



Town of Gorham
October 1, 2012
PLANNING BOARD MINUTES

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

Members Present:

EDWARD ZELMANOW, Chairman
CHRISTOPHER HICKEY, Vice Chairman
MELINDA SHAIN
COREY THERIAULT

Members Absent

GEORGE FOX
THOMAS HUGHES

Staff Present:

THOMAS M. POIRIER, Town Planner
BARBARA C. SKINNER, Clerk of the Board

Edward Zelmanow, Chairman, called the meeting to order at 7:10 p.m. The Clerk called the roll, noting that George Fox and Thomas Hughes were absent.

APPROVAL OF THE SEPTEMBER 10, 2012 MINUTES

Christopher Hickey MOVED and Melinda Shain SECONDED a motion to approve the minutes of September 10, 2012, as written and distributed. Motion CARRIED, 4 ayes (George Fox and Thomas Hughes absent). [7:13 p.m.]

COMMITTEE REPORTS – Neither the Ordinance Review Committee nor the Streets and Ways Subcommittee has met since the last Planning Board meeting.

CHAIRMAN’S REPORT – Mr. Zelmanow reported that the Town Council will appoint the Board’s 7th member at the Council meeting on October 2, 2012.

ADMINISTRATIVE REVIEW REPORT – Mr. Poirier reported that the Site Review Committee met at the 669 Main Street site for 6 Oxford Street LLC’s request for approval of pre-owned vehicles sales at the small building located in front of Crocket Brothers furniture store. The applicant will amend his plans per comments made at that site walk and will resubmit for Site Plan Administrative review.

ITEM 1 CONSENT AGENDA - BUFFER REVIEW - Pinecrest Bed and Breakfast Inn, LLC, request for a review of the existing buffer to screen proposed parking in the front yard setback, located at 91 South Street, Map 106, Lot 42, Urban Residential zoning district.

Mr. Zelmanow explained that the Consent Agenda item would be discussed only if a Board member or a member of the public wished to remove the item from the Consent Agenda. Mr. Poirier confirmed that the Conditions of Approval have been reviewed with the applicant, who is satisfied with them. There being no one wishing to remove the item,

Christopher Hickey MOVED and Melinda Shain SECONDED a motion to approve the item on the Consent Agenda based on the Findings of Fact as written by the Town Planner and with the conditions of approval as written and distributed. Motion CARRIED, 4 ayes (George Fox and Thomas Hughes absent). [7:15 p.m.]

ITEM 2 SUBDIVISION AMENDMENT AND PRIVATE WAY FINAL APPROVAL - Holman Development Corp. request for approval to amend Country Field Subdivision and Daisy Lane, a 2-6 lot private way, by adding three 15” HDPE culverts to provide wetland connectivity and removing the stormwater drainage infrastructure associated with a proposed stormwater wet pond, located off Wood Road, Map 54 Lot 9, Rural zoning district.

Mr. Poirier advised the Board that the application is under consideration for both subdivision and private way amendment. The item was last before the Board on July 16, 2012, at which time the Board indicated that it had no concerns in allowing the private way ditch slopes to be 2:1 in order to lessen impacts in the wetland areas; the Board did not require a guardrail along the edge of the private way; and the Board did not believe that a site walk was warranted for the proposed improvements. Mr. Poirier said that the applicant has received its Maine DEP and Army Corps of Engineers permits for the proposed wetland impacts. He said that the applicant has submitted a copy of the private way Declaration of Maintenance; planning staff and the Town’s attorney have reviewed and approved the language in that Declaration. The only remaining items are some outstanding comments from the Town’s review engineer, most of them minor, but one substantial comment is that the Town engineer has not reviewed the piping sizing information for the Daisy Lane culverts. The applicant’s engineer has stated that the culvert sizing was completed as part of the original 2003 subdivision, but the Board may wish to have the Town engineer review the piping sizing information for the culverts. Mr. Poirier said that staff has completed both Findings of Fact and Conditions of Approval for the Board’s review.

Les Berry, BH2M Engineers, said there is one other change to the plan, which is where Daisy Lane abuts Legere Builders’ property. Mr. Legere and Mr. Holman said that Daisy Lane has been extended a little over 2 feet so that future lots can be added. As to the culverts, they were designed in 2003 and approved at that time so that when he did this amendment, he did not resubmit anything that had already been approved that wasn’t being changed.

Mr. Hickey and Mr. Berry discussed the sizing of the culvert at the road and what is collected there. Mr. Berry noted that the original detention pond would not be approved by the DEP, so drainage now goes through the culverts into riprap outlets and into the wetlands and not into a detention pond.

PUBLIC COMMENT PERIOD OPENED: Randy Legere, Legere Builders, 102 Wood Road, asked what size riprap is proposed to be used. Mr. Berry said that the riprap is an average 6 inches, 8 to 10 feet wide, 8 to 10 feet long, within the private way right-of-way and per the DEP regulations the design is for a 25-year storm. Mr. Legere asked if the Board is satisfied with the 25-year storm data. Mr. Berry confirmed to Mr. Zelmanow that the original approval was based on a 25 year storm and there has been no change in that.

PUBLIC COMMENT PERIOD ENDED.

Mr. Poirier said that staff will work with Mr. Berry to be sure the riprap size chart is included on the plan.

Mr. Berry said that the applicant is satisfied with the Conditions of Approval.

Melinda Shain MOVED and Corey Theriault SECONDED a motion to grant Holman Development Corp.’s request for subdivision and private way amendment approval, located on Map 54, Lot 9, in the Rural (R) district based on the Findings of Fact and conditions of approval as written by the Town Planner. Motion CARRIED, 4 ayes (George Fox and Thomas Hughes absent). [7:35 p.m.]

OTHER BUSINESS NONE

ANNOUNCEMENTS Mr. Zelmanow noted that the next Board meeting is November 5, 2012, with a submission date of October 2, and the December meeting is December 3, 2012, with a submission date of October 26, 2012.

ADJOURNMENT

Melinda Shain MOVED and Corey Theriault SECONDED a motion to adjourn. Motion CARRIED, 4 ayes (George Fox and Thomas Hughes absent). [7:37 p.m.]

Respectfully submitted,

Barbara C. Skinner, Clerk of the Board
_____, 2012

ITEM 1 CONSENT AGENDA - BUFFER REVIEW - Pinecrest Bed and Breakfast Inn, LLC

CHAPTER II, GENERAL STANDARDS OF PERFORMANCE, SECTION VIII – BED AND BREAKFAST FACILITIES, 6), c).

The Planning Board, following review of the Site Plan and accessory information, makes these findings based on the Bed and Breakfast Facilities criteria found in Chapter VII, Section VIII, 6), c), Standards of the Town of Gorham Land Use and Development Code.

- 6), c) All off-street parking within the front yard setback shall be separated from the lot line by a buffer area. Landscaped buffer areas abutting a public street shall be a minimum of ten (10) feet in depth and shall be sufficient to limit the glare of headlights from the lot. The buffer area shall consist of landscaping, fencing, grading or a combination of features to the satisfaction of the Planning Board. The buffer area must be effective upon installation.

The buffer strip will consist of utilizing the existing deciduous shrubs and replacing the white picket fence with a sycamore-style fence. The length of the vegetative and fence buffer will be 56' +/- in length and will be located between the parking lot area and the South Street sidewalk. The deciduous shrubs have an average height of 5' and are located on the southern half of the buffer strip. The sycamore-style fence is 4' in height and will be located on the northern half of the buffer strip.

Finding: The off-street parking located within the front yard setback will be buffered by the existing vegetative buffer and the proposed new sycamore-style fence and is sufficient to limit the glare of headlights from the parking lot and minimize any kind of potential nuisance.

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 or Site Plan Review Committee, except for minor changes which the Town Planner may approve.
2. That prior to the commencement of construction of the site plan, the applicant is responsible for obtaining all required local, state and federal permits.
3. That the applicant shall receive approval from the Planning Board prior to any disturbance of existing vegetation or fence utilized to buffer the proposed parking lot from South Street;
4. That the Planning Board Chairman is authorized by the Planning Board to sign the Findings of Fact; and
5. That these conditions of approval must be added to the Administrative Review Site Plan to be recorded at the Cumberland County Registry of Deeds.

**ITEM 2 SUBDIVISION AMENDMENT AND PRIVATE WAY FINAL APPROVAL
Holman Development Corp.**

CHAPTER III - SUBDIVISION, SECTION III - PRELIMINARY PLAN

The Planning Board, following review of the Site Plan Application Amendment, makes these findings based on the Site Plan Review criteria found in Chapter III, Section III – C. Preliminary 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 II.

Country Field Subdivision is proposed as 5 single-family house lots with no changes to the original lot sizes being proposed. The lots will also be served by private wells, individual on-site subsurface disposal systems, a 2-6 lot gravel private way, and underground utilities.

Finding: The proposed amendments to Country Field Subdivision conform with the Comprehensive Plan of the Town, and with all pertinent State and local codes and ordinances.

- b) Will not cause congestion or unsafe conditions with respect to use of the highways or public roads, existing or proposed on or off the site.

Country Field Subdivision lots will be served by Daisy Lane, which is designed under the 2-6 lot private way standards, and is accessed off Wood Road. No new lots or additional vehicle trips are proposed as part of the subdivision amendment.

Daisy Lane will meet the requirements of a 2-6 lot gravel private way. The site distance at the intersection of Wood Road and Daisy Lane exceeds the requirements of the Land Use and Development Code.

Finding: The amendments to Country Field Subdivision and Daisy Lane Private Way will not cause congestion or unsafe conditions with respect to use of 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.

Country Field subdivision lots will be served by underground power, cable, and phone lines. Residential subdivision lots' household trash and recyclables removal will be through the

Town's contracted residential waste hauler. All homes within the subdivision are required to have a sprinkler system meeting the requirements of the Town of Gorham's Sprinkler Ordinance. No changes are proposed to the subdivision lots' utilities, waste removal, or sprinkler requirements.

Finding: The Country Field Subdivision Amendment will not place an unreasonable burden on the ability of the Town to provide municipal services to the 5 single-family residential lots.

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

Country Field Subdivision lots will be served by private drilled wells and no changes are proposed to the lots' water supply.

Finding: Country Field Estates Subdivision has sufficient water supply available for the present and future needs of the subdivision lots.

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

Country Field Subdivision lots will be served by individual on-site subsurface septic systems and no changes are proposed to the lots' solid waste or sewage waste disposals. The anticipated locations for the individual on-site subsurface septic systems are shown on the amended subdivision plan.

Finding: Country Field Subdivision has adequate provisions for sewage disposal available for the present and future needs of the subdivision lots.

- f) Will not result in undue pollution of air, or surficial or ground waters, either on or off the site.

Country Field Subdivision stormwater will be directed into the existing wet-meadow wetland fingers and a pond located on the site.

Finding: Country Field Subdivision will not result in undue pollution of air, 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 development of the 5 single family lots within Country Field Subdivision and the construction of Daisy Lane private way is required to be constructed in compliance with the Maine Department of Environmental Protection, Bureau of Land and Water Quality, Maine Erosion and Sediment Control BMPs.

The Subdivision and Private Way Amended Plan Set includes information detailing the location for erosion control devices as well as the correct installation details to meet the Maine Department of Environmental Protection Standards.

The applicant submitted a Stormwater Permit by Rule notification (DEP #54200) to eliminate the stormwater control structure associated with the existing pond. The Stormwater Permit by Rule was approved on June 22, 2012 for the proposed construction of 22, 646 sq.ft. of impervious area and 1.2 acres of developed area.

Finding: The amendments to Country Field Subdivision will not cause an unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition will 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.

Country Field Subdivision is not located in the Town's Shoreland Overlay District.

Stormwater from the eastern portion of the site will be allowed to continue westerly in its natural direction through the installation of three 15" cross culverts under Daisy Lane. The stormwater from the southern portion of the site will be directed through a ditch to the pond located at the southern end of Daisy Lane.

Finding: Country Field 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.

Country Fields Subdivision is located on a lot compromised of mostly old farm fields with the topography being a slight slope running from a high point located on the eastern boundary of the site to a low point on the western boundary.

Four small wet-meadow wetland fingers are also located along the western boundary of the site. The construction of Daisy Lane private way will impact 12,645 sq.ft. of the wet-meadow wetlands located along the western boundary of the site. The project has received a Natural Resource Protection Act Freshwater Wetland Alteration Permit – Tier 1 (Permit #: L-21466-TC-B-N) from the Maine Department of Environmental Protection as well as a Natural Resources Protection Act Permit – Tier 1 (Corps Permit #: NAE-2012-01850) from the Army Corps. of Engineers. The wet-meadow wetland impacts are reduced to the greatest extent practical.

The lot does not have any known historic sites or rare or irreplaceable natural or manmade assets located on it.

Finding: Country Field Subdivision will not affect any scenic or natural beauty of the area, scenic vistas, historic sites or irreplaceable natural or manmade assets.

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

Finding: Country Field Subdivision lots are required to pay the Recreational Facilities and Open Space Impact Fee as part of each lot's building permit fees.

- 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.

Finding: Country Field Subdivision will not create any open space or recreational land and facilities.

CHAPTER III - SUBDIVISION, SECTION IV –FINAL PLAN REVIEW

D. FINAL PLAN REVIEW

- 1) The Planning Board shall review the Final Plan of the proposed development as submitted. It shall examine any changes made subsequent to the Preliminary Plan for satisfactory correction.

Finding: This is an amendment to an approved plan and only requires a subdivision amendment approval.

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

Finding: This is an amendment to an approved plan and only requires a subdivision amendment approval.

CHAPTER II, GENERAL STANDARDS OF PERFORMANCE, SECTION V

The Planning Board may approve the use of private ways to provide access to individual lots of land provided that the following conditions are met:

- 1) Each lot having access from an approved private way may be improved with no more than two dwelling units and related accessory buildings and uses.

The applicant is proposing to construct single family homes on lots 2 through 5 which are the only lots proposed to be served by the private way.

Finding: Each lot having access to the approved private way will only be allowed two dwelling units and related accessory buildings and uses.

- 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 title block reads "Amended Private Way Plan and Profile."

The Private Way Plan has an approval block that reads: "Private Way Approved by the Town of Gorham Planning Board." The approval block also has a line for the signatures of a legal majority of the Planning Board, and includes a line for the date of approval.

The Plan shows information sufficient to establish on the ground the exact location, direction, width and length of the private way.

Private Way Plan note number 17 reads, "The Town shall not be responsible for the maintenance, repair, plowing, or similar services for the private way shown on this plan, and if the private way has not been built to public way standards, the Town Council will not accept it as a public way "

Finding: The Amended Private Way Plan & Profile meet the requirements for 2-6 lot gravel private way standards outlined under Chapter II, Section V.

- 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 applicant has submitted a private way maintenance agreement for the lots accessed by the private way. Staff and the Town Attorney have reviewed the private way maintenance agreement and it meets the requirements of the Town.

The applicant will be required to record the private way maintenance agreement in the Cumberland County Registry of Deeds within 30 days of the Planning Board's endorsement of the final plan and a recorded copy shall be submitted to the Town Planner prior to the pre-construction meeting being held.

Finding: The applicant has submitted a private way a maintenance agreement meeting the private way requirements of the Town of Gorham.

- 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.

The paved apron meets the following private way standards:

- a) 9" of MDOT Spec. 703.06 Type E;
- b) 12" of base gravel MDOT Spec. 703.06 Type D;
- c) 3" of 1 ½" crushed gravel, Type A or reclaimed;
- d) a minimum of 4" of paved surface, or greater as specified by the Town Engineer;
- e) a negative 2.0% grade from the existing edge of pavement to an appropriate drainage way,

but in no case less than 5 feet from the travel surface of the public way it intersects;
f) approach radius shall be specified by the Town Engineer.

Finding: Daisy Lane's right of way width is 50' and the paved apron design conforms 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.

Daisy Lane is proposed as a 971' private way designed to the 2-6 lot gravel private way standards. Daisy Lane's side slopes are steeper than specified in Section V.G.4(g) to lessen wetland impacts. All other portions of Daisy Lane's plan, profile, and street cross sections are in accordance with Chapter II, Section V., E., 3.

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.

The proposed private way shall only provide access for 4 subdivision lots, identified as lots 2 through 5 on the subdivision plan, with the possibility of Holman Development Corporation granting approval of 2 additional lots to gain access to the private way.

Finding: The gravel private way built to the Town's 2-6 gravel private way standard shall not provide access to or serve in any way more than six lots or six dwellings units.

- 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).

The lot area of the private way is not used to satisfy the minimum lot area requirements for any of the subdivision lots. The private way will be owned in common by lots 2, 3, 4, and 5 with each lot having a 1/4 interest in the private way right-of-way. The future right-of-way shown on the plan is part of lot 5.

Finding: The proposed lot area of the private way is not being utilized to satisfy the minimum lot area requirements for any lots to be served or any front lot over which the private way is located.

Conditions of Approval

1. That this approval is dependent upon, and limited to, the proposals and plans contained in this application and supporting documents submitted and affirmed by the applicants and that any variation from the plans, proposals and supporting documents is subject to review and approval by the Planning Board, except for minor changes which the Town Planner may approve;
2. That prior to the commencement of construction of the private way, the applicant is responsible for obtaining all required local, state and federal permits;
3. 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;
4. 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 planning office to be distributed to: (1) Code Office, (2) Public Works Director, (3) Inspecting Engineer, and (4) Town Planner;
5. That prior to the pre-construction meeting, the applicant must provide estimated costs for the proposed improvements and must establish the performance guarantee per the Land Use and Development Code, including an escrow for field inspection based on costs for improvements shown on the plan;
6. That prior to 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;
7. That all homes shall have sprinkler systems installed in accordance with the Town of Gorham Sprinkler Ordinance;
8. That the private way shall be properly maintained for access of emergency vehicles year round;
9. That the houses shall be properly numbered with the numbers being visible from the private way year around;
10. That the private way shall be properly named and signed with a Town approved street sign and the name of the street shall be approved by the Police and Fire Chiefs with the street signs being installed as soon as the street is constructed;
11. That all construction and site alterations shall be done in accordance with the "Maine Erosion and Sediment Control: Best Management Practices", Department of Environmental Protection, latest edition;
12. That the Private Way Maintenance Agreement shall be recorded at the Cumberland County Registry of Deeds within thirty (30) days of the Planning Board's endorsement of the final plan and a recorded copy of the Private Way Maintenance Agreement shall be returned to the Town Planner prior to the pre-construction meeting;

13. That all relevant conditions of approval from the original subdivision and private way approvals shall remain in effect;
14. That the Planning Board Chairman is authorized by the Planning Board to sign the Findings of Fact on behalf of the entire Board; and
15. That these conditions of approval must be added to the private way plan and the private way plan shall be recorded in the Cumberland County Registry of Deeds within thirty (30) days of endorsement of the plan by the Planning Board, and that a recorded mylar copy of the private way plan shall be returned to the Town Planner prior to the Pre-construction Meeting.