



**Town of Gorham
June 6, 2011
PLANNING BOARD MINUTES**

LOCATION: Burleigh H. Loveitt Council Chambers, 75 South Street, Gorham, Maine

Members Present:

**EDWARD ZELMANOW, Chairman
CHRISTOPHER HICKEY, Vice Chairman
GEORGE FOX**

Staff Present:

**THOMAS POIRIER, Town Planner
BARBARA SKINNER, Clerk of the Board
WILLIAM DALE, Town Attorney (for Item #5 only)**

**ANDREW MCCULLOUGH
COREY THERIAULT**

Members Absent:

THOMAS FICKETT

Edward Zelmanow, Chairman, called the meeting to order at 7:02 p.m. The Clerk called the roll, noting that Thomas Fickett was absent.

APPROVAL OF THE MAY 16, 2011 MINUTES

Christopher Hickey MOVED and George Fox SECONDED a motion to approve the minutes of May 16, 2011 as written and distributed. Motion CARRIED, 5 ayes (Thomas Fickett absent). [7:03 p.m.]

COMMITTEE REPORTS

- A. Ordinance Review Committee - No report.**
- B. Streets and Ways Sub-Committee – No report.**

CHAIRMAN’S REPORT – Mr. Zelmanow reported that the Board is still short one member and expressed a hope that the Town Council will soon appoint a 7th member.

ADMINISTRATIVE REVIEW REPORT – No report.

ITEM 1 PUBLIC HEARING – Land Use and Development Code – Proposed Amendments to Chapter I, Zoning Regulations, Section V, Definitions, to include a definition for Caretaker Unit.

Mr. Poirier explained that this proposed amendment was forwarded to the Planning Board from the Town Council to allow an accessory dwelling unit incorporated into and part of a non-residential use, occupied by the owner or an employee of the business occupying the principal use and having a gross floor area of less than 2,000 square feet. This accessory dwelling unit would be allowed in the Urban Commercial, Roadside Commercial, Industrial, and Narragansett districts. Mr. Poirier noted that two versions of the proposed ordinance language have been provided to the Board: version A is the language forwarded by the Town Council, and version B is the language amended by the Planning Board. This item has been advertised as a public hearing, so the hearing should be opened to take comments from the public.

PUBLIC COMMENT PERIOD OPENED: None offered.

PUBLIC COMMENT PERIOD ENDED.

The Board concurred in recommending the Board’s amended version of the proposed language, which contains the words “security person” in the definition, as follows:

“Caretaker Unit: An accessory dwelling unit that is incorporated into, and is part of, a non-residential use and is occupied by an owner or an employee/security person of the business occupying the principal use, and having a gross floor area of less than two thousand (2000) square feet.”

Christopher Hickey MOVED and Andrew McCullough SECONDED a motion to recommend adoption of the proposed ordinance amendments to CHAPTER I, ZONING REGULATIONS, Section V, Definitions, to add a definition for Caretaker Unit as amended by the Planning Board, and to add caretaker units as permitted uses in Sections X, XI, XII, and XVI. Motion CARRIED, 5 ayes (Thomas Fickett absent). [7:09 p.m.]

ITEM 2 PUBLIC HEARING - Land Use & Development Code – Adoption of a revised Town of Gorham Zoning Map.

Mr. Poirier said that the present Zoning Map incorporates all the changes made after March 14, 2000, the Town Council having made numerous changes to some of the lot lines, as well as other changes. This revised Map will give the Planning Board and members of the public an easy access to a map for review. Mr. Poirier suggested that the Board review the draft for any typographic errors or other changes it deems necessary and then open the public hearing. Mr. Poirier said that the Map is available on line under the Planning Department’s website and can also be seen at the Planning Office. If approved by the Council, this will become the official Zoning Map for the Town of Gorham.

Mr. Zelmanow, Mr. Theriault and Mr. Poirier discussed the history of the Development Transfer Overlay District, with Mr. Poirier pointing out that the Industrial District is excluded from the Development Transfer Overlay District as residential uses are not permitted in that District. Mr. Poirier noted that the Black Brook and Brackett Road Special Protection District has not been shrunk by the Town. In reply to Mr. Theriault, Mr. Poirier said he did not believe that a revision history or a planned revision schedule needs to be included; once this map is adopted by the Council as the official map, revisions and revision dates will be added as necessary. The map will become effective 30 days after adoption by the Council.

PUBLIC COMMENT PERIOD OPENED: None offered.

PUBLIC COMMENT PERIOD ENDED.

George Fox MOVED and Andrew McCullough SECONDED a motion to recommend adoption of the proposed Zoning Map of the Town of Gorham as posted prior to the meeting. Motion CARRIED, 5 ayes (Thomas Fickett absent). [7:20 p.m.]

ITEM 3 PUBLIC HEARING - Site Plan Review— University of Southern Maine proposal to add outdoor stadium lighting to the multi-purpose athletic field facility, located on Map 40, Lot 16 in the Urban Residential zoning district.

Mr. Poirier explained that this is Phase 2 for the multi-purpose athletic field for USM, which the Board recently approved. This Phase is to add field lighting. The project will be reviewed under site plan review as well as special exception review.

Joe Laverriere, DeLuca-Hoffman Associates, introduced Dana Gray, USM, and Phil Morrisette, electrical engineer from Harriman Architects & Engineers, who is available to answer any of the Board's questions regarding the proposed lighting. Mr. Laverriere gave a brief history of the athletic field and described the current proposal as Phase II, installation of four 80-foot tall stadium light fixtures to illuminate the field. Mr. Laverriere said that Harriman has provided supplemental data in response to staff comments asking for expansion of the illumination levels beyond the athletic field itself. At Mr. Hickey's request, the Board was provided with an updated photometric plan. Mr. Morrisette demonstrated the updated plan showing the expanded foot candle levels all the way to the property line, saying that the fixtures themselves will be provided with shielding to direct the lighting toward the ground.

PUBLIC COMMENT PERIOD: None offered.

PUBLIC COMMENT PERIOD ENDED.

The Board then considered the following Findings of Fact:

FINDINGS OF FACT

CHAPTER I, SECTION IV, E. Special Exception Standards

1. The proposed use will not create or aggravate hazards to vehicular or pedestrian traffic on the roads and sidewalks, both off-site and on-site, serving the proposed use as determined by the size and condition of such roads and sidewalks, lighting, drainage, and the visibility afforded to pedestrians and the operators of motor vehicles on such roads;

The proposed illumination of the athletic field will not create or aggravate hazards to vehicular or pedestrian traffic on the roads and sidewalks, both off-site and on-site, serving the proposed use.

2. The proposed use will not cause water pollution, sedimentation, erosion, contaminate any water supply nor reduce the capacity of the land to hold water so that a dangerous or unhealthy condition results;

The proposed illumination of the athletic field will not cause water pollution, sedimentation, erosion, contaminate any water supply nor reduce the capacity of the land to hold water so that a dangerous or unhealthy condition results.

3. The proposed use will not create unhealthful conditions because of smoke, dust, or other airborne contaminants;

The proposed illumination of the athletic field will not create unhealthy conditions from smoke, dust, or other airborne contaminants.

4. The proposed use will not create nuisances to neighboring properties because of odors, fumes, glare, hours of operation, noise, vibration or fire hazard or unreasonably restrict access of light and air to neighboring properties.

Inasmuch as initially there was no Finding for this Standard, the Board concurred that what has been demonstrated in the updated photometric plan satisfies the requirement, and Mr. Zelmanow crafted the following Finding, which was accepted by the Board as an accurate statement of the facts.

The submitted photometric plans provide data points for the field area sufficient to evidence that the proposed lighting has been designed and shielded to avoid undue adverse impact on neighboring properties and rights-of-way, in accordance with Section IX.M.1 of Chapter IV of the Town of Gorham Land Use Ordinance.

5. The proposed waste disposal systems are adequate for all solid and liquid wastes generated by the use;
The existing waste disposal system for the site is adequate for all solid and liquid waste.
6. The proposed use will not result in damage to spawning grounds, fish, aquatic life, bird, or other wildlife habitat, and, if located in a shoreland zone, will conserve (a) shoreland vegetation; (b) visual points of access to waters as viewed from public facilities; (c) actual points of access to waters; and (d) natural beauty.
The proposed improvements to add outdoor lighting to the athletic field will not result in damage to spawning grounds, fish, aquatic life, bird, or other wildlife habitat.

Christopher Hickey MOVED and George Fox SECONDED a motion that the Findings of Fact as read are sufficient to find that the applicant has met the Special Exception Standards as amended this evening. Motion CARRIED, 5 ayes (Thomas Fickett absent). [7:31 p.m.]

CHAPTER IV, SITE PLAN REVIEW, SECTION IX, 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 applicant is proposing to add four 80” tall light poles to illuminate the multi-purpose synthetic turf field. The plans and supporting information submitted by the applicant reflect the natural capabilities of the site to support the proposed redevelopment of the site.
- B. Access to the Site** – Vehicular access to the site will be on roads which have adequate capacity to accommodate the additional traffic generated by the development.
Vehicular access to the site is provided from State Street (State Route 25), School Street (State Route 114), and College Avenue. No additional traffic is proposed to be generated by the development and the three roads providing access to the site have adequate capacity to accommodate existing traffic.
- C. Access into the Site** – Vehicular access into the development will provide for safe and convenient access.
Vehicular access into the development is provided through three named driveways: Campus Avenue with access from School Street, University Way with access from College Avenue, and Husky Drive with access from State Street. No changes to any of the driveways are proposed and all driveways provide for the safe and convenient access into the site.
- D. Internal Vehicular Circulation** – The layout of the site will provide for the safe movement of passenger, service and emergency vehicles through the site.
No changes to the site’s existing driveways are proposed. The existing 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.
Two 8’ wide bituminous sidewalks will be constructed to provide a system of pedestrian circulation from the closest parking lot to the soccer field and to connect to the existing sidewalk network located on the campus.
- 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.

The applicant has received Maine Department of Environmental Protection approval for a minor amendment to the Site Location of Development Permit. Site Location of Development Act Permit Minor Amendment L-19221-22-Z-B.

- G. Erosion Control** – For all projects, building and site design and roadway layouts will fit and utilize existing topography and desirable natural surroundings to the fullest extent possible.
The site design of the project will fit and utilize the existing topography to the fullest extent possible.
- H. Water Supply** – The development will be provided with a water supply system that provides each use with an adequate supply of water meeting the standards of the State of Maine for drinking water.
A 2" waterline will be run along the northern end of the turf field to serve two yard hydrants. The hydrants will be used to clean/wash down the field as part of regular maintenance. The system of water supply is adequate for the proposed use.
- 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 use 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.
No changes to the site's existing sanitary sewer system are required.
- J. Utilities** – The development will be provided with electrical and telephone service adequate to meet the anticipated use of the project.
As part of the Phase I approval, the locations for underground electrical wiring and conduit to serve future light poles were received and approved.
- 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 project is a redevelopment of an existing disturbed area and the applicant is proposing to retain the existing vegetation to the greatest extent practical.
- L. Groundwater Protection** – The proposed site development and use will not adversely impact either the quality or quantity of groundwater available to abutting properties or public water supply systems.
The proposed site development will not adversely impact either the quality or quantity of the groundwater available to abutting properties.
- M. Exterior Lighting** – The proposed development will provide for adequate exterior lighting to provide for the safe use of the development in nighttime hours.
Inasmuch as initially there was no Finding for this Standard, the Board concurred that what has been demonstrated in the updated photometric plan satisfies the requirement, and Mr. Zelmanow crafted the following Finding, which was accepted by the Board as an accurate statement of the facts.
The submitted photometric plans provide data points for the field area sufficient to evidence that the proposed lighting has been designed and shielded to avoid undue adverse impact on neighboring properties and rights-of-way, in accordance with Section IX.M.1 of Chapter IV of the Town of Gorham Land Use Ordinance.
- O. Waste Disposal** – The proposed development will provide for adequate disposal of solid wastes and hazardous wastes.

No change to the University of Southern Maine's waste disposal is proposed. The existing waste disposal system for the University of Southern Maine is adequate for the disposal of solid 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.

Inasmuch as initially there was no Finding for this Standard, the Board concurred that what has been demonstrated in the updated photometric plan satisfies the requirement, and Mr. Zelmanow crafted the following Finding, which was accepted by the Board as an accurate statement of the facts.

The submitted photometric plans provide data points for the field area sufficient to evidence that the proposed lighting has been designed and shielded to avoid undue adverse impact on neighboring properties and rights-of-way, in accordance with Section IX.M.1 of Chapter IV of the Town of Gorham Land Use Ordinance.

- 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 development is not located in the Town's Shoreland Overlay District.

- R. Technical and Financial Capacity** – The applicant has demonstrated that he has the financial and technical capacity to carry out the project in accordance with this Code and the approved plan.

The applicant has demonstrated that it has the financial and technical capacity to carry out the project in accordance with the 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.

Inasmuch as initially there was no Finding for this Standard, the Board concurred that what has been demonstrated in the updated photometric plan satisfies the requirement, and Mr. Zelmanow crafted the following Finding, which was accepted by the Board as an accurate statement of the facts.

The submitted photometric plans provide data points for the field area sufficient to evidence that the proposed lighting has been designed and shielded to avoid undue adverse impact on neighboring properties and rights-of-way, in accordance with Section IX.M.1 of Chapter IV of the Town of Gorham Land Use Ordinance.

- 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 project is located in the Urban Residential District which places the project in the Residential District for noise. The A-weighted sound level limits in the Residential District are 60 dBA daytime (7 am - 7 pm) and 50 dBA nighttime (7 pm - 7 am).

No changes are proposed to the field's public address system. The applicant has demonstrated that the development will comply with the noise regulations in the Residential District.

Christopher Hickey MOVED and Andrew McCullough SECONDED a motion that the applicant has met the criteria and standards of Chapter IV, Site Plan Review, Section IX, as amended this evening. Motion CARRIED, 5 ayes (Thomas Fickett absent). [7:40 p.m.]

Mr. Laverriere told Mr. Zelmanow that the applicant agrees with the Conditions of Approval.

Mr. Hickey confirmed that the expanded photometric plan will be included with the final plan.

Andrew McCullough MOVED and Corey Theriault SECONDED a motion that the Gorham Planning Board adopts each of the foregoing Findings of Fact, including the modifications this evening, and grants approval of the proposed Special Exception Use and Site Plan Amendment request of the University of Southern Maine to add outdoor stadium lighting to the multi-purpose athletic field facility, located on Map 40, Map 16, in the Urban Residential zoning district, with conditions of approval as written and discussed with the applicant. Motion CARRIED, 5 ayes (Thomas Fickett absent). [7:41 p.m.]

ITEM 4 SUBDIVISION REVIEW – Preliminary Subdivision Plan – Design Dwellings, Inc., proposal for a 26-lot subdivision with 25 single family lots, one lot for 8 duplex units, and 2 new roads built to the Urban Access Standard, located on 13.0 acres at 308/312 Main Street, Map 26, Lots 7 and 7.001, in the Urban Residential zoning district.

Mr. Poirier explained that this item was discussed as a sketch plan on February 7, 2011. Staff has identified some design thresholds in the staff notes for the Board to provide guidance to the applicant.

Tom Greer, Pinkham & Greer, introduced the applicant Susan Duchaine, project developer. Mr. Greer explained the proposed subdivision, which will include 1500 feet of road with a t-intersection and hammerhead turnarounds at the ends. On one end the right-of-way extends to Town-owned property for a possible future roadway extension or pedestrian connection. Mr. Greer pointed out the larger lot where it is proposed to have duplex units, although the site plan for that part of the development is not yet before the Board. Mr. Greer noted that there will be proposed street trees on each lot, located outside the right-of-way but adjacent to it, so that lot owners will be responsible for the trees' maintenance. Existing buildings on site will be removed as part of the overall project, leaving only two existing homes, one of which is on lot 3 behind the Allen home.

Mr. Greer then addressed staff comments, noting that should the Board wish to have a site walk, the applicant is ready to do so. He said that staff comments on page 2 of the staff notes either have been or will be addressed, the suggested Conditions of Approval on page 3 are acceptable; if the Board wishes to post one side of the road with no parking, signs will be posted as the Board wishes; the applicant would prefer to install a street light at the Main Street intersection if there isn't a light there already, and the Board should indicate if it wishes another street light internally at the roadway "y" within the development. The Town engineer's street design standards will be addressed, but there are some items requested by the Public Works Director for which they will seek waivers. Mr. Greer touched on the issue of road geometry, which he believes has been satisfactorily dealt with. The crosswalk at Main Street requested by the Public Works Director will be installed. Mr. Greer will work with the Portland Water District to satisfy its requirements. The applicant does not believe a traffic study is warranted. In relation to the comments on page 8 concerning possible soils contamination, the existing structures will be removed and soils analyses will be done where the structures were located. Natural gas will be extended to the development. All of the Fire Chief's requirements will be met. The stormwater design has been designed for a 25-year storm and some additional storm drains will be installed along Main Street, per the Public Works Director's request. The pool mentioned in the staff notes on page 9 is not a vernal pool, appears to be manmade, and will be regraded so that it drains to the stormwater pond. The 5-year clearing note will be removed from the plans.

Mr. McCullough said he is happy to hear that natural gas will be extended to the site, as it will give the homeowners another option to heat their homes. Mr. Fox and Mr. Greer discussed the method of soils testing after the greenhouse structures have been removed, with Mr. Greer noting that access to the soil is easier with the buildings gone. Mr. Fox said his concern runs to spreading contamination if the buildings themselves are contaminated. Mr. Greer replied to a query from Mr. Zelmanow that there will be some disturbance to the underlying soil by removing the structures, but the soil itself will be left in place as part of

the demolition process. Mr. Zelmanow said he would be satisfied with doing the soils testing after the structures have been removed; Mr. Greer said that a note will be added to the plan.

Mr. Hickey and Mr. Greer discussed some housekeeping details such as test pit data in the table provided, the location of the wet pond, and preblast surveys. Mr. Fox brought up the issue of the safety of the wet pond; Mr. Greer replied that wet ponds and detention ponds are addressed by DEP, with the general rule of thumb being if a pond is open and obvious it is not fenced so as to provide aid to anyone in the pond. Mr. Greer said that the pond has been designed with an 8-foot safety bench, so in the permanent pool elevation the first 8 feet drop one foot, making it fairly shallow at the edge.

Mr. Hickey said he did not believe the applicant needs to design for anything more than a 25-year storm. Mr. Theriault and Mr. Greer discussed the 25-year storm design criteria; Mr. Zelmanow suggested that perhaps the Public Works Director should give his input on whether it should be 25-year or 100-year storm standards. Mr. Greer said that typically a stormwater pond is sized to control all of the storms up to the 25-year storm; after that, a 50 or 100-year storm is run to make sure that the pond itself and the overflow structure and the downstream swale, etc., will be able to pass the 100-year without washing out or damaging the pond or washing out the facility. Mr. Greer said that designing to the 25-year storm is probably a reasonable design, especially for urban areas. The stormwater will go into Main Street and ultimately will flow to Indian Brook.

Mr. Zelmanow said that the Board will need something in writing from the applicant's wetlands scientist that the site has been inspected and no vernal pools have been found. Mr. Greer said that this will be included as part of the next submission. Mr. Zelmanow spoke of the location of the two crosswalks and the sidewalk placement for pedestrian safety and convenience. The applicant was directed by the Board to provide street lights both at Main Street and at the intersection in the development.

The Board discussed with Mr. Greer possible information to be derived from a traffic study, and ultimately concurred that no traffic study is needed.

The Board and Mr. Greer discussed the issue of on-street parking, that there will need to be a snow ban as there will not be enough room for on-street parking in the winter. Mr. Greer said the applicant is willing to post the road as no parking on one side or no parking on either side, whatever the Town wants. The issue can be discussed at the site walk. Mr. Hickey and Mr. Zelmanow discussed with the applicant the Public Works Director's preference that a hammerhead turn to the right and not to the left.

PUBLIC COMMENT PERIOD OPENED: Doralynn Roberts, immediate abutter at 296 Main Street, asked for clarification about the western underground drainage easement, asked for information about the size, diameter and height of proposed tree planting along her property line and where they will be planted, how many of the existing trees will be kept along the property line with her property, and what the test pits for the drainage pond actually showed. She would like a lesser magnitude of blasting to occur in creating the pond to safeguard her home, and a time limitation for operation of heavy equipment of perhaps no earlier than 7:00 a.m.

Mr. Greer replied that there is a 30-foot easement for drainage on the west side of the site that will have a pipe in it so that water emerging from the pond will flow into the pipe and continue all the way down Main Street. Above the pond water will flow in an open swale. Landscaping is proposed to be 15 trees in some 200 feet on the property line, they will be an evergreen mix, 4 to 6 feet in height when planted. Probably many of the existing trees will be taken out in that section of the right-of-way. A pre-blast survey will be done of the Roberts' home, because the blasting will done relatively near the property line it will be done in

relatively small increments and particle velocity will be limited to less than one foot per second at the house. A monitor will be set up at the Roberts' home to keep track of the blasts. Mr. Zelmanow asked how blasting would impact the Narragansett School as well; Mr. Greer replied that blasting will occur up front in the project, constructing the pond so that it acts as a siltation basin for the overall project as it gets built, as well as some blasting to install the water mains and hydrants to be in service early in the project as required by the Fire Chief.

PUBLIC COMMENT PERIOD ENDED.

Mr. Greer asked if preliminary approval is on the slate if the various conditions are addressed; Mr. Zelmanow said preliminary approval is generally not granted before a site walk has been held. Mr. Poirier said that typically in the past at the time of preliminary approval the Board has looked for 90% of the project to be designed. A site walk will be scheduled sometime in June before the July meeting on the 11th.

Ten Minute Recess to 8:38 p.m.

ITEM 5 SUBDIVISION REVIEW – Preliminary Subdivision Plan – Chase Custom Homes proposal to construct a 42-lot clustered residential subdivision located on 103.59 acres off South Street, Map 21, Lots 10 and 16, in the Rural and Suburban Residential zoning districts.

Mr. Poirier explained that this was last heard at the May 2, 2011 Planning Board meeting, at which time the Board discussed with the applicant his request for a waiver from the requirement of extension of public sewer under the hardship provisions of the Town's Waste Water Ordinance. At that meeting, the Board asked for a memo from the Town regarding the Town's position on sewerage in south Gorham, which has been provided tonight in the form of a memo from the Public Works Director. The Board asked that Jay Hewett of the Portland Water District be present at this evening's meeting; however, Mr. Hewett is on vacation this week and is therefore unable to be present. The Board also asked that the Town Attorney be present to answer questions regarding a hardship determination; Mr. William Dale is present this evening. The Board asked for sales data to be provided from the applicant, as well as estimated costs for the installation of private septic systems, this data has been included in the Board's packet. Mr. Poirier noted that the Town's peer review engineer has reviewed the applicant's estimate and concurs that \$6,500 is a reasonable estimate for such septic systems.

Mr. Zelmanow welcomed the Town Attorney, William Dale, who said that the review of this proposed subdivision has raised the question of the sewerage requirement under the Town's separate Waste Water Ordinance. Mr. Dale quote from the applicable section of the Town of Gorham Waste Water Ordinance as follows:

“Article IX – Sewer Extensions

Section I – New Subdivisions

Any person who subdivides land within the Town, of which any part either is located within 500 feet of a public sanitary sewer, or is located that it can be connected to such a public sanitary sewer without undue hardship, as determined by the Planning Board, shall, if such subdivision has not been finally approved before the effective date of this Ordinance, and assuming capacity exists in the sewer system as determined by the Town Council, will, at his own expense, construct for dedication to the Town a sanitary sewer extension to serve all structures within such subdivision which will require the disposal of wastewater.”

Mr. Dale said that, based on the first dependent clause, "...any part of which is located within 500 feet of a public sanitary sewer" in the Ordinance, it is his opinion that as this proposed subdivision is located within 500 feet of a public sanitary sewer, it must hook in to the public sanitary sewer, and there is no option for an undue hardship determination by the Planning Board or the Sewer Superintendent or the Town Council.

Les Berry, BH2M, the applicant's representative, appeared at the podium and asked the Town Attorney if the language in the ordinance "... assuming capacity exists..." changes anything. Mr. Dale replied that it does not change the 500 foot issue, that he assumes capacity exists to accept the waste water from the approximate 42 house lots proposed, and that he sees nothing from the Town's Sewer Inspector (the Public Works Director) to suggest that the Town does not have capacity to accept this. Mr. Berry brought up the issue of the nearest sewer being that of the Heartwood Subdivision, and memos from the Town have indicated that this sewer is at its capacity. Mr. Zelmanow confirmed with Mr. Dale that the capacity issue, according to the Ordinance quoted above, is "... as determined by the Town Council..." and is therefore not an issue for the Planning Board to referee. Mr. Dale said that the language which reads " assuming capacity exists in the sewer system as determined by the Town Council..." raises the issue that because the nearest sewer may not have capacity, it does not necessarily mean that the system as a whole does not have capacity. Mr. Dale said that this broader issue is one for the Town Council to wrestle with if Mr. Berry and the applicant want to bring it up with them and is not for the Planning Board to decide.

George Fox MOVED and Christopher Hickey SECONDED a motion to table this item to a future date. Motion CARRIED, 5 ayes (Thomas Fickett absent). [9:00 p.m.]

Mr. Hickey asked that the Board be notified if and when the applicant goes before the Council on this issue.

ITEM 6 SUBDIVISION REVIEW – Preliminary Subdivision Plan – Gregory McCormack proposal for a 7-lot single family subdivision under the Development Transfer Overlay District standard and to reconstruct Bramblewood Lane to the Urban Access Road standard, located on 2.6 acres at 162 South Street, M25, Lot 7, in the Urban Residential and Development Transfer Overlay zoning districts.

Mr. Poirier explained that this is the first time this application has come before the Board, and the applicant is looking for review under the Subdivision criteria, as well as the Development Transfer Overlay criteria district's standards. Staff has provided review comments under both criteria. The Development Transfer Overlay district allows a developer to increase the number of lots for payment of a fee which the Town can use to purchase open space in another part of the Town. Mr. Poirier said that the Board should discuss with the applicant any items it would like marked at a possible site walk.

Dustin Roma, Sebago Technics, appeared on behalf of the applicant/developer Gregory McCormack and described the project as a 7-lot residential subdivision located off Bramblewood Lane. Bramblewood Lane was approved in 1996 as a private way with a gravel surface to access some residential lots on the north side of the road. Mr. McCormack will purchase the land on the south side of the road, which is a portion of the lot as it exists today on the tax map and the residence will be modified to meet setback requirements. Mr. Roma said that the density calculations under the Development Transfer Overlay district appeared to result in one bonus lot but more deductions will be taken out for the wetlands. Public water and public sewer are proposed for the lots, and the Portland Water District would like the water main located in the right-of-way of Bramblewood. Mr. Roma said it is not possible to get gravity sewer to the rear of the property, so other alternatives are being discussed with staff and the Water District such as grouped force main lines. No DEP permitting is required. Bramblewood Lane will be designed to an Urban Access standard, working with Public Works to determine what additional measures are necessary to add pavement sections, and what

method of construction to use to widen and extend the road. Test pits have been done on site, stormwater drains toward the rear of the site, and there are no vernal pools on the property.

Mr. Roma indicated that they will seek a waiver of the 9-foot esplanade requirement. He noted that the Development Transfer Overlay district requires street trees every 50 feet on both sides of the road, and would like feedback on the placement of those trees. Mr. Roma spoke about on-street parking, noting that some of the homes will be designed with garages, and the driveways will be designed to accommodate 2 cars. The road itself will have curb on one side and an open ditch on the other side, with a 4-foot gravel shoulder, so guidance from the Board would be helpful on whether on-street parking is an option to consider.

Mr. Zelmanow reminded the Board that the intention of the Development Transfer Overlay district is to provide house lots where the houses are basically close to the road, giving a small front yard but a large enough back yard screened from the road by the house to allow a large area for outdoor activities. Therefore, the plans should show the layout and orientation of the houses and their driveways. Mr. Theriault confirmed with Mr. Roma that gas service will be provided to the development. Mr. Zelmanow asked Mr. Roma about not using low pressure sewer systems; Mr. Roma said the goal is to meet with staff and the Water District to determine what kind of sewerage will be appropriate. Mr. Roma said that in light of the grade changes on site, gravity sewers will not be an option for at least the last three lots, possibly the fourth one as well, so what is on the table now is a conventional Water District pump station at the end of the road, but because of the cost that may not be in anyone's best interest.

Mr. Zelmanow noted that Public Works Director prefers that a hammerhead turn to the right and suggested that the hammerhead be changed. Mr. Roma said that because of wetland impacts the hammerhead will go on the other side of the road anyway. Mr. Roma discussed with Mr. Hickey what is proposed for the rear boundary lines, with the current 50-foot easement being flipped from the back of the lot to the front of the lot.

Mr. Zelmanow said that under the Transfer Development Overlay district, an esplanade creates a tree-lined roadway. Mr. Roma replied that Public Works wants the trees on the other side of an esplanade, and the developer would prefer to put the sidewalk against the curb line. Mr. Zelmanow said that inasmuch as this is a smaller development with a shorter deadend road, the esplanade probably isn't needed. Mr. Fox indicated that there would be benefit to have an esplanade, even in a development of this size, as it adds to the aesthetics of the neighborhood, so he would prefer to see it remain. Mr. Hickey and Mr. Theriault agreed with Mr. Fox. Mr. McCullough agreed with Mr. Zelmanow that the esplanade is not required. The Board agreed that this is a good issue to discuss on the site walk, and asked the engineer to stake out the location of a potential esplanade. Mr. Poirier quoted from the ordinance that the preferred location of street trees is within the esplanade, or immediately behind the sidewalk, either within the street right-of-way or on individual lots. Mr. Poirier said that if the Board decides that an esplanade is necessary, the street trees do not have to be located in the esplanade.

Mr. Roma said that a representation of various house styles will be made on the plans to be submitted for the Board's review. The Board agreed that it will consider the question of on-street parking on the site walk.

PUBLIC COMMENT PERIOD OPENED: Charles Balzarini, 40 Maplewood Drive, asked what consideration, if any, has been made to the drainage into abutting properties on Maplewood. Mr. Roma replied that once grading is projected for house placements, a swale will be constructed along the boundary line of the property so that water draining off the house lots is picked up in that swale and will run down into the proposed stormwater area. The water will be intercepted before it gets down to the houses on

Maplewood. Mr. Zelmanow summarized for the public that runoff will be controlled from the new lots so that it is picked up and diverted away from the other lots, and not increasing the amount of water runoff on to the abutting properties. Mr. Roma said that the creation of the swale should even lessen the runoff from what it is today. Mr. Roma discussed with Mr. Hickey options of controlling the flow of runoff to the pond, such as the use of level spreaders. Mr. Balzarini said that any increase or raising of the property they plan on building on is going to drive more water onto Maplewood Drive.

George Bangs, 9 Ridgeway Drive, told the Board about the geologic history of the area, CCC involvement with the wetlands, drainage issues over the years, the problems experienced by homeowners in the area with a rising water table and overflow problems, asked about the ownership status of Bramblewood Lane, and expressed concern about the future impact that this development could pose on an area already dealing with drainage issues.

PUBLIC COMMENT ENDED.

OTHER BUSINESS Site walks will be scheduled for the Allen Acres and Bramblewood Lane projects.

ANNOUNCEMENTS – NONE

ADJOURNMENT

Corey Theriault MOVED and Andrew McCullough SECONDED a motion to adjourn. Motion CARRIED, 5 ayes (Thomas Fickett absent). [10:05 p.m.]

Respectfully submitted,

Barbara C. Skinner, Clerk of the Board
_____, 2011

ITEM 3 PUBLIC HEARING -_Site Plan Review— University of Southern Maine

**Approved
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, the applicant is responsible for obtaining all required local, state and federal permits;
3. That all site construction work 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;
4. That prior to the commencement of any site improvements and/or earth-moving activities, representatives of the developer, general contractor, site contractor, and the site design engineer shall arrange for a pre-construction meeting with the Town Planner and other staff members to review the proposed commencement date of the project, the overall schedule of improvements, conditions of approval, and site plan requirements;
5. That the Planning Board Chairman is authorized by the Planning Board to sign the Findings of Fact on behalf of the entire Board; and
6. That these conditions of approval must be added to the site plan and the site plan shall be recorded at the Cumberland County Registry of Deeds within thirty (30) days of the date of written notice of approval by the Planning Board, and a dated mylar copy of the recorded site plan shall be returned to the Town Planner prior to the preconstruction meeting.