along the private way, along Blue Ledge Road as well as the private way (driveway?). White Ash, Juniper, and Bayberry are to be installed within each site to break up the spaces and define street edges.

Canopy trees and understory will remain within the 100 foot buffer.

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 proposing to treat storm water in a storm water infiltration pond before it is discharged into areas near the wetland. The proposal is to impact a small portion of wetland area on the site.

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 has utilized Walsh Engineering Associates, Inc. for technical expertise to complete the project.

**Financial capacity needs to be shown as described in the subdivision ordinance.**

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.*

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 site has a 100 foot buffer that is required to remain.

C2.5 shows Maple and Dogwood as street trees along the private way, along Blue Ledge Road as well as the driveway. White Ash, Juniper, and Bayberry are to be installed within each site to break up the spaces.

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.).*

**The review utilizing this following ordinance section is to be determined.**

**CHAPTER 2, SECTION 2-5, H. Standards for Private Ways**

**(This section is modified for brevity. See the current Land Use and Development Code for exact wording.)**

1) An approved private way may serve a combination of dwelling units/lots identified below:

1 lot gravel private way – 1 lot with a single family house

2-6 gravel private way – up to 6 lots, with no more than 6 total dwelling units served by the private way

7-10 paved private way – up to 10 lots, with no more than 10 total dwelling units served by the private way.

The lots served by the private way are required to meet the requirements above. The maximum number of lots/dwelling units allowed to be served by the private way is 10 lots or dwelling units.

Finding: *The private way is designed to the 7-10 lots/dwelling units private way standard and no more than 10 dwelling units can be served by the private way.*

2) A plan showing the private way shall be prepared by a registered land surveyor. The plan shall be drawn in permanent ink on permanent transparency material and shall be sealed by the registered professional engineer preparing the plan.

The private way plan was prepared by [REDACTED], PLS, with [REDACTED]. The plan has been sealed by [REDACTED].

Finding: *The Plan of Private Way has been prepared by a registered land surveyor and sealed by a registered professional engineer meeting the requirement for private ways.*

3) If a private way provides access to 2 or more lots, a maintenance agreement shall be prepared for the lots accessed by any private way.

The proposal is for a 7-10 dwelling unit/lot private way, so a private way maintenance agreement or condominium documents are required detailing maintenance responsibilities for the private way.

Finding: *The private way maintenance agreement identifies the rights and responsibility of each lot owner with respect to the maintenance, repair, and plowing of the private way as outlined in this section.*

- 4) Private ways shall have a minimum right-of-way width of 50 feet and a paved apron 20 feet in length commencing at the existing edge of pavement where it intersects with the private way.

A plan should be submitted for review.

*Finding: The right-of-way width and a paved apron have been designed to conform to the paved apron standards outlined in this section.*

- 5) Private ways shall be designed to conform to the standards presented in Tables 1 and 2 and the typical cross sections depicted in Figures 9 and 10.

A plan should be submitted for review.

*Finding: The private way meets all the criteria and design requirements presented in Tables 1 and 2 and the typical cross sections depicted in Figures 9 and 10 of the Gorham Land Use and Development Code.*

- 8) Notwithstanding other provisions of the Code to the contrary, no gravel surfaced private way shall provide access to or serve in any way to provide compliance with the requirements of the Code for more than the greater of six lots or six dwelling units; provided; however, nothing in this paragraph 8) shall serve to limit the use of such private way for occasional use by and for agricultural purposes.

A plan should be submitted for review.

*Finding: The private way is proposing to serve less than 10 dwellings units/ lots.*

- 9) The land area of the private way may not be used to satisfy the minimum lot area requirements for any lot (whether the lot(s) to be served or any front lot over which the private way runs).

A plan should be submitted for review.

*Finding: The land area of the private way is not being used to satisfy the minimum lot area requirements for the existing lot or any proposed future lot.*

### **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 revision details from staff and Wright Pierce shall be completed prior to Planning Board signature;

3. That prior to the commencement of construction of the site plan, the applicant is responsible for obtaining all required local, state and federal permits;
4. That the applicant shall provide property line information and site information in auto-CAD format to the Town Planner prior to the pre-construction meeting.
5. All waivers and variances shall be listed on the plan prior to recording.
6. The map and lot numbers shall be listed in the bottom right corner of all pages of the plan set;
7. The contract zone agreements and conditions of 2011 and 2020 shall be adhered to for all proposed and future development unless amended by the Town Council.
8. Building plans shall be submitted for review for each separate development.
9. The applicant shall pay the Recreational Facilities and Open Space Impact Fee prior to issuance of the building permits.
10. All exterior lighting shall be designed and shielded to avoid undue adverse impact on neighboring properties and rights-of-way. 2) Lighting shall be provided, at a minimum, in the following areas: a. Entrances to facilities and recreation areas; b. Street intersections; c. Pedestrian crossings; and d. Entrance roads.
11. Waste disposal information shall be provided during separate Planning Board reviews for each lot or development.
12. Dwelling units shall be properly numbered with the numbers being visible from the street year around;
13. The Site Location of Development Act permit and amendments shall be submitted to the town planner prior to any request for a preconstruction meeting.
14. Erosion and Sedimentation Control BMP's shall be in place before any soil disturbance.
15. 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;
16. That the underground electric lines shall be inspected by the Code Enforcement Office prior to backfill;
17. That the private way (driveway?) shall be properly named and signed with Town approved signs and signs shall be in place as soon as the private way (driveway?) is constructed;

18. That at least one week prior to the date of the pre-construction meeting, four complete sets of the final approved plan set will be delivered to the Planning Office to be distributed to:  
(1) Code Office, (2) Public Works Director, (3) Inspecting Engineer, and (4) Town Planner;
19. 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;
20. That all relevant conditions of approval from past Site Plan approvals shall remain in effect;
21. That the private way shall be properly maintained by the condominium association for access of emergency vehicles year round;
22. Hans C Hansen, Inc. is responsible for maintenance of the stormwater per the Stormwater Management Report for Stargazer Subdivision;
23. 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;
24. That the buildings will meet all applicable sections of the NFPA 101 Life Safety Code and the NFPA Fire Prevention Code 1;
25. 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;
26. That the Planning Board Chairman is authorized by the Planning Board to sign the Findings of Fact on behalf of the entire Board;
27. That these conditions of approval must be added to the plan and the plan shall be recorded at the Cumberland County Registry of Deeds within one (1) year of the date of written notice of approval by the Planning Board, and a dated copy of the recorded plan shall be returned to the Town Planner prior to the pre-construction meeting.
28. 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
29. That once the subdivision and private way 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:**

**FINAL SUBDIVISION APPROVAL:**

**Move to grant Hans Hansen Inc.'s request for final subdivision, private way and site plan approval for a mixed use condominium project located on 11.48 acres off Blue Ledge Road on Map 3 Lot 502, 503, 504, 505, 506, 507 in a Contract Zone with underlying zoning of the Suburban Residential (UR) and Rural (R), 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 Hans Hansen Inc.'s request for final subdivision, private way and site plan approval pending responses to remaining issues (and revisions to the plans).**